

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

1:00 P.M.

OCTOBER 17, 2006

PRESENT:

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

Amy Harvey, County Clerk
Katy Singlaub, County Manager
Nate Edwards, 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:

06-1142 AGENDA

***1:04 p.m.** Commissioner Sferrazza arrived at the meeting.

Commissioner Galloway indicated two people in attendance wanted to comment on Item 18, the Truckee Meadows Water Authority (TMWA) Truckee River Fund. He said other people interested in Item 18 would be appearing today, including Assemblywoman Heidi Gansert. He indicated Ms. Gansert could only be in attendance from 2:20 p.m. to 2:45 p.m., and he suggested accommodating Ms. Gansert's schedule by allowing the opportunity for public comment on Item 18 before she had to leave.

***1:05 p.m.** Commissioner Weber arrived at the meeting.

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the agenda for the October 17, 2006 meeting be approved.

WORD CARD PERMIT APPEALS

On motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Larkin ordered that the Board go into closed session pursuant to NRS 241.030(1) for consideration of the work card permit appeals of Joshua Haigh and Sonia Mitchell.

1:10 p.m. The Board convened in closed session in the Caucus Room to hear testimony as to why the work card permits should or should not be granted.

The appellants, Joshua Haigh and Sonia Mitchell, were present for their individual appeals to offer testimony during their closed session. Present at each session were Kathie Weiler, Maureene Callis, and Charles Palian, representatives of the Sheriff's Office and Greta Brown and Pierre Marche, representatives of Social Services. Sonia Mitchell's husband was present at her closed session.

2:28 p.m. At the conclusion of the closed session the Board returned to the Chambers and reconvened in open session.

06-1143 WORK CARD PERMIT APPEAL – JOSHUA HAIGH

The Commissioners discussed their positions on granting or denying Joshua Haigh's work card permit appeal.

In response to the call for public comment, Sam Dehne discussed the work card process and objected to holding the closed sessions during the meeting while everyone waited.

On motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried with Commissioners Galloway and Humke voting "no," it was ordered that Joshua Haigh's work card permit be approved with the following conditions: Mr. Haigh could not be a primary or backup caregiver nor could he be alone with the children without the primary or backup caregiver being there at the same time; he must furnish a disclosure to all prospective parents that included his prior drug use; and he must be tested weekly for drugs for two months and then monthly thereafter. It was noted the drug testing could be done by Mr. Haigh, but must be monitored by Social Services; and the first test should be done before children were allowed to be cared for in Mr. Haigh's home.

06-1144 WORK CARD PERMIT APPEAL – SONIA MITCHELL

The Commissioners discussed their positions on granting or denying Sonia Mitchell's work card permit appeal.

In response to the call for public comment, Sam Dehne objected to the work card process.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that Sonia Mitchell's work card permit appeal be denied.

PUBLIC COMMENT ITEM 18

Public comment was taken on Item 18 at this time from Assemblywoman Heidi Gansert, Gary Feero, Herb Chandler, Bill Ferguson, Sam Dehne, Diana Langs, and Gary Schmidt. See 06-1159 for comments.

06-1145 INTRODUCTION OF NEW WASHOE COUNTY EMPLOYEES

Chairman Larkin invited approximately 42 new Washoe County employees to come forward and introduce themselves to the Board. The Board members welcomed the new employees.

In response to the call for public comment, Sam Dehne discussed the hiring of employees who would be working at the newly expanded jail, which he had long advocated expanding. Gary Schmidt commended the new employees for choosing a career in public service, and he requested the new employees become familiar with the Public Records and Open Meeting Laws and County policy.

06-1146 PRESENTATION – EXCELLENCE IN PUBLIC SERVICE CERTIFICATES – MANAGER

Katy Singlaub, County Manager, presented an Excellence in Public Service Certificate to Tammy Rianda, District Attorney's Office Administrative Legal Secretary, for completion of the Essentials in Public Service Essentials of Support Staff Certificate Program. She presented an Excellence in Public Service Certificate to Kim Imperial, Juvenile Services Legal Secretary, for completion of the Essentials in Public Service Essentials of Personal Effectiveness Certificate Program.

In response to the call for public comment, Sam Dehne proclaimed he was an unpaid essential employee, and he should have an award. Gary Schmidt said the public acknowledgement of people's accomplishments was appropriate.

06-1147 PUBLIC COMMENT

Katy Singlaub, County Manager, stated the Chairman and Board of County Commissioners intend that their proceedings should demonstrate the highest levels of decorum, civic responsibility, efficiency and mutual respect between citizens and their government. The Board respects the right of citizens to present differing opinions and views, even criticism, but our democracy cannot function effectively in an environment of personal attacks, slander, threats of violence and willful disruption. To that end, the Nevada Open Meeting Law provides the authority for the Chair of a public body to maintain the decorum and to declare a recess if needed to remove any person who is disrupting the meeting, and notice is hereby provided of the intent of this body to preserve the decorum and remove anyone who disrupts the proceedings.

Guy Felton discussed his reasons for believing electronic voting machines could not be trusted. He suggested using absentee ballots to vote because they were hand marked and were tabulated using optical scanners, which were more reliable than the touch screen machines. He said it was not too late to request an absentee ballot.

Labraska Hargrove said he came before the Board asking for help on October 12, 2004 and indicated nothing had been done to help him.

Sam Dehne stated he was glad close-up shots were being televised of speakers at the podium. He discussed his goal of stamping out campaign billboards.

Gary Schmidt discussed his handout for the October 21, 2006 candidate's forum and fundraiser to be held at the Reindeer Lodge, which was placed on file with the Clerk.

Ike Eichbaum voiced his concern about the effect of increased Truckee Meadow Water Authority (TMWA) rates on seniors and commented on what TMWA could do to help them.

