

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

1:30 P.M.

DECEMBER 19, 2006

PRESENT:

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

Nancy Parent, Chief Deputy County Clerk
Amy Harvey, County Clerk
Katy Singlaub, County Manager
Melanie Foster, Legal Counsel

ABSENT:

Pete Sferrazza, Commissioner

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:

06-1357 AGENDA

Chairman Larkin requested item 10J be taken out of the consent agenda.

In accordance with the Open Meeting Law, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried with Commissioners Humke and Sferrazza absent, Chairman Larkin ordered that the agenda for the December 19, 2006 meeting be approved to show item 10J taken out of the consent agenda for consideration as a separate item.

06-1358 WORK CARD PERMIT APPEAL – DANIEL LARA

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioners Humke and Sferrazza absent, it was ordered that the Board go into closed session pursuant to NRS 241.030(1) for consideration of the previously continued work card appeal for Daniel Lara.

***1:43 p.m.** Commissioner Humke arrived at the meeting during closed session.

1:43 p.m. The Board convened in closed session in the Caucus Room to hear testimony as to why the work card should or should not be granted.

The appellant, Daniel Lara, was present to offer testimony during the closed session. Also present were Kathie Weiler and Charles Palian, representatives of the Washoe County Sheriff's Office.

2:19 p.m. At the conclusion of the closed session, the Board returned to the Chambers and reconvened in open session.

Commissioner Humke acknowledged that the applicant was making progress toward fulfilling court-ordered commitments and the compliance delay was due to extenuating circumstances and surgical problems. He stated his philosophy was that permits for those doing unsupervised childcare warranted a higher level of scrutiny than those for security work.

Commissioner Galloway pointed out that the Sheriff's Department could not issue a work card if an applicant had committed offenses within the last ten years and he thought it would be inconsistent with previous decisions for the Board to approve a permit until Mr. Lara had completed his court-ordered program. He stated that he would show leniency and allow the work permit upon proof of successful completion of the court-ordered first offender program, proof of timely enrollment in the program, and confirmation by staff in El Dorado County that Mr. Lara had complied with all conditions of the court.

Commissioner Weber expressed her appreciation that Mr. Lara was trying to better himself and his community.

Chairman Larkin asked Melanie Foster, Assistant District Attorney, if she was satisfied with the suggested course of action. Ms. Foster stated that the comments made by Commissioners Galloway and Humke should be included in the motion.

In response to the call for public comment, Sam Dehne objected to closed session procedures and the discussion of Mr. Lara in open meeting. He expressed his dissatisfaction that citizens were left waiting while the Board went into closed session.

Commissioner Galloway commented that meeting procedure was dictated by the Board's interpretation of State law and that the published agenda included a schedule for closed session so that citizens could plan around that.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, it was acknowledged that there were extenuating circumstances and surgical problems in Daniel Lara's case; and that permits for those doing unsupervised childcare warranted a higher level of scrutiny than those for security work. It was ordered that the work permit for Daniel Lara be approved upon proof of successful completion of the court-ordered first offender program, proof of timely enrollment in the program, and confirmation by staff in El Dorado County that Mr. Lara had complied with all conditions of the court.

**RESOLUTIONS OF ACCOMPLISHMENT – KEVIN MARSHALL
AND XUAN WEI**

Commissioner Galloway presented the Resolution of Accomplishment to Kevin Marshall. Xuan Wei was unable to attend the meeting. Mr. Marshall thanked the Board and also expressed thanks to Benjamin King, an organic chemistry professor at the University of Nevada, Reno and Devon Bateman, an undergraduate researcher at the University of Nevada, Reno.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the following resolutions be adopted:

RESOLUTION OF ACCOMPLISHMENT

WHEREAS, Kevin Marshall, a senior at Reno High School, competed in the Siemens Competition at Stanford; and

WHEREAS, Kevin Marshall was named a regional team finalist in a national research competition; and

WHEREAS, Kevin Marshall has displayed distinguished drive and perseverance through his project dealing with nanotechnology; and

WHEREAS, Kevin Marshall has exemplified leadership and is an outstanding role model for all Washoe County students;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Washoe County Commissioners hereby express their congratulations to Kevin Marshall for his outstanding research and dedication to his community.

RESOLUTION OF ACCOMPLISHMENT

WHEREAS, Xuan Wei, a senior at Reno High School, competed in the Siemens Competition at Stanford; and

WHEREAS, Xuan Wei, was named a regional team finalist in a national research competition; and

WHEREAS, Xuan Wei has displayed distinguished drive and perseverance through his project dealing with nanotechnology; and

WHEREAS, Xuan Wei has exemplified leadership and is an outstanding role model for all Washoe County students;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Washoe County Commissioners hereby express their congratulations to Xuan Wei for his outstanding research and dedication to his community.

06-1360 RESOLUTION OF RECOGNITION AND APPRECIATION – TOM GADD - PUBLIC WORKS

Katy Singlaub, County Manager, presented the Resolution to Tom Gadd. Mr. Gadd expressed thanks to the Board, to Ms. Singlaub and to his staff in the Public Works Department.

Commissioner Galloway commented on Tom Gadd's moderate, patient, even-handed approach to difficult situations. He remarked on Mr. Gadd's versatility, leaving the United States Air Force as a General and becoming one of the best managers Washoe County has ever had.

Commissioner Humke complimented the diversity of efforts Mr. Gadd had been involved in and the can-do attitude he brought from the United States military.

Commissioner Weber expressed that it had been a pleasure to work with Mr. Gadd, noting that he had always responded so promptly and thoroughly to all requests for information.

On motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the following Resolution be adopted:

RESOLUTION OF RECOGNITION AND APPRECIATION

WHEREAS, Tom Gadd began working for Washoe County as General Services Director in August 1999 and his experience and manner combined to form a successful career with Washoe County; and

WHEREAS, through Tom's vision and leadership the successful merger of the General Services Department with the Public Works Department became a reality with Tom as the Public Works Director; and

WHEREAS, Tom Gadd oversaw the successful partnership with the City of Reno that resulted in the construction of the Mills B. Lane Justice Center; and

WHEREAS, Tom Gadd revived the 800 MHz radio system and led the effort to complete the system, the first of its kind in Nevada, which includes 15 different agencies and all public safety first responders within Washoe County; and

WHEREAS, Tom Gadd negotiated the consolidation of Animal Services between the Cities of Reno and Sparks and Washoe County, as well as the agreements to

form a unique public/private partnership between Washoe County and the Nevada Humane Society, which resulted in passage of a voter-approved bond to build the 63,000 square foot Regional Animal Services Center; and

