

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

11:00 A.M.

JUNE 21, 2005

PRESENT:

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

Sharon Gotchy, Deputy County Clerk
Katy Singlaub, County Manager
Melanie Foster, 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:

05-615 AGENDA

Gary Schmidt, Washoe County resident, distributed a copy of a letter he sent to the Attorney General's Office.

Sam Dehne, Reno resident, said the consent agenda should be reserved for trivial items.

In accordance with the Open Meeting Law, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried with Commissioner Galloway absent, Chairman Weber ordered that the agenda for the June 21, 2005 meeting be approved.

INTRODUCTION OF NEW EMPLOYEES

Residents Gary Schmidt, Al Hesson, Guy Felton and Sam Dehne, expressed their discontent on the new employee introductions being placed before Public Comments on the agenda.

Chairman Weber invited approximately 33 new Washoe County employees to come forward and introduce themselves to the Board. The Board members welcomed the new employees.

05-616 PUBLIC COMMENTS

Al Hesson, Reno resident, commented on the Legislature passing a bill to help fund the women and children's wing for the new homeless shelter being built in the City of Reno.

Gary Schmidt, Washoe County resident, spoke of his complaint filed in the Second Judicial District Court.

***11:45 a.m.** Commissioner Galloway arrived.

Guy Felton, local resident, dispersed a memo to the Board, concerning public comment.

Sam Dehne, local resident, said he was not always negative and at times spoke positively on items.

Juanita Cox, Sparks resident, spoke on volunteers and community volunteer groups.

COMMISSIONERS'/MANAGERS ANNOUNCEMENTS

Commissioner Larkin congratulated County Manager Katy Singlaub on being elected Chairperson of the Innovation Group. He requested an update on the electronic agenda process and a staff report on current training for all Boards and Commissions. Commissioner Larkin reported the Reno Rodeo Parade held in conjunction with the Sparks Centennial on June 18th was a success. He commented he and Chairman Weber attended the PDL LLC team-roping banquet and received a check from PDL LLC for \$900,000 on behalf of Kid's Cottage.

Commissioner Galloway said he attended the Southwest Truckee Meadows Citizen Advisory Board (CAB) meeting and suggested CAB boundaries be conformed to be in single Commission Districts. He requested copies of a letter from the Attorney General concerning Truckee Meadows Water Authority charitable funds.

Commissioner Sferrazza requested a report concerning the regulation of carnival rides in Washoe County.

Chairman Weber commented that Commissioner Sferrazza was in the National Association of Counties Washington D.C. newsletter. In response to Chairman Weber, Melanie Foster, Legal Counsel, said the Attorney General evaluated the Open Meeting Law complaint filed against the Board in regard to their February 2005 retreat and opined that the Open Meeting Law had not been violated.

05-617 CANDIDATE INTERVIEWS - PUBLIC DEFENDER

This was the time set for the Board to conduct interviews of the selected candidates for the Public Defender position. Joanne Ray, Human Resources Director, introduced the candidates to the Board. The candidates were asked to wait out in the foyer and the outside speakers were turned off.

The Board then proceeded to interview the following candidates:

Jeremy Bosler
Jennifer Lunt
Philip DunLeavy

The Board members discussed the qualifications of each of the candidates, noting they were all excellent candidates and thanked them for their interest.

Leroy Arrascada, Steve Gregory, and Kelly Weatherford, local residents, expressed their support for Jeremy Bosler.

Sam Dehne, local resident, stated the Board had a difficult decision to make since all of the candidates were qualified for the position.

Guy Felton, Reno resident, apologized to the candidates for the Board allowing District Attorney Richard Gammick to be a member of a selection committee.

Gary Schmidt, Washoe County resident, urged the Board not to select a candidate recommended by the District Attorney.

Juanita Cox, Sparks resident, objected to the formation of the selection committees for the Public Defender.

Following deliberations, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that Jeremy Bosler be appointed as Washoe County Public Defender.

05-618 RECLASSIFICATIONS/NEW CLASSIFICATIONS - SECOND JUDICIAL DISTRICT COURT

Upon recommendation of Ron Longtin, Court Administrator, through Chief Judge Jerome Polaha, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the reclassifications and new classifications to be established as submitted by the Second Judicial District Court and as recommended by the National Center for State Courts effective July 1, 2005 be approved.

PROCLAMATION - INDEPENDENTS WEEK

Commissioner Galloway read the proclamation.

On motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that the following proclamation be adopted and Chairman Weber be authorized to execute the same:

PROCLAMATION

WHEREAS, Independents Week provides a time to celebrate the independence of the citizens of Washoe County and the entrepreneurial spirit represented by our locally-owned independent businesses; and

WHEREAS, The individual decisions every one of us makes today affect the future of Washoe County and its many communities; and

WHEREAS, Washoe County's locally-owned independent businesses help preserve the uniqueness of the communities we call "home" and give us a sense of place; and

WHEREAS, Washoe County's independently-owned businesses give back to our communities in goods, services, time and talent; and

WHEREAS, The health of Washoe County's economy and that of each community within it depends on our support of businesses owned by our friends and neighbors; and

WHEREAS, Washoe County's independent business owners and employees enrich our shopping experiences with their knowledge and passion; and

WHEREAS, As we celebrate Independents Week 2005, we acknowledge that the well-being of Washoe County and all of our communities lies within each of us; now, therefore, be it

PROCLAIMED, That the Washoe County Board of Commissioners hereby proclaims the week of July 1-7, 2005 as Independent's Week and salutes our citizens and locally-owned independent businesses who are integral to the unique flavor of Washoe County, and honors their efforts to make our communities the places we want to live and work.

05-620 PROCLAMATION - VOLLEYBALL FESTIVAL WEEK

Chairman Weber read the proclamation and presented it to Karina Taylor, Assistant Director of Sales for the Reno-Sparks Convention and Visitors Authority.

On motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the following proclamation be adopted and Chairman Weber be authorized to execute the same:

PROCLAMATION

WHEREAS, The Volleyball Festival is the world’s largest annual women’s sporting event; and

WHEREAS, The event brings over 875 teams and 9,500 athletes throughout the eight-day tournament to Reno/Tahoe; and

WHEREAS, The Festival, a tradition since 1986, brings girls’ teams from all over the United States, Canada, Puerto Rico, Italy and America Samoa; and

WHEREAS, The Volleyball Festival contributes approximately \$24 million to the local economy; and

WHEREAS, The event is felt community-wide by our restaurants, retail establishments and attractions due to the sheer number of people it draws; and

WHEREAS, The event involves the area high schools, including McQueen, Douglas and Truckee; and

WHEREAS, Dave and Bernice Epperson have spent over 20 years working to promote the sport of volleyball and expand sports opportunities for young women and future athletes through tournament play, now, therefore, be it

PROCLAIMED, By the Washoe County Board of Commissioners that June 24 through July 1, 2005 is designated “Volleyball Festival Week” in and for the County of Washoe and the Board encourages all citizens to join in on the activities to increase our appreciation and knowledge of this sport, its athletes and supporters.

05-621 RESOLUTION - HARRY’S CLUB - GLORIA HOPE

On motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Weber be authorized to execute the same:

RESOLUTION

WHEREAS, Washoe County resident Gloria Hope appeared before the Board of County Commissioners on May 24, 2005; and

WHEREAS, Gloria Hope has written a book titled *Harry's Club* about Reno, Nevada; and

WHEREAS, Gloria Hope's book can be found at the Sundance Bookstore and the community can read the book and remember Reno during the 1960's; now, therefore, be it

RESOLVED, the Washoe County Board of County Commissioners encourages the citizens of Washoe County to read *Harry's Club* to remember the history of Reno, Nevada in the 1960's.

05-622 RECIPIENTS - 2005 WASHOE COUNTY EXCELLENCE IN TEAMWORK AWARD - MANAGEMENT SERVICES

Katy Singlaub, County Manager, recognized John Hulett, Environmental Engineer, and Anna Heenan, Senior Administrative Analyst, as recipients of the 2005 Washoe County Excellence in Teamwork Award and presented certificates to the nominated employees as stated in the agenda memorandum dated May 27, 2005.

1:45 p.m. The Board recessed.

2:20 p.m. The Board reconvened with Commissioner Sferrazza temporarily absent.

05-623 EQUAL EMPLOYMENT OPPORTUNITY PLAN - HUMAN RESOURCES

Joanne Ray, Human Resources Director, reviewed the revised Equal Employment Opportunity Plan for Washoe County as stated in the agenda memorandum dated May 27, 2005.

Gary Schmidt, Washoe County resident, said this item was removed from the consent agenda as part of a screening process.

2:30 p.m. Commissioner Sferrazza arrived.

Commissioner Galloway said the comments misconstrued the purpose of the Commissioners' role in explaining why the Board voted on agendas. He said there was nothing that compelled a Commissioner to make a comment on an item during the Caucus or the Board meeting. He stated there were times when comments were

necessary, and those comments could not be heard if matters were not taken off the consent agenda.

Commissioner Humke stated the Equal Employment Opportunity Plan was positive and proactive in expressing how the workforce reflected the County's rapid growth.

Commissioner Sferrazza said this program improved the effort to determine the composition of the County's workforce.