Jerry Purdy commended the Board for doing a good job. He discussed his concern that the Truckee River Operating Agreement did not address flood control measures, along with other issues that needed to be changed or addressed.

COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS

Chairman Larkin requested an update on flood control storage.

In response to Chairman Larkin, Katy Singlaub, County Manager, confirmed a Gant chart was being required for all major projects. She indicated not all of the charts were completed but should be within the next couple of weeks. Chairman Larkin requested a status report on the Gant chart process along with an update on the internal audits being conducted.

Commissioner Humke discussed a City of Buffalo e-mail asking for donations of nonperishable food and other items. He asked if a link could be placed on the County website. Ms. Singlaub requested he forward the e-mail to her. Commissioner Humke announced the Pleasant Valley Volunteer Fire Department and Safe Kids were hosting a haunted firehouse on October 27th and 28th from 5:00 p.m. to 10:00 p.m.

Commissioner Galloway stated opening the floodgates also depended on how full the reservoirs were before a storm. He said there was not always a choice on whether or not to open them and there should be some coordination between the various entities and the National Weather Service. He felt it was more a question of the agreements having proper management policies.

DISCUSSION – CONSENT AGENDA

Sam Dehne approved of there being fewer items on the consent agenda.

06-1148 MINUTES

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the minutes of the August 22 and September 12, 2006 regular meetings be approved.

06-1149 AGREEMENT – HIGH SIERRA COMMUNICATIONS, INC. – MT. ROSE/GALENA COMMUNICATION FACILITIES – PUBLIC WORKS

In response to Commissioner Sferrazza, Craig Harrison, Telecommunications Manager, replied the site was just south of the top of Mt. Rose. He said a grant for the equipment to improve coverage was approved in June 2005, and the antenna would cover 85-90 percent of I-80 locations within the Truckee River corridor.

In response to the call for public comment, Gary Schmidt stated he was only aware of antennas on Slide Mountain; and he wanted to be kept informed about any on Mt. Rose. Sam Dehne agreed with Gary Schmidt's comments.

In response to Commissioner Sferrazza, Roger Van Alyne, Public Works Deputy Director, said the location was an existing AT&T site. He explained the site was adjacent to Mt. Rose, but was not actually on the mountain.

Upon recommendation of Mike Turner, Facility Management Division Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Lease Agreement between Washoe County and High Sierra Communications, Inc., a Nevada Corporation, concerning leasing space on and within the communications shelter of the property known as APN 048-041-03 for use by the Regional 800 MHz Radio System for a ten-year term, be approved and the Chairman be authorized to execute the same. It was noted the annual lease expense in the amount of \$17,629 would be shared by the participating agencies and funding was available in Public Works 800 MHz Internal Order No. IN20261-710600.

06-1150 GRANT ACCEPTANCE – NEVADA DIVISION OF STATE PARKS RECREATION TRAILS GRANT PROGRAM – GALENA CREEK REGIONAL PARK – PARKS

Upon recommendation of Jennifer Budge, Park Planner, and Rosemarie Entsminger, Fiscal Compliance Officer, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the grant in the amount of \$69,700 from the Nevada Division of State Parks Recreational Trails Grant Program for the Galena Creek Interpretive Trail and Restroom Project be

accepted. It was further ordered that the Regional Parks and Open Space Director be authorized to execute all necessary agreements, documents and reports associated with the grant and that the Finance Department be directed to make the following budget adjustments:

Account Number	Description	Amount of Increase
Internal Order 10553-431100	Revenue-Federal Grants	\$69,700
Project PK905114-781001	Project expense	\$69,700

It was noted the grant requires a match of \$80,660 provided via the joint U.S. Forest Service/Washoe County project for interpretive and site design planning in the amount of \$36,500, in-kind labor in the amount of \$4,160, and construction of the trailhead access road in the amount of \$40,000.

06-1151 AWARD OF BID – LENEL DIGITAL VIDEO RECORDERS – BID NO. 2563-07 – PURCHASING

This was the time to consider award of the bid for Lenel Digital Video Recorders (DVR's) for the Purchasing Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on September 11, 2006. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

PowerComm Solutions, Inc.
RFI Comm. & Security System

In response to the call for public comment, Sam Dehne questioned the purpose of the DVR's and asked who would view their contents.

In response to Commissioner Sferrazza, Roger Van Alyne, Deputy Public Works Director, advised the DVR's were costly because they were extremely sophisticated. He indicated they would be viewed at a manned station at the courthouse and used to provide evidence.

Upon recommendation of Michael Sullens, Senior Buyer, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Bid No. 2563-07 for Lenel Digital Video Recorders (DVR's), on behalf of the Facility Management Division of the Public Works Department, be awarded to the lowest responsive, responsible bidder, PowerComm Solutions, Inc., in the amount of \$56,991.99 and the Purchasing and Contracts Administrator be authorized to execute the agreement for the same. It was further ordered that the purchase of additional DVR's from PowerComm Solutions, Inc. through December 31, 2007 be approved provided there was no increase in pricing.

06-1152

**ACCEPTANCE OF PROPOSAL – VIDEO SURVEILLANCE
CAMERAS – RFP NO. 2548-07 – PURCHASING**

This was the time to consider proposals received in response to Request for Proposal (RFP) No. 2548-07 for video surveillance cameras for the Purchasing Department. The Notice to Proposers for receipt of sealed proposals was published in the *Reno Gazette-Journal* on August 1, 2006. Proof was made that due and legal Notice had been given.

Proposals were received from the following vendors:

Desert Hills Electric, Inc.
RFI Comm. & Security System
Innovative Comm. Systems LLC
ASTI Transportation Systems

In response to the call for public comment, Gary Schmidt made a public records request as to the location and function of the cameras so he could obtain copies of tapes.