WHEREAS, during Tom's tenure as Public Works Director Washoe County received multiple "Project of the Year" awards for projects such as the Regional Dispatch and Emergency Operations Center, the Incline Village #4/Ponderosa Subdivision Water Quality Improvement Project and the Regional Animal Services Center; and

WHEREAS, Tom Gadd supervised many efforts to improve regional collaboration, including the Regional Snow Plan and the Road Maintenance Resource Sharing Agreement, as well as coordinating the emergency response effort for flood events, snow storms and reception of Hurricane Katrina victims; and

WHEREAS, "General" Gadd desires to "hang up the 'G-suit' for the last time" and retire from Washoe County;

NOW, THEREFORE, BE IT RESOLVED that the Board of Washoe County Commissioners extends its sincere appreciation to Tom Gadd for his outstanding leadership, dedication to serve the people of Washoe county, his excellent skills as a mentor and manager, and ability to command the respect of this Board, his peers, and his subordinate staff; and

BE IT FURTHER RESOLVED that the Board wishes Tom all the best in his well-deserved retirement and in any future endeavors he might task himself with.

**06-1361 CERTIFICATE OF DISTINCTION – PERFORMANCE
MEASUREMENT AND MANAGEMENT – MANAGEMENT
SERVICES**

County Manager Katy Singlaub acknowledged the certificate and presented it to David Ybarra, Senior Fiscal Analyst, who runs the program in performance measurement. Mr. Ybarra pointed out that the cooperation of every manager on staff had been necessary for the County to achieve this distinction.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the Certificate of Distinction from the International City and County Management Association for Performance Measurement and Management in fiscal year 2005-2006 be acknowledged.

PUBLIC COMMENTS

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.

In response to the call for public comment, Guy Felton spoke about constitutional free speech and the County's policy statement regarding decorum. He further stated willful disruption could only be proven in a court of law and that attorney general opinions did not carry the force of law.

Sam Dehne declared that he was a graduate of the Air Force Academy and volunteered his time at the podium in County Commission meetings to protect the citizens of this community against violations of free speech and the First Amendment. He also made comments about the newly elected Governor's transition team.

COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS

Commissioner Humke related his attendance at sessions where the Independent Child Death Review Panel for Washoe County and rural Nevada released its report of findings and recommendations as to child deaths from 2001 through 2004. He stated that this was the first such report where the State voluntarily entered into an evaluation process by a national team of specialists in dealing with child abuse and neglect and the study of child death. Commissioner Humke declared that he was proud of the County agencies that cooperated with the national study review team and these agencies would take steps to mitigate any deficiencies listed for the benefit of Washoe County citizens and their children.

Chairman Larkin asked County Manager Katy Singlaub if the report concerning child death would come back to the Board of County Commissioners. Ms. Singlaub indicated that she would ensure the Board was made aware of the report, the County's response to recommendations in it, and the County's implementation plan. Commissioner Humke talked about the positive use of the Board's televised meetings with respect to the report and the County's response to it.

Commissioner Weber reminded Chairman Larkin of her request, made a few months ago, that AquaTrac come back before the Board sometime in January 2007.

Chairman Larkin asked Ms. Singlaub about the status of the Senate Concurrent Resolution (SCR) 26 Interlocal Agreement between the four water purveyors. Ms. Singlaub responded that the draft of the Interlocal Agreement was being finalized and would be faxed to the Truckee Meadows Water Authority (TMWA) in the morning for their consideration. She expected that a draft from TMWA would be received soon and indicated it would be appropriate for the Board to request a joint meeting of the purveyors. Chairman Larkin requested that Ms. Singlaub schedule a joint meeting of the purveyors on or after their January 2007 meeting.

Commissioner Galloway announced that there had been a workshop by the Tahoe Regional Planning Agency's Planning Commission and Governing Board about the final shore zone environmental impact study and the front-running ordinance alternative. He said that a second workshop was scheduled at the North Shore on Tuesday, January 9, 2007. Commissioner Galloway was distressed to find out that Board meetings of the Nevada Tahoe Conservation District, to which he was recently appointed, were scheduled for the fourth Tuesday of each month. He will be requesting on January 23rd that they try to move their schedule so he can attend on a regular basis.

DISCUSSION - CONSENT ITEMS

In response to the call for public comment, Sam Dehne complimented the Board on limiting its consent agenda to general housekeeping matters. He thought that contributions to the Sheriff should be given more acknowledgement and commended the Public Works Department for finding shelter for the homeless.

Commissioner Galloway acknowledged the Honorary Deputy Sheriff's Association for their in-kind donations and thanked them on behalf of the Board.

06-1362 MINUTES

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the minutes of the special meetings of November 13 and 15, 2006 and the regular meeting of November 28, 2006 be approved.

06-1363 ADDENDUM TO MINUTES – AUGUST 24, 2004 – CLERK

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the addendum to the minutes of August 24, 2004 be approved, to include the Board's decision concerning the Work Card Permit appeal of Paul Albert Savoie, which was inadvertently omitted from the minutes approved by the Board.

06-1364 **POLICY – WASHOE COUNTY EQUIPMENT AND PROPERTY ACCOUNTING AND REPORTING SYSTEM – PURCHASING**

Upon recommendation of John Balentine, CPP Purchasing and Contract Administrator, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the “Washoe County Equipment and Property Accounting and Reporting System” policy be approved.

06-1365 **SEXUAL ASSAULT MEDICAL CARE PAYMENT – DISTRICT ATTORNEY**

Pursuant to NRS 217.280 through 217.350, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that payment with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care for 62 sexual assault victims in an amount totaling \$20,749.38 and for follow-up treatment (up to \$1,000) for victims, victims' spouses and other eligible persons as set forth in a memorandum from Kim Schweickert, Program Assistant, District Attorney's Office, dated December 4, 2006.

06-1366 **BUDGET AMENDMENT – FY 2006/07 – FAMILY PLANNING GRANT PROGRAM – HEALTH**

Chairman Larkin expressed his appreciation to the Health Department for setting the six goals provided in its report and noted that its targets were more focused on activities rather than on performance measurement. He hoped to see those performance goals translated into results at some point in the future.

Commissioner Weber stated that the backup information provided seemed to warrant continued grant funding of the program and, although she did not typically support government funding for family planning programs, she could support this based on the results-oriented approach.