Upon recommendation of Ms. Ray, through John Berkich, Assistant County Manager, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the Equal Employment Opportunity Plan for Washoe County be approved.

05-624 MINUTES

On motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the minutes of the regular meeting of May 17, 2005 be approved.

05-625 DELINQUENCY/UNCOLLECTABLE PERSONAL PROPERTY TAX LIST - COMPTROLLER

Upon recommendation of Kathy Garcia, Comptroller, through John Sherman, Finance Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the Tax Collector be authorized to strike names and amounts identified as delinquency/uncollectable on the Personal Property Tax List for fiscal years 1998/99 through 2004/05, totaling \$86,942.53. It was further ordered that the Commission be notified of the intent to pursue collection for other delinquencies through civil action.

05-626 SEXUAL ASSAULT - MEDICAL CARE - PAYMENT

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care and follow-up medical or psychological treatment for 42 sexual assault victims in an amount totaling \$8,067 as set forth in a memorandum from Kim Schweickert, Program Assistant, District Attorney's Office, dated May 31, 2005.

05-627

**DONATED EQUIPMENT - OFFICE OF DOMESTIC
PREPAREDNESS TRAINING, PLANNING, EXERCISE AND
EQUIPMENT GRANTS - HEALTH**

Upon recommendation of Pamela Fine, Health Analyst, through Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that the donated equipment from the Office of Domestic Preparedness (ODP) Training, Planning, Exercise and Equipment Grants (CFDA 97.004) from ODP Grant Year 2003 (ended 9/30/04) in support of the Hazardous Waste Program in the total amount of \$71,793.84 be accepted.

05-628

**RATIFICATION - EXPENDITURES FROM COUNTY
COMMISSION SPECIAL FUNDING ACCOUNTS**

On motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that the action taken on June 14, 2005 concerning expenditures from County Commission Special Funding Accounts be ratified. (See Item Nos.05-597 through 05-600.)

05-629

**AWARD OF BID - OFF-SITE COLD FOOD STORAGE - BID NO.
2489-05 - DETENTION BUREAU, FOOD SERVICE**

This was the time to consider award of the bid for Off-Site Cold Food Storage for the Detention Bureau, Food Service Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on April 27, 2005. Proof was made that due and legal Notice had been given.

A bid was received from Castle Foods.

Upon recommendation of Mike Burdett, Buyer, through John Balentine, Purchasing and Contracts Administrator, and Dennis Balaam, Sheriff, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that Bid No. 2489-05 for Off-Site Cold Food Storage for the Detention Bureau, Food Service Department, be awarded to Castle Foods in the amount of \$3,800 per month. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute a two-year agreement with a one-year renewal at the sole option of Washoe County.

05-630

**AWARD OF BID - POUR-IN-PLACE PLAYGROUND FALL
PROTECTION SURFACE - BID NO. 2492-05 - PARKS**

This was the time to consider award of the bid for Pour-in-Place Playground Fall Protection Surface for the Regional Parks and Open Space Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno*

Gazette-Journal on May 13, 2005. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

Pathway Surfaces, Inc.
Robertson Industries, Inc.

Upon recommendation of Charlene Collins, Buyer, through John Balentine, Purchasing and Contracts Administrator, and Karen Mullen, Regional Parks and Open Space Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that Bid No. 2492-05 for Pour-in-Place Playground Fall Protection Surface for the Regional Parks and Open Space Department be awarded to the low bidder, Robertson Industries, Inc., in the approximate award amount of \$81,885.43. It was further ordered that the Purchasing and Contracts Administrator be authorized to purchase additional pour-in-place playground fall protection surfacing from Robertson Industries, Inc. through June 30, 2006 provided there was no increase in pricing.

05-631 AWARD OF BID - JANITORIAL SERVICES - BID NO. 2478-05 - PUBLIC WORKS

This was the time to consider award of the bid for Janitorial Services at 350 South Center Street for the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on March 14, 2005. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

Crown Building Maintenance
F.A.A.D. Janitorial
Qual-Econ U.S.A., Inc.
Best Janitorial Services, Inc.
McNeil's Cleaning Service

Upon recommendation of Darlene Penny, Buyer, through John Balentine, Purchasing and Contracts Administrator, and Tom Gadd, Public Works Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that Bid No. 2478-05 for Janitorial Services at 350 South Center Street for the Facility Management Division of the Public Works Department be awarded to the lowest responsive and responsible bidder meeting specifications, terms and conditions, F.A.A.D. Janitorial, in the amount of \$4,646.89 based on a square foot rate of \$.0688 and current estimate of 67,542 square feet, for an annual amount of \$55,762.68. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute a two-year agreement with a single year renewal

option to include any additional cost for increase in occupied space in the building at \$.0688 per square foot.