In response to Commissioner Sferrazza, Roger Van Alyne, Public Works Deputy Director, explained the cameras were very sophisticated and provided maximum flexibility for security at court and court-related complexes. He said there was a manned station to monitor the court complex, but 350 S. Center was unmanned. Commissioner Sferrazza asked why a sophisticated camera was needed for an unmanned site. Mr. Van Alyne replied the cameras would function to provide a record of what was going on. He said this type of camera might have helped get the situation under control sooner during the June incident at the courthouse.

In response to Commissioner Galloway, Mr. Van Alyne said there was a control setup at the courts complex that would allow focusing a specific camera on any area needed. He believed all of the camera's features would be used.

Upon recommendation of Michael Sullens, Senior Buyer, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that RFP No. 2548-07 for video surveillance cameras be awarded to the lowest, responsive, responsible bidder, Desert Hills Electric, Inc., in the estimated amount of \$70,000 and the Purchasing and Contracts Administrator be authorized to execute the agreement for the same. It was further ordered that the purchase of additional video surveillance cameras from Dessert Hills Electric, Inc., through December 31, 2007 be approved provided there was no increase in pricing.

06-1153 AWARD OF BID – AERIAL PESTICIDE ABATEMENT – BID NO. 2557-07 – HEALTH

This was the time to consider award of the bid for aerial pesticide abatement for the Environmental Health Division of the Health Department. The Notice to Bidders for receipt of the sealed bids was published in the *Reno Gazette-Journal* on August 23, 2006. Proof was made that due and legal Notice had been given.

One bid was received from Alpine Helicopter Service Inc.

Commissioner Galloway expressed concern about having only one bidder, and he asked if something could be done to increase competition. He suggested awarding the bid for one year.

Katy Singlaub, County Manager, replied staff had tried over the years to generate more interest in this contract. She indicated she was not sure there would be any more interest in this contact if it was done for one year because there was a finite number of providers. She explained the amount of the bid was a not-to-exceed amount that was estimated on past spending.

Upon recommendation of Mike Burdett, Buyer, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Bid No. 2557-07 for Aerial Pesticide Abatement Services for the Environmental Health Division of the Washoe County District Health Department be awarded to the sole responsive bidder, Alpine Helicopter Service Inc., in the estimated annual amount of \$61,500. It was noted the effective period of award shall run until November 30, 2008, services shall be used and procured on an as-needed basis, and the budgeted amount for fiscal years 2006/07 is \$61,500.

06-1154 STATUS REPORT – TRUCKEE RIVER FLOOD MANAGEMENT PROJECT – SEPTEMBER 2006

Upon recommendation of Naomi Duerr, Truckee River Flood Management Project Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the status report on the Truckee River Flood Management Project for September 2006 be accepted.

06-1155 APPOINTMENT – BUILDING DEPARTMENT ENTERPRISE FUND OVERSIGHT COMMITTEE – BUILDING AND SAFETY

Upon recommendation of Don Jeppson, Interim Building and Safety Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Jess Traver, P.E., be appointed to the Building Department Enterprise Fund Oversight Committee for a two-year term beginning November 1, 2006.

STATUS REPORT – TRUCKEE RIVER OPERATING AGREEMENT – WATER RESOURCES

Sue Oldham, Attorney/Consultant to the Truckee Meadows Water Authority, explained the Truckee River Operating Agreement (TROA) was the result of the Negotiated Settlement, Public Law 101-618, which Congress passed in November 1990. She stated it authorized the negotiation of TROA between California, Nevada, United States Government, Pyramid Lake Paiute Tribe, and Truckee Meadows Water Authority (TMWA). She conducted a PowerPoint presentation on the status of TROA, which was placed on file with the Clerk.

Ms. Oldham emphasized the challenge of TROA was to produce a positive outcome for the 14 signing authorities without injuring nonparties on the Truckee River system. She stated the most important outcome was the interstate allocation. She said environmental benefits also helped preserve the water supply because the parties could not come back later and ask for more after something was agreed to.

Ms. Oldham indicated it was projected to cost TMWA \$80,000 a year to pay a share of the cost to hire the administrator to manage the river, and storage fees were as yet un-quantified.

In response to Chairman Larkin, Ms. Oldham said there was a promise in TROA to get the flows below Derby Dam to under 120 cubic feet per second (cfs). Chairman Larkin said 6,700 acre feet would not go very far when it comes to the flow. Ms. Oldham explained the fishery would store a lot of water during the winter that would be released during the summer months when water quality was more important.

Don Mahin, Senior Licensed Engineer, said the flow rate would be approximately 25-30 cfs which would be the range that could be achieved at the peak amount.

Commissioner Galloway asked if there was a danger of getting to the signing stage and not getting the signatures. Ms. Oldham replied the biggest risk would be the Tribe because of their need to have a Tribal referendum. She hoped they would see the agreement contained benefits for them and would vote for it, which they had done when determining whether or not to enter into negotiations.

Commissioner Galloway said there was a proposal to iron out certain operating details later, which concerned him. He asked if that had been taken out of the preferred alternative. Ms. Oldham replied the operating agreement defined the rights everyone had. She said there would be a coordinating committee that would try and accomplish more. She indicated everyone had priorities relative to their storage. She advised the final agreement was close to completion with the only remaining issue being the Fernley storage water, and she discussed that issue.

4:24 p.m. The Board took a brief recess.

4:38 p.m. The Board reconvened with all members present.

06-1157 **RESOLUTION – PURCHASE PROPERTY – 4701 MILL STREET – TRUCKEE RIVER FLOOD MANAGEMENT PROJECT**

Commissioner Galloway thanked the trustees of the Frank G. and Joanne M. Ferrari Trust for making the property at 4701 Mill Street available.