Upon recommendation of Patsy Buxton, Fiscal Compliance Officer, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the amendment totaling an increase of \$62,365 in both revenue and expenses to the adopted fiscal year 2006/07 Family Planning Grant Program (IN 10025) in support of personnel and operating expenditures funded by a Notice of Grant Award from the Department of Health and Human Services Public Health Service be approved and the Finance Department be directed to make the following budget adjustments:

Account	Description	Amount of Increase/(Decrease)
2002-IO-10025-431100	Federal Revenue	\$ 62,365
2002-IO-10025-701130	Pooled Positions	\$ 14,557
2002-IO-10025-701300	Overtime	\$ 2,000
2002-IO-10025-701150	Contractual Wages	\$ 20,409
2002-IO-10025-710703	Biologicals	\$ 12,149
2002-IO-10025-711504	Equipment - Noncapital	\$ 13,250
	Total Expenditures	\$ 62,365

06-1367 GRANT – NEVADA DIVISION OF EMERGENCY MANAGEMENT – UNDERWATER REMOTELY OPERATED VEHICLE – SHERIFF

Upon recommendation of Sergeant Russell Pedersen, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the \$32,000 grant award, project 9700423, from the Nevada Division of Emergency Management to purchase an underwater Remotely Operated Vehicle (ROV) for Search and Rescue be accepted and the Budget Division be directed to make the following adjustments:

Account	Description	Amount
Increase Revenues:		
10568-431100	ODP 03 Phase II – Federal Grants	\$ 32,000
Increase Expenditures:		
10568-781004	ODP 03 Phase II – Equipment Capital	\$ 32,000

06-1368 ACCEPT DONATION – HONORARY DEPUTY SHERIFF’S ASSOCIATION – TASERS – SHERIFF

Upon recommendation of Michael Haley, Undersheriff, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the in-kind donation of 20 M26 Tasers, valued at \$8,068.95, from the Washoe County Honorary Deputy Sheriff’s Association be accepted.

06-1369 ACCEPT DONATION – HONORARY DEPUTY SHERIFF’S ASSOCIATION – WEAPONS – SHERIFF

Upon recommendation of Michael Haley, Undersheriff, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the in-kind donation of 20 H&K MP5 machine pistols, 120 magazines, 20 magazine pouches and 20 gun cases with a \$47,500 fair market value from the Washoe County Honorary Deputy Sheriff’s Association be accepted.

STATUS REPORT – TRUCKEE RIVER FLOOD MANAGEMENT PROJECT

Upon recommendation of Naomi Duerr, Truckee River Flood Management Project Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the November 2006 status report on activities related to the Truckee River Flood Management Project be accepted.

(5:45 p.m.) On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, agenda item 10G was reopened for an appearance and presentation by Naomi Duerr, Director of the Truckee River Flood Control Project.

Ms. Duerr conducted a Power Point presentation, which was placed on file with the Clerk, to elaborate on two items in the monthly status report: (1) a proposal to develop an interlocal agreement to issue a Request for Qualifications/Request for Proposal (RFQ/RFP) for an economic benefit engineer, to include the development of maps; and (2) proposed changes to the Flood Project Coordinating Committee (FPCC).

Ms. Duerr referred to the estimated cost of approximately \$800,000,000 for the Flood Project, to be split equally between the Corps of Engineers and the Flood Project partners. A one-eighth cent sales tax is expected to generate about \$100,000,000, leaving approximately a \$300,000,000 funding gap for the Flood Project partners. She discussed various ways to meet funding needs, stating that the FPCC voted at its meeting on November 17, 2006 to fund the project through an interlocal agreement. Ms. Duerr commented that the FPCC also reaffirmed support for an engineering/economic study to support the establishment of area boundaries, rates and total benefit of the project, and requested that Ms. Duerr gain input from all of the Flood Project partners.

Ms. Duerr outlined some of the following key elements of the proposed interlocal funding agreement: maps to establish funding areas, a process to establish rates, support to implement similar rates among all partners and across jurisdictional boundaries for the same area/purpose, and establishment of a unified billing method to reduce administrative costs. She noted that maps could be based on several concepts including: areas contributing runoff to flooded areas, areas directly benefiting from the Project, or areas indirectly benefiting from the Project.

Ms. Duerr reviewed some proposed changes supported by the FPCC, which would not take effect until all partners agreed and signed an amendment to the Cooperative Agreement. These changes included: adding Storey County to the FPCC, changing the University of Nevada, Reno to non-voting status, and changing the voting process from unanimous consent to some type of majority rule.

Ms. Duerr delineated the following timeline:

January 2007	RFQ for benefits engineer
Jan-April 2007	Develop interlocal funding agreement
	Revise the Cooperative Agreement
March 2007	Hire consultant
March 2007–Nov 2008	Economic/engineering study
Winter 2008	Public workshops and hearings
Spring 2008	Implementation of funding areas

Commissioner Galloway thought he had seen an earlier report stating that benefit districts could not be created without changes to the State law. Ms. Duerr stated that the proposed interlocal agreement, which would be used to create benefit district maps, was felt by the FPCC to rely the most on existing authorities and powers of the local governments, and the Project could always go to something like a joint powers agreement later if that were deemed necessary.

Commissioner Galloway and Ms. Duerr discussed that \$100,000,000 was still to be requested from the State of Nevada. Commissioner Galloway pointed out some of the pitfalls involved in pursuing possible funding sources, such as going after federal money from the Southern Nevada Public Lands Management Act.

Chairman Larkin clarified with Ms. Duerr that the FPCC would move forward with the RFQ in January 2007.

**06-1371 RESIGNATION/APPOINTMENT – WARM SPRINGS CITIZEN
ADVISORY BOARD – COMMUNITY DEVELOPMENT**

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the resignation of Kimberly Haywood be accepted and Hugh Lynn Ezzell be appointed as an at-large member to fill a vacant position on the Warm Springs Citizen Advisory Board with a term beginning on December 19, 2006 and expiring on June 30, 2008.

**06-1372 PAYMENT – SETTLEMENT OF CLAIM 27060 – RISK
MANAGEMENT**

Chairman Larkin pointed out that the total payment was \$50,000 with the County's share being approximately \$15,000, and wondered if the Board was authorizing the entire \$50,000 payment. Katy Singlaub, County Manager, indicated that as the owner and insurer of the facility, the County was responsible for paying the claim and then getting reimbursement from its partners. Chairman Larkin asked if that could be revisited in the Interlocal Agreement, noting that when entities rent someone else's facility they are often required to obtain separate liability insurance. Ms. Singlaub stated that the Interlocal Agreement was explicit that facility obligations were shared and the County's

partners did not pay rent, but were charged an operational fee per month. Chairman Larkin stated that he would look forward to receiving a staff report after the County received reimbursement.

Upon recommendation of Jim Jeppson, Risk Manager, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the payment of \$50,000 to Harry Whitbeck as full and final settlement of claim number 27060 against Washoe County be approved.