05-632 PROCEEDS - SHERIFF'S OFFICE K-9 PROGRAM FUNDRAISER
- SHERIFF

Commissioner Galloway acknowledged the Sheriff's Department for taking the initiative of raising funds for their K-9 Program.

Upon recommendation of Donald Depoali, Sergeant, through Dennis Balaam, Sheriff, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the net proceeds for the Washoe County Sheriff's K-9 Program in the amount of \$2,208.62 be accepted. It was further ordered that the Budget Division be directed to make the following budget adjustments:

| ACCOUNT NUMBER | DESCRIPTION | AMOUNT OF INCREASE |
|------------------------------|-----------------------------------|---------------------------|
| Increase Revenues | | |
| 20033-484000 | K-9 Program-Donation/Contribution | \$2,208.62 |
| Increase Expenditures | | |
| 20033-710300 | K-9 Program Operating Supplies | \$1,100.00 |
| 20033-710509 | K-9 Program Seminars/Meetings | \$1,108.62 |

05-633 FEDERAL EQUITABLE SHARING AGREEMENT -
DEPARTMENTS OF TREASURY AND JUSTICE - SHERIFF

Upon recommendation of Dianne Nicholson, Undersheriff, through Dennis Balaam, Sheriff, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that the Federal Equitable Sharing Agreement between Washoe County and the Departments of Treasury and Justice, effective October 1, 2005 through September 30, 2008, be approved and Chairman Weber be authorized to execute the same.

05-634 REAPPOINTMENTS - EAST TRUCKEE CANYON - CITIZEN
ADVISORY BOARD

On motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Anthony Monroe, Ida Louise Swires, and Bambi Van Dyke be reappointed as At-Large representatives to the East Truckee Canyon Citizen Advisory Board with terms beginning July 1, 2005 and ending June 30, 2007.

05-635 **APPOINTMENTS/REAPPOINTMENTS - SPANISH SPRINGS -
CITIZEN ADVISORY BOARD**

On motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Art Verling, be reappointed and Muriel “Beth” Yuill and Max Bartmess be appointed as At-Large representatives to the Spanish Springs Citizen Advisory Board with terms beginning July 1, 2005 and ending June 30, 2007.

05-636 **APPOINTMENTS/REAPPOINTMENTS - SUN VALLEY -
CITIZEN ADVISORY BOARD**

On motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Jeffrey Miller, Fran Short and John Jackson, Sr., be reappointed, and Robert Villeneuve be appointed as At-Large representatives to the Sun Valley Citizen Advisory Board with terms beginning July 1, 2005 and ending June 30, 2007.

05-637 **APPOINTMENT - VERDI TOWNSHIP - CITIZEN ADVISORY
BOARD**

On motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Beverly Dummitt be appointed as an At-Large representative to the Verdi Township Citizen Advisory Board with a term beginning July 1, 2005 and ending June 30, 2007.

05-638 **AGREEMENT - HAY GROUP INC - REVIEW OF
CLASSIFICATION AND COMPENSATION PLAN AND SALARY
SURVEY - HUMAN RESOURCES**

Upon recommendation of Joanne Ray, Human Resources Director, through John Berkich, Assistant County Manager, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that an agreement between Washoe County and the Hay Group, Inc., concerning salary survey and review of the Classification and Compensation Plan for fiscal year 2005/06 in an amount not to exceed \$42,000, be approved and Chairman Weber be authorized to execute the same.

05-639 **CORRECTION OF FACTUAL ERRORS - ASSESSOR**

Upon recommendation of Susan Goodlett, Principal Account Clerk, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that the following Roll Change Requests correcting factual errors and the Order directing the Treasurer to correct the error be approved and Chairman Weber be authorized to execute the same.

| PROPERTY OWNER | PARCEL/ID # | AMOUNT | ROLL |
|------------------------------|--------------------|---------------|----------------|
| Osborn Farr Investments LLC | Parcel #012-016-11 | -\$120.47 | 2004 Secured |
| Patrick M. Grimes | Parcel #204-623-02 | -\$338.97 | 2004 Secured |
| HAWC, Inc. | ID #2/110-545 | -\$774.69 | 2004 Unsecured |
| Healthcomp Inc. | ID #2/169-359 | -\$988.84 | 2004 Unsecured |
| Southwests Pavilion | ID #2/177-010 | -\$215.21 | 2004 Unsecured |
| Praxair Inc. | ID #2/191-264 | -\$236.83 | 2004 Unsecured |
| K.Furniture Source | ID #2/205-022 | -\$34.69 | 2004 Unsecured |
| Nandi AM PM | ID #2/266-004 | \$-2,220.58 | 2004 Unsecured |
| Kelly Moore Paint Co Inc. | ID #2/270-059 | -\$109.41 | 2004 Unsecured |
| Terrence E. Wasik | ID #2/460-934 | -\$22.46 | 2004 Unsecured |
| Grass Valley Industries Inc. | ID #2/468-487 | -\$166.30 | 2004 Unsecured |