In response to Commissioner Sferrazza, Naomi Duerr, Truckee River Flood Management Project Director, said the lease was set up so, as the County needed to put the property into play for the flood project, the Lessor would pull back from those areas. She indicated it was stated as a 10-year lease, but it was actually renewable annually. She explained the lease was similar to the one for Mill and McCarran where the County leased the property back to the tenant farmer for very little cost in return for security, maintenance, and fencing.

Commissioner Galloway said the County was locking in today's price and was eliminating the risk that the price could double in five years. Ms. Duerr confirmed it was like other properties the County was buying today even though the project would not be implemented for a few years.

John Arrascada, attorney for the Frank G. and Joanne M. Ferrari Trust, said the land had been held by the Ferrari family for 94 years. He indicated the family had turned down many offers to sell it. He emphasized the family intended to maintain the property as a working farm. Mr. Arrascada explained the benefit of the leaseback was the County could use the property to begin instigating its flood control measures, and any land needed for flood control would then not be part of the lease. He advised the family would provide the insurance, and the land would still be open for students to visit. He stated the property would become County land to be used as open space if the Ferrari family chose not to continue the lease.

In response to the call for public comment, Gary Schmidt stated much of the property's historic equipment was obtained at auction and relocated to the Reindeer Lodge. He said the agricultural use of the property greatly benefited the community, and flood control measures should be taken so the property could continue to be farmed.

Commissioner Sferrazza thanked the Ferrari family for voluntarily selling the land to the County.

Upon recommendation of Naomi Duerr Truckee River Flood Management Project Director, and Paul Orphan, Truckee River Management Project Manager, on motion by Commissioner Galloway, seconded by Chairman Larkin, which motion duly carried, it was ordered that the following resolution be adopted and the Chairman be authorized to execute the same:

**TRUCKEE RIVER FLOOD MANAGEMENT PROJECT
EARLY LAND ACQUISITION
RESOLUTION NO. 2006-1157
(4701 Mill Street - Acquisition of Land)**

WHEREAS, On March 11, 2003 the Board of County Commissioners (BCC) approved the "Land Acquisition and Early Project Implementation Plan" for the Truckee River Flood Management Project; and

WHEREAS, On September 23, 2003 the BCC approved the "Early Land Acquisition Plan -- Real Property List," dated September 5, 2003, for the Truckee River Flood Management Project; and

WHEREAS, On September 23, 2003 the BCC approved an agreement with The Nevada Land Conservancy (NVLC) to purchase certain properties to implement the Early Land Acquisition Plan; and

WHEREAS, On September 14, 2004 the BCC approved a resolution approving the use of a list of appraisers for appraising land to be purchased by NVLC and assigned to Washoe County for use in the Truckee River Flood Management Project; and

WHEREAS, On November 8, 2005 the BCC approved the latest revision to the "Early Land Acquisition Plan – Real Property List" now being referred to as the "Flood Control Parcel List" and the parcel at 4701 Mill Street (APN 012-250-24) is on this list; and

WHEREAS, Under their agreement with Washoe County to Implement the Early Land Acquisition Plan NVLC has negotiated a purchase agreement with the owners of the parcel at 4701 Mill Street, comprised of approximately 22.382 acres of land, an older single-family residence, and wood frame accessory buildings in excess of 50-years old; and

WHEREAS, as part of the implementation of the Early Land Acquisition Plan NVLC desires to assign the purchase of the parcel at 4701 Mill Street to Washoe County before the transaction closes;

NOW, THEREFORE, be it resolved that Naomi Duerr, the Director of the Truckee River Flood Management Department, is hereby authorized to execute and deliver any and all instruments and funds, including without limitation, contracts, agreements, notices, escrow instructions, deeds, leases, checks, and warrants as may be necessary or appropriate to accomplish the acquisition of the parcel at 4701 Mill Street in the name of and on behalf of Washoe County.

It was further ordered that the Truckee River Flood Management Project Director be authorized to act on behalf of the County to execute and deliver any and all instruments and funds, including without limitation, contracts, agreements, notices, escrow instructions, deeds, leases, checks and warrants as may be necessary or

appropriate to accomplish the acquisition of the 4701 Mill Street parcel in the name and on behalf of Washoe County.

06-1158 APPROVAL OF GRANTS – DEPARTMENT OF HOMELAND SECURITY – INDEPENDENT CONTRACTOR AGREEMENT – CITIZEN CORPS/CERT PROGRAM – SHERIFF

Upon recommendation of Jim Lopey, Administrative Division Assistant Sheriff, and Tami Cummings, Administrative Division Admin II, on motion by Commissioner Galloway, seconded by Chairman Larkin, which motion duly carried, it was ordered that:

1. The Department of Homeland Security (DHS) Citizen Corps Program Grant-Nevada Division of Emergency Management Project No. 97067CL6 for the fiscal year 2006 in the amount of \$35,000 with no cash match be approved;
2. The Department of Homeland Security (DHS) State Homeland Security Program (SHSP) Program Grant-Nevada Division of Emergency Management Project No. 97067HL6 for the fiscal year 2006, in accordance with the sole source justification, in the amount of \$25,000 with no cash match, be approved;
3. The Independent Contractor Agreement between Washoe County and Kathy “Kaydie” Paschall, in association with the grants to retain an Independent Contractor for the Sheriff’s Office Citizen Corps/CERT Program be approved, and the Chairman be authorized to execute the same;
4. The Finance Department be directed to make the following budget adjustments:

DHS/06-Citizens Corps Council Program - \$35,000:

Account Number	Description	Amount
Increase Revenues:		
10555-431100	06 Citizens Corps Council-Federal Grants	\$35,000
Increase Expenditures:		
10555-710100	06 Citizen Corps Council-Professional Services	\$35,000

DHS/06-State Homeland Security Program - \$25,000:

Account Number	Description	Amount
Increase Revenues:		
10556-431100	06 State Homeland Security Programs-Federal Grants	\$25,000
Increase Expenditures:		
10556-710100	06 State Homeland Security Program-Professional Services	\$25,000

06-1159

**TRUCKEE MEADOWS WATER AUTHORITY TRUCKEE RIVER
FUND POLICY – GRANT – COMMUNITY FOUNDATION
WESTERN NEVADA – MCCARRAN RANCH OUTDOOR
EDUCATION AND INTERPRETIVE SIGNAGE SITE PLANNING
PROJECT – PARKS**

In response to the call for public comment, Heidi Gansert, Assemblywoman, said she had been working to put some checks on the Truckee Meadows Water Authority (TMWA) because its charitable organization was funded through ratepayer dollars that were not voluntary. She stated TMWA was a not-for-profit company, and she explained the difference between TMWA and the Sierra Pacific Power Company. She said a member of the TMWA Board had a goal, which was posted online, of getting permanent funding of up to \$1.2 million per year for the Truckee River. She stated the \$1.2 million per year was the equivalent of 1.5 percent of TMWA's rates. She said their rates could be decreased by 1.5 percent if the fund was made voluntary. She felt ratepayers needed to have a choice on whether or not to provide funds to the organization.

Commissioner Galloway said Assemblywoman Gansert had indicated she planned to introduce a bill in the next legislative session to make the contribution voluntary. He was concerned if the Commission accepted this grant it could become an issue if the Commission decided to support her bill. Assemblywoman Gansert agreed and stated she had submitted a bill draft request (BDR) to force it to be a voluntary contribution. She said she had been asking TMWA for three years to put a box on the bill to make the contribution voluntary rather than a de facto tax. She stated her objection was not related to the cause but to the mechanism for funding the endowment.

Commissioner Sferrazza said he had voted against the creation of the charitable fund as a member of the TMWA Board, but the Attorney General had given an opinion that it could be done.

In response to Commissioner Sferrazza, Assemblywoman Gansert discussed the difference between TMWA giving money and the County giving money to nonprofit groups out of the General Fund. She stated TMWA's job was to provide water, and she felt this was expanding the role of a water purveyor. Assemblywoman Gansert said the Attorney General's opinion stated contributions should be limited to interests that included water quality, which she felt was a very limited scope. She stated the issue was whether or not this was water quality. She explained the Consumer Advocate stated TMWA should put it in their budget as an operational expense if it was related to water quality.

Chairman Larkin asked if the Commission chose to move forward with this grant would it be contra to law. Assemblywoman Gansert replied the Attorney General said TMWA could have this charitable endowment, and she did not believe it would be against the law.

Gary Feero criticized TMWA's policy because a consumer's water would be shut off if they decided not to pay the 1.5 percent. He agreed a checkmark on the bill gave consumers a choice.

Herb Chandler said he was not aware he was making involuntarily contributions, and he discussed how he felt about those contributions.

Bill Ferguson discussed TMWA's budget and said the public needed to be made aware of the slush fund when their rates were set.

Sam Dehne criticized TMWA's Community Foundation of Western Nevada.

Diana Langs, Sun Valley General Improvement District (SVGID), agreed with Assemblywoman Gansert's comments. She discussed the Community Foundation of Western Nevada, noted the contribution on the water bill was not voluntary, and that SVGID residents did not vote for the TMWA Board. She stated it was important there be a choice.

Gary Schmidt requested the Board reject the donation and not match the funds. He discussed the Attorney General's Opinion not being the final authority in Nevada.

Heidi Smith, Copper Pointe Homeowners Association Secretary, stated the Truckee River Fund should not be hidden in the utility bill. She indicated the fund itself was not bad, just the way it was created.

Janet Carson, Truckee River Fund Advisory Group Chairman, discussed the decision process for proposals going to the TMWA Board. She encouraged the Commission to accept or reject the money so it could be freed up to go to someone else, possibly The Nature Conservancy, to implement the educational program.

Cliff Nellis stated he was bothered by a public agency, such as TMWA, giving money to The Nature Conservancy. He indicated he was surprised TMWA was not subjected to Public Utility Commission regulations. He felt the County should not contribute money to this project.

Commissioner Sferrazza stated he supported the project. He felt the Board should accept the money, because the money already given to the foundation could not be taken back, but oppose any further distribution of funds. He felt the argument was somewhat false because County government gives out money without the people having the opportunity to vote on where it goes. He disagreed that the Board was supporting TMWA's policy by accepting the money because the money was already in the foundation. He felt the Legislature, the TMWA Board, the Attorney General, or litigation was the correct place to oppose the foundation.

Chairman Larkin said what was before the Board was the policy dealing with grants from the TMWA Truckee River Fund. He felt the fundamental question was what was the litmus test for the Board in accepting other grants. He asked if Legal Counsel would weigh in on whether or not this item was contra to current law.

Nate Edwards, District Attorney, replied he believed his office originally opined it was not allowable, which the Attorney General's Office agreed with; but the Attorney General's Office revised their original opinion and opined it was allowable.

Commissioner Humke said Page 2 of the staff report indicated this seemingly violated TMWA's own policy on the use of funds, which should be used to improve water quality. He felt the Board should not accept the funds.

Commissioner Weber stated she had originally supported accepting the grant, but the people speaking today and constituent phone calls had changed her opinion. She suggested the Commission's representative to the TMWA Board recommend adding a checkbox to the bill.

Commissioner Galloway stated general government should be careful what it does beyond the basics. He said good causes were supported to a limited amount, but most of the money goes to protecting public safety, funding the Health Department and so on. He agreed TMWA was exceeding its mission. He suggested the Board adopt a policy that these contributions should be voluntary; and, in the meantime, the Board should not accept money from the Truckee River Fund.