06-1373 AGREEMENT – KID’S TO SENIOR’S KORNER PROGRAMS – SOCIAL SERVICES

Upon recommendation of Michael Capello, Social Services Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the Cooperative Agreement for Services to the Kid’s to Senior’s Korner Programs in the amount of \$40,000 per year be approved and the Chairman be authorized to execute the same. The Cooperative Agreement for Services to the Kid’s to Senior’s Korner Programs is a multi-agency agreement between the City of Reno Police Department, City of Sparks Police Department, Saint Mary’s, the Washoe County Sheriff’s Office, the Washoe County Department of Social Services, the Washoe County District Health Department, and the Washoe County Department of Senior Services. It is effective from July 1, 2006 through June 30, 2007 and will renew automatically from year to year unless terminated in accordance with the terms of the agreement.

06-1374 LEASE AMENDMENT – NEVADA HUMANE SOCIETY – ANIMAL SERVICES/PUBLIC WORKS

Upon recommendation of Jean Ely, General Services Division Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the first amendment to the lease agreement between Washoe County and the Nevada Humane Society (NHS) be approved and the Chairman be authorized to execute the same upon presentation. The amendment is for the lease of two additional kennel pods in the Regional Animal Services Center, thereby increasing NHS’s pro-rata share of occupancy and rental (reimbursement for pro-rata share of expenses) and for such other terms and conditions as contained therein.

06-1375 RESOLUTION AND LEASE AGREEMENT – EMERGENCY HOMELESS SHELTER – RENO-SPARKS GOSPEL MISSION – PUBLIC WORKS

Commissioner Humke asked if this facility was fulfilling the anticipated need for a cold weather shelter. County Manager Katy Singlaub responded that almost

500 beds had been provided and approximately 400 men and 100 women were served since the opening of the shelter.

Commissioner Galloway questioned what was done with the facility space the rest of the year. Ms. Singlaub stated that there were tenants occupying a portion of the property and Public Works was evaluating the use of the facility, but much would depend on the outcome of the flood control project. Commissioner Galloway remarked that the space should be usable for other things such as storage. He stated that the Friends of Washoe County Library were always looking for donated book storage. Ms. Singlaub explained that a specific evacuation plan was in place for the shelter because the property was in a floodway and there were liability concerns about leasing the space permanently. She agreed to have Public Works get a report to the Board about its evaluation. Commissioner Galloway stressed that he was looking for a plan to use the space during times of the year when it was not needed as an emergency shelter.

Upon recommendation of Mike Turner, Facility Management Division Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the Resolution and month-to-month Facility Use Agreement retroactive to December 7, 2006 by and between Reno-Sparks Gospel Mission, a Nevada nonprofit corporation (Lessee) and Washoe County (Lessor) for emergency use of 85 North Edison Way #2, #3, #8 and #9 be approved and the Chairman be authorized to execute the same.

**RESOLUTION DECLARING WASHOE COUNTY'S
INTENT TO LEASE APPROXIMATELY 2,310 SQUARE
FEET OF COUNTY PROPERTY LOCATED AT 85 NORTH
EDISON WAY TO THE RENO-SPARKS GOSPEL MISSION
FOR THE OVERFLOW SHELTER NEEDS AND OTHER
MATTERS PROPERLY RELATED THERETO**

WHEREAS, Washoe County owns a certain parcel of real property in Washoe County located at 85 N. Edison Way and which is shown on Exhibit A, placed on file with the Clerk, (hereinafter referred to as "County Parcel"); and

WHEREAS, Reno-Sparks Gospel Mission is a corporation for public benefit as defined in NRS 82.021 and was formed to provide the following services: Homeless Shelter Overflow; and

WHEREAS, the corporation for public benefit desires to lease from Washoe County the County Parcel; and

WHEREAS, the use of the County Parcel by the corporation for public benefit constitutes a public purpose because it provides public health and safety benefits; and

WHEREAS, NRS 244.284 provides that Washoe County may lease real property of the County to a corporation for public benefit;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Washoe County Board of Commissioners as follows:

1. The subject real property is not needed for the public purposes of the County and may be leased to the above-stated corporation for public benefit.
2. The property must actually be used for charitable or civic purposes.
3. If the corporation for public benefit to which property is leased ceases to use the property for charitable or civic purposes, the lease shall automatically terminate.
4. The lease may be made without the payment to Washoe County of money, rent or other consideration because the property to be leased will be used for the Project and will continue to serve a public purpose.

06-1376 RESOLUTION AND GRANT AMENDMENT – EMERGENCY HOMELESS SHELTER – RENO-SPARKS GOSPEL MISSION – COMMUNITY SUPPORT

Upon recommendation of Gabrielle Enfield, Community Support Administrator, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the Resolution and amendment to the Grant Program Contract with the Reno-Sparks Gospel Mission for homeless services for FY 06-07 to add support for the operation of cold weather emergency overflow shelter in the amount of \$12,603 (for a total amount of \$131,436) be approved and the Chairman be authorized to execute the same. It was further ordered that the Finance Department be directed to make the necessary adjustments.

RESOLUTION AUTHORIZING THE GRANT OF PUBLIC MONEY TO A NONPROFIT ORGANIZATION CREATED FOR RELIGIOUS, CHARITABLE OR EDUCATIONAL PURPOSES

WHEREAS, NRS 244.1505 provides that a Board of County Commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the County and that a board may make a grant of money to a nonprofit organization created for religious, charitable or educational purposes to be expended for a selected purpose; and

WHEREAS, the Board of Commissioners of Washoe County has determined that a certain amount of money is available for fiscal year 2006-2007 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Washoe County that:

1. The Board hereby grants to the Reno-Sparks Gospel Mission, Inc., a private, nonprofit organization, a grant for fiscal year 2006-2007 in the amount of \$131,436 (Community Support).
2. The purpose of the grant is to provide for homeless shelter services and overflow cold weather shelter services.
3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are as set forth in the Grant Program Contract, which Contract is placed on file with the Clerk and incorporated herein by reference.

06-1377 RESOLUTION AND ACCEPTANCE OF DONATION – CHRISTIE AND BRUCE GESCHEIDER – WILBUR D. MAY ARBORETUM & BOTANICAL GARDEN – PARKS

County Manager Katy Singlaub presented a Resolution of Appreciation to Christie and Bruce Gescheider of Moana Nursery for their donation to the Wilbur D. May Arboretum & Botanical Garden's proposed resource and visitor education center. Mrs. Gescheider remarked on her and Mr. Gescheider's commitment to jumpstarting the project and their hopes that the Arboretum would grow into something beneficial to the entire community and attract visitors as well. William Carlos, a horticulturist with the Regional Parks and Open Space Department, also thanked the Gescheiders for their generous donation.