05-640 REQUEST FOR PROPOSAL NO. 2487-05 - INDEPENDENT LIVING SERVICES - CHILDRENS CABINET - SOCIAL SERVICES

This was the time to consider award of a Request for Proposal (RFP) for Independent Living Services for the Social Services Department. The Notice to Proposers for receipt of sealed proposals was published in the *Reno Gazette-Journal* on April 15, 2005. Proof was made that due and legal Notice had been given.

Proposals were received from the following vendors:

Children's Cabinet
JOIN Inc.

Upon recommendation of Charlene Collins, Buyer, through John Balentine, Purchasing and Contracts Administrator, and Mike Capello, Social Services Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that Request for Proposal No. 2487-05, concerning Independent Living Services, be awarded to the Children's Cabinet Inc. in the annual amount of \$299,643, which may be modified based upon actual grant awards. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute an agreement with the Children's Cabinet Inc. for a one-year period with two additional one-year renewal options.

05-641 FIRST AMENDMENT - ENGINEERING SERVICE CONTRACT - CAROLLO ENGINEERS PC - WATER RESOURCES

Upon recommendation of Thomas Kelly, Senior Licensed Engineer, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Amendment No. One to the engineering services contract with Carollo Engineers PC to explore additional surface water supply options for the

South Truckee Meadows Water Treatment Plant, in the amount of \$108,000, be approved.

05-642 AGREEMENT - NORTECH GEOTECHNICAL CONSULTANTS - TESTING AND INSPECTION SERVICES - PUBLIC WORKS

Upon recommendation of David Price, Engineer, through Tom Gadd, Public Works Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that the agreement between Washoe County and Nortech Geotechnical Consultants, concerning testing and inspection services for the 2005/06 slurry seal of selected streets in Washoe County (PWP-WA-2005-210), in the amount of \$21,165, be approved and Chairman Weber be authorized to execute the contract documents upon presentation.

05-643 AGREEMENT - STANTEC CONSULTING, INC - TESTING AND INSPECTION SERVICES - PUBLIC WORKS

Upon recommendation of David Price, Engineer, through Tom Gadd, Public Works Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried with Chairman Weber abstaining, it was ordered that an agreement between Washoe County and Stantec Consulting Inc, concerning testing and inspection services for the 2005/06 paving of selected streets in Washoe County (PWP-WA-2005-211), in the amount of \$56,330, be approved and Chairman Weber be authorized to execute the contract documents upon presentation.

Chairman Weber abstained because her husband works for Stantec Consulting.

05-644 RESOLUTION - AUGMENT EQUIPMENT SERVICES FUND - PUBLIC WORKS

On motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Weber be authorized to execute the same:

**RESOLUTION
A RESOLUTION TO AUGMENT EQUIPMENT SERVICES
FUND 6069**

WHEREAS, The Equipment Services Fund purchased vehicles and equipment in the 2003-04 fiscal year, and certain vehicles/equipment were not delivered and paid for until the current 2004-05 fiscal year; and

WHEREAS, The Equipment Services Division is in need of funding to restore its original purchasing authority to its full purchasing potential so as to complete its scheduled replacement of vehicles/equipment in the 2004-05 fiscal year; and

WHEREAS, The Equipment Services Fund (6069) has sufficient resources available from retained earnings to allow for appropriation authority adjustments necessary to fund these expenditures; now, therefore, be it

RESOLVED, That the Washoe County Board of Commissioners requests the Equipment Services Fund be augmented as follows:

Section 1.

| | <u>Decrease Retained Earnings</u> | |
|-------------|--|--------------|
| 6069-300019 | Unreserved; Undesignated | \$920,629.00 |
| | <u>Increase Capital</u> | |
| ES690102 | Equipment Greater Than \$10,000 | \$920,629.00 |

Section 2. This Resolution shall be effective on passage and approval by the Board of County Commissioners.

Section 3. The County Clerk is hereby directed to distribute copies of this Resolution to the Comptroller's Office, Equipment Services Division, Manager's Office and Finance Division.

05-645 WAIVER OF CONFLICT - KARM ET AL V. WASHOE COUNTY - DISTRICT ATTORNEY

Teri Fitzsimmons, Carson City resident, said the conflict attorney's group was appointed to represent her husband; and she understood there may be a conflict of interest involving the contract awarded to Jack Alian. She believed the conflict attorneys misled the Commission and the community.