In response to Chairman Larkin, Legal Counsel Edwards replied the District Attorney's Office was advising the Board not to accept the grant. Chairman Larkin discussed the issue and stated he was deferring to the District Attorney's opinion that the Board should not accept the grant.

Commissioner Sferrazza said he did not support TMWA's policy, but said the Board had not inquired about the legality of any other groups that had given money in the past. He indicated he would request obtaining background information on the donor, where the money came from, and whether or not they paid federal taxes on the money on every grant from here on out.

Commissioner Weber felt Commissioner Sferrazza raised a good point about the grants. She asked Legal Counsel to reiterate the District Attorney's position. Mr. Edwards replied the required match could not be expended for this purpose because it was not limited to water quality.

Because of concerns about the legality regarding the funding of the Truckee River Fund and about the appropriateness of how the money was raised, Commissioner Galloway moved that the policy be not to accept the Truckee River Fund Grant at this time. The motion failed due to the lack of a second.

Commissioner Humke indicated the policy issue would be solved with the BDR before the State Legislature. He felt the District Attorney's advice to not accept the funding should be followed.

Commissioner Galloway moved to reject the grant.

Commissioner Sferrazza agreed with the Board taking action to support Assemblywoman Gansert's proposed legislation and not voting to make an unlawful expenditure of money. He said he was not aware of the District Attorney's opinion. He requested a copy of the opinion.

Commissioner Galloway temporarily withdrew his motion for Commissioner Sferrazza to propose a policy.

Commissioner Sferrazza moved to support Ms. Gansert's proposed legislation to require a checkbox for any community service expenditure of funds by TMWA, or a comparable entity, and to continue to oppose TMWA's expenditure of funds for that purpose. Commissioner Galloway seconded the motion.

Chairman Larkin said he could not support a motion for a BDR that was not yet written or had not been brought before the Board. He felt to dictate to another entity how it directed itself was beyond the scope of this Commission.

Commissioner Weber agreed with Chairman Larkin and would not support the motion.

Commissioner Humke agreed it was hard to comment on BDR language that was not yet written. He felt the policy question was broader than one entity.

Commissioner Sferrazza withdrew the motion.

On motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, it was ordered that a grant in the amount of \$30,780 from the Community Foundation of Western Nevada for professional services for the McCarran Ranch Outdoor Education and Interpretive Signage Site Planning Project requiring an in-kind match of \$7,700 provided by Washoe County and The Nature Conservancy be rejected on advice from the District Attorney.

Commissioner Galloway moved that staff be directed to seek funding from non-Truckee River Fund sources for professional services for the McCarran Ranch Outdoor Education and Interpretive Signage Site Planning Project and, if necessary, to take the funds from contingency to be consistent with the actions of this Board. Commissioner Sferrazza seconded the motion.

Commissioner Sferrazza asked if the project would go through using a different entity if the fund was declined. Ms. Carson replied she felt the task was important so someone else would be sought to do it, but there was no guarantee.

Commissioner Sferrazza withdrew his second to the motion. He stated if it remained unfunded it could be brought back to the Board.

The motion failed due to the lack of a second.

06-1160 **CONTRACT AMENDMENT – NEVADA LAND CONSERVANCY – TRUCKEE RIVER FLOOD MANAGEMENT PROJECT**

Naomi Duerr, Truckee River Flood Project Management Director, discussed the recommended amendments to the contract.

In response to Commissioner Sferrazza, Ms. Duerr said the attorney's regular rate was \$400 per hour. She indicated the attorney had very specialized skills in public land acquisition.

Commissioner Galloway asked if the Flood Project Coordinating Committee had any plans to retain other people or have an in-house person. Ms. Duerr said she identified in her memo some other alternatives that were being researched. She indicated the Flood Project Coordinating Committee wanted to have a fuller discussion on which direction to go. She said in-house staff would require people with different skill sets. She said another nonprofit conservancy could be used. She indicated there was an agreement with Great Basin Land and Water, who helped with the acquisition of the Steele Ranch. Commissioner Galloway said his interest was to retain more of this money to actually buy land. Ms. Duerr said the cost to use this group was about 1.8 percent of the total value, while others typically charged 5 to 6 percent. She felt a comparison should be done using in-house staff. She stated there were at least ten more properties to be acquired and some type of support services would be needed. She said a policy discussion would be brought back to the Board and the Flood Project Coordinating Committee.

Commissioner Sferrazza said his issue was the price paid for the land. He wanted to know that the County was using the best people who were aggressively fighting to keep the cost of acquisitions down.

In response to Commissioner Sferrazza, Ms. Duerr said she would provide a report on all of the land acquired and the price paid per acre. Commissioner Sferrazza requested the comparable sales for each property also be included. Ms. Duerr explained a very extensive appraisal report was received which included all of the comparable sales and all of the deducts taken. She said that information was not provided because it was considered a confidential document between the buyer and seller. Commissioner Sferrazza said he wanted to know the property was being purchased for the best possible price before voting on it. Ms. Duerr said even though residential property values were

falling, raw land costs for land zoned industrial or commercial continued to rise. She said that was partly because of its diminishing availability.

Upon recommendation of Naomi Duerr, Truckee River Flood Project Management Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Amendment to the current Agreement for land acquisition support services between Washoe County and The Nevada Land Conservancy (NVLC) to increase the total not-to-exceed contract cost to \$500,000, to amend the terms of the contract to delete the provision that NVLC be limited to spending only \$100,000 in any one year, to delete the \$8 million limitation on land acquisition, and to correct the contract time period referenced in Attachment B to that referenced in the body of the contract (one year, with four automatic one-year extensions, i.e. August 2009) be approved and the Chairman be authorized to execute the same. It was noted there were sufficient funds from the 1/8-cent sales tax to cover the increase in the contract.