Commissioner Galloway asked for clarification of the dollar amount of the donation and thanked the Gescheiders and the individuals who attended the fundraising events. Doug Doolittle, Director of the Regional Parks and Open Space Department, noted that the Board had already accepted \$20,000, and \$5,792 was the amount of the new donation.

Upon recommendation of William Carlos, horticulturist, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the cash donation of \$5,792 toward the Wilbur D. May Arboretum and Botanical Garden's proposed resource and visitor education center be accepted and the Finance Division be directed to make the

necessary adjustments. It was further ordered that the following Resolution of Appreciation be adopted:

**RESOLUTION OF APPRECIATION
FOR CHRISTIE AND BRUCE GESCHEIDER**

WHEREAS, Christie and Bruce Gescheider and the staff at Moana Nursery sponsored an “Evening of Wine & Roses” held on June 21, 2006 and have given 100 percent of the profits, over \$20,297, to the May Arboretum and Botanical Garden’s proposed resource and visitor education center; and

WHEREAS, Christie and Bruce donated services over \$8,000 in-kind for the benefit and purpose of the Wine and Roses fund raising event; and

WHEREAS, Christie and Bruce raised and donated over \$2,000 by soliciting donations at their workshops to educate citizens about gardening and horticulture in Washoe County; and

WHEREAS, Christie and Bruce set a model for private-public partnership in the community;

NOW, THEREFORE, BE IT RESOLVED that the Washoe County Board of Commissioners expresses their appreciation and respect for the example Christie and Bruce Gescheider and the staff of Moana Nursery have shown in their support of the May Arboretum and Botanical Garden.

**06-1378 APPEARANCE – ELLEN OPPENHEIM – RENO-SPARKS
CONVENTION & VISITORS AUTHORITY STRATEGIC PLAN**

Ellen Oppenheim, President and Chief Executive Officer of the Reno-Sparks Convention and Visitors Authority (RSCVA), acknowledged Commissioners Humke and Sferrazza for their dedicated and thoughtful service on the RSCVA Board.

Ms. Oppenheim commented that the RSCVA historically approached planning in preparation for upcoming budgets and it was her belief that a longer-term, more comprehensive vision and plan was warranted. She anticipated seeing the strategic plan adopted sometime in Spring 2007. Ms. Oppenheim described the three-tier effort for developing a strategic plan, including staff involvement, meetings with stakeholders and community groups, and the involvement of the RSCVA Board of Directors.

Ms. Oppenheim reviewed the RSCVA’s mission statement, business principles, core business services provided, revenue sources, and major expenses. She indicated that feedback from community meetings and workshops with Board members and Board alumni consistently guided the RSCVA to: increase investment in and focus on convention sales; increase focus on tourism and destination marketing; increase special events support, either with funding or with resources to help newer events learn

from past experience; decrease subsidies for facility operations; decrease subsidies for golf; ensure the appropriate collection of room taxes; maximize administrative efficiency; and find ways to provide information to visitors about what is available in the area.

Ms. Oppenheim identified six planks in the proposed RSCVA Strategic Plan: (1) address the average daily room rate (ADR); (2) increase convention sales and marketing; (3) increase tourism sales and marketing; (4) develop consistent special events funding and philosophy; (5) efficiently manage assets to help drive down subsidies; and (6) develop a capital improvement program and budget.

Commissioner Humke asked about the ADR and its impact on motivating name-brand hotels to locate to the area. Ms. Oppenheim stated that there were no major national convention and meeting hotels located in this marketplace. She explained that national marketing efforts by major hotel chains provide one of the most important ways for meeting planners to learn about a destination, and potential convention attendees often base their choice on a recognizable hotel name. She pointed out that recruitment of national chains to this area is difficult because the low ADR means a low return on investment. Commissioner Humke mentioned the importance of attracting airlines and complimented Ms. Oppenheim on her collaborative work with the Airport Authority of Washoe County.

Commissioner Weber expressed her appreciation for the RSCVA philosophy of thinking and acting regionally. She talked about the reconstruction of the V&T Railway and hoped that the RSCVA would be involved and keep that project in mind. Ms. Oppenheim agreed that RSCVA marketing for the region needed to include the V&T project. Commissioner Weber asked about a campaign to “Bring your Meeting Home,” targeting local hosts. Ms. Oppenheim stated that the RSCVA launched a brochure in November specifically along those lines.

Chairman Larkin inquired how the RSCVA might dovetail with the Economic Development Authority of Western Nevada (EDAWN) Target 2010 initiative and how the RSCVA would develop a capital improvement program. Ms. Oppenheim said that the RSCVA and EDAWN were having regular meetings to compare targeting and marketing efforts, and were collaborating whenever possible. She indicated that the RSCVA was taking a comprehensive look at capital improvement needs and the next step would be to prioritize those needs. She commented that the RSCVA would have to find ways to grow revenues to provide enough dollars for budget allocations to capital improvement needs, as well as for emergency reserves.

Commissioner Galloway asked if the major area hotels had agreed to block convention rooms to support RSCVA efforts. Ms. Oppenheim agreed that support from the area hotels was essential to increasing convention sales. She observed that discussions were underway but there were no formal agreements yet.

Commissioner Galloway remarked that the RSCVA was originally a Fair and Recreation Board and was granted room tax revenues in exchange for certain

commitments that should not be forgotten. He stated that many citizens were concerned about preservation of either the golf courses or the open space that the golf courses represented.

06-1379 **APPEARANCE – SHERRI RICE – ACCESS TO HEALTHCARE NETWORK – MANAGEMENT SERVICES/COMMUNITY SUPPORT**

Katy Singlaub, County Manager, disclosed that she serves on the Board for the Access to Healthcare Network.

Sherrri Rice, Executive Director of the Access to Healthcare Network, gave a presentation regarding the organization's purpose and results to date, placing a copy on file with the Clerk. She explained that the organization was started after receiving a Healthy Communities Grant to provide reduced fee healthcare services to Nevada residents who do not qualify for Medicare, Medicaid or Nevada Checkup, are not enrolled in employer-sponsored health insurance, and are between 100 and 250 percent of the federal poverty level. Members must pay at the time services are received, are educated about appropriate emergency room usage, are assigned a primary care home for healthcare coordination and continuity, and are evenly distributed between providers. Ms. Rice stated that permission was granted by the Nevada Insurance Commission for the Network to become the first nonprofit medical discount plan in the State, offering the program to employers as a benefit to their uninsured employees. Members can apply for assistance from a patient care fund operated through the Community Foundation of Western Nevada to supplement provider payments when they are unable to pay for services up front.

Commissioner Galloway asked if employers such as Labor Ready could be worked into the program. Ms. Rice responded that the Network's Board of Directors was looking into ways to expand the program.