Juanita Cox, Sparks resident, said she was distraught that the Board would consider the District Attorney's Office defend the Commission in this lawsuit.

Carter King, Attorney, discussed the Jack Alian contract. Mr. King said he filed a motion to dismiss the District Attorney's Office from representing the County in this case because he felt that Richard Gammick, District Attorney, and Greg Shannon, Deputy District Attorney, showed an appearance of impropriety.

In response to Commissioner Galloway, Mr. King replied Judge Reed ordered that the Board waive a conflict. Mr. King said Judge Reed believed there was a conflict and ordered Mr. Shannon to appear and address the Board to sign a written waiver of conflict. Commissioner Galloway remarked the District Attorney's Office might not give the Board unbiased advice as to how to dispose of this matter because of the District Attorney's past role in this contract.

Melanie Foster, Legal Counsel, said Mr. King misquoted the content of Judge Reed's order and misstated what the Judge ruled. She said a copy of a draft waiver and the minutes of the court hearing were attached to the staff memo dated June 3, 2005. Ms. Foster remarked Judge Reed found the interest of Washoe County and its Counsel were aligned at this point and both were interested in defending the validity of the dispute of representation agreement. She said if the Board wanted the District Attorney's Office to continue, they should execute the waiver; and if not, the District Attorney's Office would hire outside counsel. She said the Judge denied Mr. King's motion. Ms. Foster cautioned Mr. King that his discussion with the Board was inappropriate and in violation of the Supreme Court's rules.

Commissioner Sferrazza said, since Judge Reed ruled both parties were interested in defending the validity of the dispute of representation agreement, he had no interest in defending that agreement and thought it was improperly brought before the Board. Commissioner Sferrazza stated he was vehemently opposed to signing the waiver.

In response to Commissioner Humke, Ms. Foster replied the estimated cost for the County would be approximately \$30,000 through motion, and \$50,000 through trial. Commissioner Humke said Judge Reed's order appeared clear that the motion was denied. Mr. Shannon replied Supreme Court Rule 157 stated if there was a potential conflict of interest, the client should be notified or waive the conflict in writing. He said Judge Reed explicitly said he did not find a conflict, but he wanted the Commission to have the opportunity to be informed of the potential conflict to decide whether or not to waive.

In response to Commissioner Galloway, Mr. Shannon said his office frequently made determinations concerning conflicts; and, if the Board wished to hire outside counsel the District Attorney's Office did not have a vested interest. Commissioner Galloway stated he was inclined to oppose signing the waiver. He said, as a precaution, it would not do any harm to secure outside counsel.

In response to Commissioner Sferrazza, Ms. Foster replied the Commissioners were not individually named; the County, the Board as a whole and Mr. Alian were named in the action; and no independent tort had been committed in this regard.

Commissioner Humke asked if the District Attorney and each Deputy District Attorney were ethically bound to disclose what they believed to be a conflict to their client. Ms. Foster replied that was correct.

Commissioner Humke moved that the Chairman sign the waiver of conflict form with regard to the case herein. Commissioner Larkin seconded the motion.

On call for the question, the motion failed with Commissioners Humke and Larkin voting “yes,” and Chairman Weber and Commissioners Galloway and Sferrazza voting “no.”

**05-646 CANDIDATE INTERVIEWS - WASHOE COUNTY AIRPORT
AUTHORITY**

Board members each chose a question to ask the candidates. The candidates waited outside while the Board interviewed each candidate in the following order:

- Doug Clary (via telephone)
- Mary Simmons
- Stephen Snyder
- Randi Thompson
- George Wilkinson

Following the interviews and Board deliberation concerning the qualifications of each candidate, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that Randi Thompson be appointed to the Washoe County Airport Authority with a term beginning July 1, 2005 and ending July 1, 2009.

**05-647 AWARD OF BID - 2005/06 SLURRY SEAL - BID NO. PWP-WA-
2005-210 - PUBLIC WORKS**

This was the time to consider award of the bid for the 2005/06 Slurry Seal of selected streets for the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on May 18 and May 25, 2005. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

- Intermountain Slurry Seal
- Valley Slurry Seal

Upon recommendation of David Price, Engineer, through Tom Gadd, Public Works Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza voting “no,” Chairman Weber ordered that Bid No. PWP-WA-2005-210 for the 2005/06 Slurry Seal of selected streets for the Public Works Department be awarded to the low, responsive bidder, Intermountain Slurry Seal, Inc., for the base bid and Alternates No. 1, 2 and 3 in the amount of \$1,555,400 and the Chairman be authorized to execute the contract documents upon presentation.