06-1161 BILL NO. 1497 – AMENDING WCC CHAPTER 5 – TRAVEL – MEALS AND TIPS – FINANCE

In response to Commissioner Sferrazza, Sheri Mendez, Comptroller Accounting Manager, confirmed the bill only covered meals and incidentals per diem rate.

Bill No. 1497, entitled, “**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ELIMINATING SPECIFIED AMOUNTS PROVIDED FOR MEALS AND TIPS FOR COUNTY EMPLOYEES AND OFFICIALS WHILE TRAVELING IN CONNECTION WITH THE PUBLIC BUSINESS FOR THE COUNTY AND PROVIDING THAT AMOUNTS WILL BE SET IN ACCORDANCE WITH THE INTERNAL REVENUE SERVICE’S “REGULAR FEDERAL PER DIEM RATE METHOD” AND PUBLISHED ANNUALLY BY THE COUNTY COMPTROLLER AND OTHER MATTERS PROPERLY RELATING THERETO**” was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

06-1162 LEASE AGREEMENT – 4930 ENERGY WAY – FREMONT MEADOWS, LLC – PUBLIC WORKS

Katy Singlaub, County Manager, stated the County could get out of the lease agreement after year three if the space was no longer needed, but it would take longer than that to find an alternate location. She said staff had been looking for a cost effect alternative location and funding to build a facility, but had been unable to find any other cost effective solutions.

Commissioner Sferrazza said he thought the County was going to construct a building at Longley Lane. Ms. Singlaub replied that was something the County wanted to do but there were no resources available.

Upon recommendation of Mike Turner, Facility Management Division Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Lease Agreement between Washoe County and Fremont Meadows, LLC, concerning renewal of leased space located at 4930 Energy Way, Reno, Nevada, for use by the Department of Water Resources for the period of December 1, 2006 through November 30, 2011 be approved and the Chairman be authorized to execute the same. It was noted the annual funding for lease, insurance and related expenses of \$527,500 was available in the Water Resources Cost Center 669200-710600.

**06-1163 BUDGET AUGMENTATION IN CONCEPT – AWARD OF BID –
DETENTION FACILITY EXPANSION – PUBLIC WORKS**

This was the time to consider approval, in concept, of a budget augmentation and award of the bid for the Detention Facility Expansion project. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on August 9, 11, 16 and 23, 2006. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

West Coast Contractors
Clark & Sullivan

Katy Singlaub, County Manager, explained the bids exceeded the original funding budgeted for this project. She said staff was asking this bid be awarded and other funds used, which would be reimbursed as savings were available throughout this year.

In response to Commissioner Galloway, Roger Van Alyne, Deputy Public Works Director, replied the facility would have 264 beds.

In response to Chairman Larkin, Ms. Singlaub explained the entire cost to the County for the project was \$20,317,921. She stated the Board is being asked to award the bid for the \$18,448,380 construction contract and approve, in concept, the necessary budget augmentation from the Public Works Construction Fund. Mr. Van Alyne clarified the augmentation would cover the total cost of \$20,317,921.

In response to Commissioner Sferrazza, Ms. Singlaub replied the County's portion of the 1998 Public Safety Sales Tax went towards building the Regional Emergency Operations Center, the Regional Public Safety Center, and the Flood Control Project.

Upon recommendation of David Solaro, Capital Projects Division Director, on motion by Commissioner Sferrazza, seconded by Chairman Larkin, which motion duly carried, it was ordered that the budget augmentation as identified in the staff report be approved in concept, and the Finance Department be directed to return to the Board for approval of the final augmentation. It was further ordered that the bid for the

Detention Facility Expansion project be awarded to the lowest responsive and responsible bidder, West Coast Contractors, in the amount of \$18,448,380 and the Chairman be authorized to execute the contract documents upon presentation.

**06-1164 LEGISLATIVE ISSUES/BILL DRAFT REQUESTS –
LEGISLATIVE AFFAIRS**

John Slaughter, Management Services Director, updated the Board on the bill draft requests (BDR's) for the Cities of Reno and Sparks as outlined in the summary dated October 17, 2006, which was placed on file with the Clerk.

Mr. Slaughter said the Sheriff's Office was looking at the Sheriffs and Chiefs Association BDR that makes not wearing a seat belt a primary offense. He said staff would address that BDR at the next meeting.

In response to Commissioner Galloway, Mr. Slaughter said he would look into the cost effectiveness of enforcing community service for someone caught doing graffiti. Mr. Slaughter said there were 12 graffiti BDR's so there would be a lot of discussion. Commissioner Galloway discussed the consequences of making more offenses felonies.

Commissioner Weber suggested a region-wide bill should be introduced to deal with graffiti, and any graffiti BDR should include a regional three-digit phone number for reporting graffiti.

In response to the call for public comment, Gary Schmidt objected to elected officials expending public funds during elections on activities that laud the activities of current public officials, and he cited an example. He felt it was also inappropriate that regular County publications were excluded from the law, which allowed favorable information about elected officials to be placed in them. He said the law should be changed to exclude such activities.

Commissioner Weber explained she was invited to an ice cream social, but she did not orchestrate it.

**06-1165 ACCEPTANCE OF DONATION – FALCON, LLC. – DAVIS
CREEK REGIONAL PARK – PARKS**

Katy Singlaub, County Manager, explained the Board was not being asked to verify what the difference might be between the purchase price paid and the fair market value; only that the County acknowledge it got a bargain sale price. She indicated Falcon, LLC had worked with the staff to help implement the County's Regional Open Space Plan.

In response to Chairman Larkin, Ms. Singlaub said the execution of the donee's acknowledgement portion of Form 8283 was part of the Internal Revenue Service (IRS) process.