06-1380 **APPEARANCE – BETH MACMILLAN – 2006 ARTOWN FESTIVAL**

Beth Macmillan, Executive Director, talked about the results and final report from the 2006 Artown Festival, placing a copy of the 2006 Final Report on file with the Clerk. She pointed out that there were 320 events in over 90 locations, done in collaboration with 80 partners; and that 94 percent of the Festival was produced and performed by local artists. An estimated 285,000 people attended, 33,000 attracted from out of town, contributing an estimated \$12,900,000 in added wealth to the region. Ms. Macmillan discussed several Artown events, highlighting those for children, numerous multicultural events, and the largest auction of western art in the country.

Chairman Larkin asked about expanded venues in 2007, suggesting the Lazy 5 Regional Park. Ms. Macmillan indicated that discussions were underway for

expansion to the North Valleys, Lake Tahoe, and as many other locations as funding would allow.

4:09 p.m. Chairman Larkin called a short recess.

4:25 p.m. The Commissioners reconvened with Commissioner Humke and Commissioner Sferrazza absent.

06-1381 **APPEARANCE – WASHOE COUNTY LEADERSHIP ACADEMY – STRATEGIC PRIORITIES FOR GREEN COMMUNITIES**

4:28 p.m. Commissioner Humke returned to the meeting.

Don Jeppson, Director of Building and Safety, and Barbara Perlman-Whyman from the Washoe County Leadership Academy conducted a Power Point presentation to encourage the Board's support in adding green initiatives as an eighth priority to the Washoe County 2006-2008 Strategic Plan. A copy of the presentation and a publication entitled *Regional Green Building and Living Resource Guide for Northern Nevada, Lake Tahoe, Truckee and Surrounding Areas* were placed on file with the Clerk. Mr. Jeppson and Ms. Perlman-Whyman outlined what defined a green community, where the national leaders in such programs could be found, the benefits of a green community, the roles Washoe County could play, and the Academy's recommendations.

The Academy's recommendations to promote a green sustainable environment were to: encourage renewable materials, increase green energy, develop green-friendly ordinances, and pursue Leadership in Energy and Environmental Design (LEED) certified County facilities. Mr. Jeppson identified departments within the County that could be responsible for supporting specific goals of the green initiatives.

Commissioner Weber suggested that the Nevada Association of Counties might benefit from seeing the presentation for consideration of the initiatives in all Nevada counties.

Commissioner Galloway commented that he would be happy to work directly with the Leadership Academy in the weeks to come.

06-1382 **APPEARANCE – DIANNE SEVERANCE, INCLINE VILLAGE CORE GROUP – PLACE-BASED PLANNING – COMMUNITY DEVELOPMENT**

Dianne Severance, a member of the Washoe County/Incline Village/Crystal Bay Planning Working Group (PWG) for Pathway 2007, gave an overview of the results of the planning process and expectations for future work to be done. She identified Pathway 2007 as a collaboration of the Tahoe Regional Planning Agency (TRPA), United States Forest Service, Lahontan Regional Water Quality Board, and Nevada Division of Environmental Protection, working to update and revise long-

term resource management plans. Ms. Severance explained that each PWG met seven times and helped to facilitate three open community workshops, with the objective of imagining the next 20 years in their local communities. A copy of the Vision Summary resulting from that process was placed on file with the Clerk. Ms. Severance indicated that each PWG put forward demonstration project ideas that were being reviewed by the TRPA, who would select one or two as positive models for change and building in the Tahoe Basin. She asked the Board for their support and endorsement for the group to continue in its capacity as the Washoe County/Incline Village/Crystal Bay Planning Working Group for the TRPA Governing Board.

In response to questions from Commissioner Galloway, Ms. Severance indicated that she was unsure whether more formal meetings would be held and indicated that the Vision Summary report given to the Board was a collaborative effort approved by all group members.

06-1383 FORMAL THANK YOU/APPOINTMENT – BOARD OF ADJUSTMENT – COMMUNITY DEVELOPMENT

Katy Singlaub, County Manager, reported that Mary Harcinske had withdrawn her application to serve on the Board of Adjustment and that Neal Cobb had offered to remain on the Board until a replacement could be appointed.

On behalf of the Board, Commissioner Galloway thanked Mr. Cobb for his energy and dedicated service to the Board of Adjustment since 1999.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the resignation of Neal Cobb be accepted upon the successful appointment of a new candidate for the remainder of Mr. Cobb's term expiring June 30, 2009 on the Washoe County Board of Adjustment.

06-1384 PURCHASE – TAXMAN E-GOV SYSTEM EQUIPMENT AND SOFTWARE – TREASURER/TECHNOLOGY SERVICES

Upon recommendation of Patrick Crofoot, Technology Project Coordinator, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that a transfer from the General Fund Contingency account to the Public Works Construction Fund in the amount of \$146,780 be approved and the sole source purchase of equipment and server software for the Treasurer's TaxMAN e-GOV system be authorized. It was further ordered that the Finance Department be directed to make the necessary financial adjustments.

06-1385 **PURCHASE – UPGRADE REMITTANCE PROCESSING
HARDWARE/SOFTWARE – TREASURER**

Upon recommendation of Laurie Ingraham, Deputy Treasurer, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the sole source purchase to upgrade existing remittance processing hardware/software from WAUSAU, including support and maintenance for the first year at a total cost \$227,859, be approved.

06-1386 **AWARD OF BID – 800 MHZ ENHANCEMENTS – BID NO. 2571-07
– TECHNOLOGY SERVICES/PUBLIC WORKS**

This was the time to consider award of the bid for 800 MHz in-building radio coverage enhancements for several Washoe County facilities.

Bids were received from ComTech Electronic Systems and Quality Control Systems.

Upon recommendation of Michael Sullens, Senior Buyer, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that Bid No. 2571-07 for 800 MHz in-building radio coverage enhancements on behalf of the Technology Services Department and the Washoe County Public Works Department be awarded to the lowest responsive, responsible bidder, ComTech Electronic Systems, in the amount of \$445,266.25.

06-1387 **PURCHASE – MCAFEE SECURITY SOFTWARE AND
LICENSING – TECHNOLOGY SERVICES**

Upon recommendation of Cory Casazza, Chief Information Management Officer, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the purchase of a four-year renewal and upgrade of the McAfee Security software suite and purchase of additional client licensing from CDW Government, Inc., at a cost of \$174,480, be approved.

06-1388 **AGREEMENT – CITY OF RENO – POLICY STUDIES, INC. –
PUBLIC WORKS**

Upon recommendation by Roger Van Alyne, Deputy Public Works Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the transfer of \$221,011.05 from the General Fund Contingency account to the Public Works Administration Division account be approved; the professional services agreement between Washoe County, the City of Reno and Policy Studies, Inc. for conducting the review of “Washoe County and the City of Reno Security Systems, Policies, and

Operations” be approved; and the Chairman be authorized to execute the agreement upon presentation.