05-648

AWARD OF BID - 2005/06 OVERLAY PAVING - BID NO. PWP-WA-2005-211 - PUBLIC WORKS

This was the time to consider award of the bid for the 2005/06 overlay paving of selected paved streets for the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on May 11 and May 18, 2005. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

Granite Construction Company
Q & D Construction Inc.
SNC

Upon recommendation of David Price, Engineer, through Tom Gadd, Public Works Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza voting "no," Chairman Weber ordered that Bid No. PWP-WA-2005-211 for the 2005/06 overlay paving of selected paved streets for the Public Works Department be awarded to the low, responsive, responsible bidder, Granite Construction Company, for the base bid and Alternate No. 1 in the amount of \$1,499,499 and the Chairman be authorized to execute the contract documents upon presentation.

05-649

2002 REGIONAL PLAN SETTLEMENTS

Melanie Foster, Legal Counsel, advised that Judge James Hardesty requested the annexation mediation negotiations be brought before the Board for a position to be taken. She outlined three issues that were outstanding as stated in the agenda memorandum dated June 15, 2005.

Adrian Freund, Community Development Director, reported staff had reached a position in the discussions where they agreed on many points of a settlement on the City of Reno's Annexation Program. He said Judge Hardesty requested the Commission and the City Councils of Reno and Sparks consider the matters upon which the negotiating teams had reached consensus, the program of annexation mediation, the three outstanding issues, and provide direction to their respective mediators on how to resolve the remaining issues. Mr. Freund explained the Annexation Mediation Flowchart, which was placed on file with the Clerk, and submitted to the Court on June 3, 2005.

Commissioner Galloway questioned the population forecasting. Mr. Freund said the table essentially outlined the population forecasts based on recent and historic trends out to the year 2030.

In response to Commissioner Sferrazza, Mr. Freund explained the Truckee Meadows Service Area (TMSA) was an area defined within the current Regional Plan and was intended to provide a range of municipal services over the next 20 years. He said

the population splits shown in the table mirror historic trends for each of the communities and would be the initial foundation for the acreage.

Commissioner Galloway asked if there was agreement concerning the initial split or how it would be changed. Mr. Freund replied the table indicated the figures might change as population plans and consensus forecasts were updated. He said the City of Reno had a conformed population plan at Regional Planning and the County and the City of Sparks were moving towards a performance review with Regional Planning as well. Mr. Freund commented it was left open-ended to the extent the acreage may be adjusted for stability purposes and adjusted in conjunction with major updates of the Regional Plan. In response to Commissioner Galloway, Mr. Freund replied the word "funding" was placed into the flow chart, and the word "development" meant until there were funded facilities, infrastructure, and a plan for funding so that the entitlements were not given to realize the authorization. Commissioner Galloway requested the Cities of Reno and Sparks verify they had the same understanding.

Commissioner Sferrazza inquired if the 400,000 population cap had changed; and, if not, what new rules would apply to the County once that number was reached. Mr. Freund replied clarification provided during this past Legislation session stated 400,000 would elevate the County in relationship to the units of government or jurisdictions to which it applied, but going over 400,000 did not put the County over the Legislative mandates with respect to planning.

Ms. Foster noted most of the statutes that use those numbers were based upon the actual census conducted every 10 years. She said the County would almost certainly not fall into that category until the next census occurred.

In response to Commissioner Galloway, John Hester, City of Reno Community Development Director, previewed the language in the agreement and added the table was fixed for the purposes of this agreement.

Margaret Powell, City of Sparks Planner, said there were discussions about intensity. She said the intensity for the one-map system would be a land use regulatory zone; and the Cities, with a two-map system, would be a zone change. Ms. Powell stated the population projection was the basis by which TMSA would be divided, and it could be modified subject to each of the population plans going forward.

Dave Ziegler, Regional Planning Director, said the consensus forecast was not disaggregated below the County level, and staff estimated what may happen in a sub-area within the Region. He said when the City of Reno submitted their population plan, staff checked their estimates for 20-year growth against the County's estimate; and they were similar.

In response to Commissioner Larkin, Mr. Freund replied there was a consensus among the three entities. He said each entity had slightly different concepts on

planning that led to discussions, and now was the time for the policy makers to take over and continue.

Mr. Hester replied the City of Reno staff concurred with the three issues that remained unresolved. He said the staff recommendation to the City Council on the duration was 25 days after the Regional Planning Governing Board adopted the 2007 update or June 30, 2007, whichever came first. He said staff recommended against the ten-year intensification area, and the population numbers were consistent with the table and would adjust as the population plans were brought into conformance.

Mr. Zeigler commented the Regional Planning staff and Legal Counsel tried to be neutral and impartial in these discussions, and would not stand in the way of an agreement among the local governments. Ms. Powell said the City of Sparks was not fully a part of the lawsuit and opted not to be a part of the discussion. She said the Sparks City Council continued the item.