In response to Commissioner Sferrazza, Rosemarie Entsminger, Regional Parks and Open Space Fiscal Compliance Officer, said the item currently before the Board was Item No. 04-1297 at the December 21, 2004 meeting. She said the recommendation was to approve a purchase and sale agreement between Washoe County and Falcon, LLC for 34.13 acres of property, APN 046-051-39 and -40, at the entrance of Davis Creek Regional Park for \$900,000 and to authorize the Chairman to sign the agreement and all escrow and closing documents. She said there was no discussion at the 2004 meeting. She stated the motion was by Commissioner Humke, and the vote was unanimous. She indicated the standard purchase agreement contained a clause stating if there was any form of donation of the land that the owner could pursue it with the IRS. She said that clause had never been exercised until now.

Ms. Entsminger explained she did not have Board authorization to sign the IRS form that acknowledged that a donation might exist so Falcon, LLC could go forward and negotiate with the IRS on the value of the donation.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that a donation, or that a below market price may exist in this case, be acknowledged; and, to the extent there was an allowable donation, the donation from Falcon, LLC for the purchase in December, 2004 of 34.13 acres of real property adjacent to Davis Creek Regional Park be accepted.

REPORTS/UPDATES COUNTY COMMISSION MEMBERS

Chairman Larkin said he and Commissioner Humke would be at the Regional Transportation Commission meeting of Friday, October 20, 2006.

Commissioner Sferrazza reported he had a special meeting of the Senior Board October 18th at 2:00 p.m. along with a meeting of the Finance Committee of the Reno-Sparks Convention and Visitors Authority and a Truckee Meadows Water Authority Board meeting.

Commissioner Galloway said he would be attending the Human Services Consortium meeting on October 20th at 10:00 a.m.

COMMUNICATIONS AND REPORTS

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

COMMUNICATIONS:

- 06-1166** A Notice of Completion between the Washoe County Department of Water Resources, Utility Services Division and Gerhardt & Berry Construction, Inc., State Contractor's License No. 10813A, for the Longley Lane WTF Conveyance Pipelines in Washoe County, was published in the *Reno Gazette-Journal* on June 28, 2005. (BCC Meeting July 26, 2005, Item 05-989.)
- 06-1167** A Notice of Completion between the Washoe County Department of Water Resources, Utility Services Division and Northern Sierra Construction, Inc., State Contractor's License No. 34118 A & B, for the construction of the Spring Creek Northeast Phase 2A, Water Transmission Main in Washoe County, was published in the *Reno Gazette-Journal* on August 11, 2005. (BCC Meeting August 23, 2005, Item 05-874.)
- 06-1168** A Notice of Completion between the Washoe County Department of Water Resources, Utility Services Division and A & K Earth Movers, Inc., State Contractor's License No. 24548, for the construction of SAD 37-Spanish Springs Sewer Phase 1A in Washoe County, was published in the *Reno Gazette-Journal* on November 15, 2005. (BCC Meeting November 15, 2005, Item 05-1218.)
- 06-1169** A resolution adopting the amended Sun Valley Area Plan (CP05-010), a part of the Washoe County Comprehensive Plan (BCC Meeting December 13, 2005, Item 05-1302.)
- 06-1170** A fully executed Support Contract and Service Level Agreement between Washoe County and Ariston Consulting & Technologies, Inc for the Provision of SAP R/3 Financials, Logistics, and Utility Billing Functional Support Services.
- 06-1171** A letter from the Nevada Department of Transportation indicating that Contract No. 3317, Project No. SPSR-0667 (009), on SR 667, Kietzke Lane in Reno, from South Virginia Street to Gentry Way, Washoe County, Frehner Construction Company, Inc., Contractor has been completely executed and a satisfactory bond furnished and approved.
- 06-1172** An invitation to comment in Section 106 Consultation Process NVRCC-071/Cold Springs from EBI Consulting, EBI Project No. 61062219.
- 06-1173** Fully executed Contract Documents and Technical Specifications, Longley Lane Production Well, PWP-WA-2005-191. (BCC Meeting June 14, 2005, Item 05-595.)
- 06-1174** Fully executed Contract Documents and Technical Specifications, Lemmon Valley Water System Improvements, Cunningham Way. (BCC Meeting June 14, 2005, Item 05-594.)

- 06-1175** Fully executed Contract Documents and Technical Specifications, Spanish Springs Valley Monitoring Well Construction, PWP-WA-2005-242. (BCC Meeting June 14, 2005, Item 05-580.)
- 06-1176** Fully executed Contract Documents and Technical Specifications, Spring Creek Water System Transmission Main to Well No. 7, PWP-WA-2005-246. (BCC Meeting August 23, 2005, Item 05-874.)
- 06-1177** Fully executed Contract Documents and Technical Specifications, Spring Creek Northeast Phase 2B Water Transmission Main, PWP-WA 2006-08. (BCC Meeting October 25, 2005, Item 05-1142.)
- 06-1178** Fully executed Contract Documents and Technical Specifications, Spring Creek Water System Well No. 7 Improvements, PWP-WA 2005-327 (BCC Meeting October 25, 2005, Item 05-1141.)
- 06-1179** Fully executed Contract Documents and Technical Specifications, Mount Rose Water System Improvements 2005 Capital Improvement Project, PWP-WA 2006-20. (BCC Meeting October 25, 2005, Item 05-1143.)
- 06-1180** Fully executed Contract Documents and Technical Specifications, Special Assessment District 37, Spanish Springs Sewer Phase 1A, PWP-WA-2006-31. (BCC Meeting November 15, 2005, Item 05-1218.)

06-1181 REPORT – MONTHLY (AUGUST 2006)

A. Clerk of the Court

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There being no further business to come before the Board, the meeting adjourned at 6:21 p.m.

ROBERT M. LARKIN, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Jan Frazzetta, Deputy County Clerk*