4:55 p.m. The Board temporarily convened as the Board of Fire Commissioners for the Sierra Fire Protection District.

5:04 p.m. The Board temporarily convened as the Board of Directors for the South Truckee Meadows General Improvement District.

5:08 p.m. The Board of County Commissioners reconvened.

06-1389 **CONSULTING CONTRACT – UPDATE TO THE REGIONAL
OPEN SPACE AND NATURAL RESOURCE MANAGEMENT
PLAN – RFP NO. 2561-07 – PARKS/COMMUNITY
DEVELOPMENT**

This was the time to consider award of the consulting contract for preparation of the update to the Regional Open Space and Natural Resource Management Plan.

Proposals were received from the following vendors:

Parametrix, with Wenk Associates
Moore Iacofano Goltsman, Inc., with Entrix and Otis Bay Consultants
The Trust for Public Land, with ERO Resources Corp.
Resource Concepts, Inc., with Winston Associates

Bill Whitney, Open Space Coordinator, conducted a Power Point presentation and placed a copy on file with the Clerk. He explained that an integrated natural resource management plan was to be prepared for Washoe County along with an updated Regional Open Space Plan, which would have relevance for best management practices on County-owned lands, as well as nearby federal and privately owned lands. Mr. Whitney pointed out that these plans would also provide the Board with important data prior to the development of a public lands bill for Washoe County.

Mr. Whitney stated that a consultant was necessary due to the enormous scope of work and the timeframe of one year to complete a high quality implementable plan. He noted that a majority of the eight-member selection committee, composed of representatives from Reno, Sparks, Bureau of Land Management, Forest Service, and Washoe County, felt Parametrix was the top choice, even though they presented the highest budget of the four proposers. Mr. Whitney explained that staff was able to negotiate a reduction of the proposed budget by shifting positions from Parametrix to County staff in some logical areas.

Lynda Nelson, Natural Resource Planner with Regional Parks and Open Space, stated that the consultant would conduct stakeholder interviews in the community,

identify priority acquisitions and retentions of open space, and identify possible disposal lands prior to a public lands bill. She discussed the delivery of a “renewable rolling action plan” that would be regularly monitored and annually updated to ensure achievement of the plan’s recommendations. Ms. Nelson mentioned the incorporation of innovative “ecosystem marketplace” measures such as the use of development dollars to enhance natural resource management. She acknowledged the help of Naomi Duerr, Director of the Truckee River Flood Management Project.

Chairman Larkin asked about specific dates for the milestones provided to him by staff. Ms. Nelson stated that the contract specified final presentation of the plan to the Board by December 30, 2007, with endorsements that the plan was in conformance with the Regional Plan to be received by February 2008.

Chairman Larkin questioned whether the Reno future service area was correctly displayed on the 2007 Regional Plan Map 5. Adrian Freund, Community Development Director, agreed to verify that the map was correct. Mr. Whitney clarified that the scope of the contract was for the southern part of Washoe County, from the Pyramid Lake Reservation south to the end of the County, and that all public and private land within that area would be reviewed, not to be limited by lines shown on the map.

In response to further questions from Chairman Larkin, Ms. Nelson confirmed that there would be coordination with Chairman Harry and the Pyramid Lake Paiute Tribal Council. She stated that suggestions had been made to include some of the Fish Springs Ranch in the planning area. Ms. Nelson pointed out that the southern boundary was loosely defined for phase one of the project, with phase two to include northern Washoe County all the way to the Oregon border.

Commissioner Galloway asked where the line was for the southern boundary in phase one of the plan. Mr. Whitney stated that staff was still looking at the appropriate boundary around the Reservation, probably using hydrographic basins. Commissioner Galloway wondered if the plan would at least cover all future service areas shown on the map and Mr. Whitney replied that it would. Commissioner Galloway suggested that staff refer to data distributed at a prior meeting held at the Siena, as well as a joint meeting held previous to that, observing that a vote regarding boundaries had been taken there.

Commissioner Galloway asked about the cost of phase two and the heavy reliance on contingency funds. Ms. Nelson responded that the bulk of the work was in phase one, which would provide a model for phase two. She commented that, although there was no guarantee, it was believed that staff would be able to use the model to complete phase two without the use of a consultant.

Commissioner Humke asked if the Regional Transportation Commission (RTC) had been approached for funding. Mr. Whitney invited Commissioner Humke to accompany staff members when they approached the RTC.

Upon recommendation of Lynda Nelson, Natural Resource Planning Coordinator, Bill Whitney, Open Space Coordinator, and Anna Heenan, Senior Fiscal Analyst, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, it was ordered that:

1. the consulting contract for preparation of the update to the Regional Open Space and Natural Resource Management Plan be awarded to Parametrix in the amount of \$323,103;
2. the Chairman be authorized to execute the Agreement upon presentation;
3. a transfer of \$223,103 from the General Fund contingency account to the General Fund Parks Department be approved;
4. an interfund transfer from the Truckee River Flood Management Project Fund to the General Fund Parks Department in the amount of \$35,000 be approved; and
5. the Finance Department be directed to make the necessary financial adjustments.
6. It was noted that the Parks Department budget contained an original appropriation of \$65,000 toward the cost of this plan.

5:45 p.m. The Board reopened agenda item 10G for an appearance and presentation by Naomi Duerr, Director of the Truckee River Flood Control Project. (See minutes for 06-1370.)

***5:47 p.m.** Commissioner Weber left the meeting.

06-1390 **AGREEMENTS – RELATED TO TRUCKEE RIVER OPERATING AGREEMENT (TROA) – WATER RESOURCES**

County Manager Katy Singlaub stated that staff was recommending the Board accept the three agreements only in concept at this point, and suggested that any support of the agreements should be contingent upon the resolution of issues still outstanding with the partners. She explained that the City of Reno had not taken action on the agreements and was requesting further discussion with the other partners. Chairman Larkin remarked that there was a joint meeting of the governing bodies scheduled for February 5, 2007. Ms. Singlaub stated that an earlier date had been requested for that meeting because it would not meet TROA timelines.

Donald Mahin, Senior Licensed Engineer, indicated that the three agreements did not technically need to be in place for TROA to go forward. He explained that the Pyramid Lake Paiute Tribe would not hold their referendum election to approve TROA unless the governing bodies had either: (a) set all water rights aside; or (b) put these agreements in place. Mr. Mahin pointed out that the water rights research would not be completed for about 18 months.