Mr. Freund said, when the discussions with Judge Hardesty began, the Judge indicated he would have preferred the City of Sparks be involved in the mediation. He said Sparks Mayor Geno Martini had been in attendance for many of the meetings, and the Judge gave the City of Sparks the opportunity of opting out. Mr. Freund said the Cities of Sparks and Reno customarily take different approaches to their programs of annexation and how they exercise them.

Commissioner Galloway explained the inner boundary concept, or the 10-year growth area, stating each entity would map out that their priority planning area be developed in the near term for funded facilities plans, which would guide the near term growth during the life of the next plan. He said there was a chance to improve planning with the addition of that concept. Commissioner Galloway said, if the Board's position was to approve without the inclusion of the priority planning areas, he would not support that motion simply to be on the record that it was an important issue to him.

5:25 p.m. Commissioner Humke temporarily left the meeting and participated in the following items via telephone.

Mr. Freund noted County staff put together several iterations of that concept to try and address those concerns, but the final attempt did not satisfy the Cities' concerns.

Ms. Foster said staff was asking for endorsement of the concepts contained in the flow chart, the explanation of the flow chart, and a position on the proposed term of any settlement.

On motion by Commissioner Larkin, seconded by Chairman Weber, which motion duly carried with Commissioners Galloway and Sferrazza voting "no," it was ordered that the planning concepts set forth in the Annexation Mediation Flowchart as revised on June 14, 2005 be endorsed. It was further ordered that the mediators be

directed to include those concepts, the term of settlement agreement, and population estimate in any settlement agreement brought back to the Commission for approval, which would be 25 days after the Regional Planning Governing Board adopted the 2007 update or June 30, 2007, whichever came first.

05-650 FACILITY PLAN - SPANISH SPRINGS VALLEY WATER RECLAMATION FACILITY - WATER RESOURCES

Upon recommendation of Rick Warner, Senior Licensed Engineer, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Spanish Springs Valley Water Reclamation Facility Plan be accepted.

05-651 INTERLOCAL AGREEMENT - CITY OF SPARKS - SANITARY SEWER SERVICE IN SPANISH SPRINGS - WATER RESOURCES

Steve Bradhurst, Water Resources Director, commented this agreement was the culmination of two to three years of work and based on the accepted Facility Plan. He said the Sparks City Council approved the agreement with the amendment as stated in No. 7 of the agreement.

Upon recommendation of Jerry McKnight, Finance Manager, through Mr. Bradhurst, on motion by Commissioner Galloway, seconded by Commissioner Larkin, which motion duly carried, it was ordered that the Interlocal Agreement between Washoe County and the City of Sparks entitled, "Agreement to Provide Sanitary Sewer Service in Spanish Springs Valley," including payment of all fees and charges as outlined in the agreement, which includes connection fees of \$13,413,627 for the first 2,889 equivalent residential units (ERU's) with an estimate \$31,494,508 for the next 5,606 ERU's based on current cost projections, be approved and Chairman Weber be authorized to execute the same.

05-652 STATUS REPORT - TRUCKEE RIVER FLOOD MANAGEMENT PROJECT - WATER RESOURCES

Upon recommendation of Paul Urban, Flood Control Manager, and Jeanne Ruefer, Water Resources Planning Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that the status report on the Truckee River Flood Management Program be accepted.

05-653

**ANNEXATION - NORTH VALLEYS HIGH SCHOOL -
COMMUNITY DEVELOPMENT**

Katy Singlaub, County Manager, stated the School District item on North Valleys High School has been withdrawn and is no longer on the Planning Commission agenda.

Commissioner Galloway commented the School District said they did not intend to annex the property, and they should inquire if it could be removed from the sphere of influence.

Commissioner Sferrazza moved to request the School District apply to remove the area from the sphere of influence. The motion failed due to lack of a second.

Jody Mays, Washoe County School District, said the issue with the expansion of the North Valleys High School was timing, as they need to have permits in hand by October 1, 2005.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the School District explore alternatives with the City of Reno to waive the requirement to annex in order to get building permits.

Neal Cobb, Golden Valley resident, said he was concerned that annexation was being rushed.

Pat McAlinden, Golden Valley resident, supported protecting the rural lifestyle and stopping annexation by the City of Reno.

5:55 p.m. Commissioner Humke returned.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that, in the event the annexation did go forward, the Board direct County staff to oppose that before the Reno Planning Commission.

REPORTS/UPDATES COUNTY COMMISSIONERS

Due to time constraints, the Board members chose to pass on reports and updates.

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There being no further business to come before the Board, the meeting adjourned at 6:00 p.m.

BONNIE WEBER, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Stacy Gonzales, Deputy County Clerk*