Mr. Mahin described the first agreement, the "Designation Agreement," which designated water rights on all public rights of way in Reno, Sparks and Washoe County as the water to be used for satisfaction of the TROA requirement. In answer to a question raised as to where a financial obligation, risk or commitment was made in these agreements, he noted that paragraph 1B requires the governing bodies to replace any rights attached to the agreement that turn out to have insufficient title.

Mr. Mahin stated that the second agreement, the "Acknowledgement Agreement," was an acknowledgement that edits made to TROA by the negotiators were acceptable to the governing bodies. He commented that the Tribe would acknowledge in this agreement that the water rights designated in the first agreement were adequate to satisfy their purposes and that the governing bodies complied with TROA requirements in that respect. The agreement contained a contingent requirement for providing that water and all water rights would go back to their respective parties if TROA failed to go into effect by the end of 2009.

Mr. Mahin indicated that the third agreement, the "Management Agreement," dealt with a number of items necessary to approve the first two agreements and was the one causing concern for the City of Reno. As he explained, the agreement designated that the governing bodies were pooling their water rights without regard to specific obligations of any party. Mr. Mahin pointed out that the agreement defined a funding mechanism to pay for any shortfalls and to pay for professional services associated with perfecting title to the water rights. He stated that funding was not to come from persons who did not benefit from TROA and staff had recommended that a hookup fee be assessed to new water customers who would benefit from the Orr Ditch Decree water rights. Mr. Mahin noted that any excess fees left over in that fund would go back to the parties in proportion to the amount of water they contributed to the overall program. He suggested that any alternative agreement reached in place of the one before the Board should address funding, how the entities participate, and whether the funding came only from those who benefit from TROA.

Chairman Larkin asked what the Reno City Council was questioning. Mr. Mahin responded that they had issues with the equity of the water contribution. He clarified that the Cities of Reno and Sparks agreed in 1994 to set aside a like quantity and quality of water in order to obtain an effluent reuse permit associated with the Truckee Meadows Water Reclamation Facility. The County was later added as a party during the TROA negotiation process.

Commissioner Galloway asked if it were possible to approve two of the three agreements. Mr. Mahin suggested that the Board could approve the first two agreements conditioned upon resolution of issues with the third agreement. Chairman Larkin asked what the other governing bodies were doing. Mr. Mahin indicated that others were approving all three agreements conditioned upon other parties signing or approving the first two contingent upon a mutually acceptable third agreement.

Chairman Larkin asked about the Local Government Oversight Committee (LGOC) members from Reno, Sparks and Washoe County. Mr. Mahin responded that he was the County Representative, along with Greg Dennis from the City of Reno, and David Vill from the City of Sparks. He commented that the Reno and Sparks members could be changing and that their respective managers appointed all representatives. Chairman Larkin asked if the LGOC would be responsible for management of the 6,700 acre-feet and Mr. Mahin confirmed that the third agreement provided for that. Chairman Larkin noted that item 6 in the third agreement empowers the LGOC to manage and administer once all three agreements had been signed.

Chairman Larkin advised the Board that he had been contacted by Councilman Aiazzi, who invited him to join discussions regarding the three theories for the allocation of the water rights, as well as the repayment, if any, for the water rights. Ms. Singlaub stated that staff would support Chairman Larkin with those discussions and sit in on meetings as necessary. Commissioner Humke asked whether the City of Reno had taken action to authorize such discussions. Chairman Larkin believed that the City Council requested a joint meeting with all three entities present before taking action. Mr. Mahin suggested that discussions prior to a joint meeting would promote a swifter resolution. Chairman Larkin stated that Councilman Aiazzi also requested a special joint meeting because TROA negotiators asked that this issue be resolved prior to their meeting. Ms. Singlaub advised that the TROA meeting would be at the end of January, although there was not yet a specific date. She also stated that Mary Connelly from Senator Reid's office had offered her assistance to sit in on negotiations and observed that Ms. Connelly convened the first meeting in 1998 when Reno, Sparks and Washoe County expressed their intention to jointly resolve this issue. Chairman Larkin pointed out that the meeting requested by Councilman Aiazzi was not a negotiating meeting, but rather to discuss the issues. Commissioner Galloway suggested that Chairman Larkin had the ability to talk with anyone he wished since there was no officially appointed delegation. Chairman Larkin commented that a special meeting of the three governing bodies could arise out of those discussions, for the sole purpose of talking about this in advance of the TROA meeting. This would not be in lieu of the February 5th meeting but would be in addition.

Commissioner Humke suggested that the Board plan with a positive outcome in mind and take action as described by the City of Sparks, i.e., approve the agreements and enter into discussions. Commissioner Galloway suggested approval of the agreements subject to a resolution approved by all parties on the third item by some deadline. Mr. Mahin recommended that the first two could be approved contingent upon the third agreement, with a time certain included. Ms. Singlaub suggested a time certain

sometime in March. Commissioner Galloway suggested 60 days or the end of February. Commissioner Humke commented that asking Senator Reid's lead staffer to sit in on discussions would be quite helpful given her history.

Commissioner Galloway discussed the three alternative approaches: the historical approach, each entity putting in what they have, or a proposed population approach. He remarked that departing from the Committee's suggestion of each entity contributing what they have could lead to endless discussions. He expressed support for the position taken by Water Resources' staff.

A discussion ensued with the Board agreeing to authorize Chairman Larkin to have discussions with Reno, Sparks, Mary Connelly and any other parties as he deemed fit, and acknowledging that discussions could continue beyond Chairman Larkin's tenure if a new Chairman was appointed by the Board.

Mr. Mahin asked the Board to take into consideration that any approach other than that recommended in draft agreement three was likely to create a funding need.

Upon recommendation of Donald Mahin, Senior Licensed Engineer, and Jeanne Ruefer, Water Resources Planning Manager, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioners Weber and Sferrazza absent, it was ordered that:

1. The Agreement Designating Water Rights (to be used for satisfaction of the Truckee River Operating Agreement obligation to provide water rights for water quality purposes) and the Agreement Confirming and Acknowledging Satisfaction of Certain Conditions Relating to the Truckee River Operating Agreement be approved;
2. The Chairman shall be authorized to execute the two agreements listed in item 1 above contingent upon a successful resolution acceptable to all parties no later than March 1, 2007 of the Agreement on Management of Water Rights Appurtenant to Street Right of Ways between Reno, Sparks and Washoe County; and
3. Chairman Larkin is authorized to conduct discussions with such parties as he feels would lead to a successful resolution of the Agreement on Management of Water Rights Appurtenant to Street Right of Ways between Reno, Sparks and Washoe County prior to a joint meeting or other action by the Cities of Reno and Sparks. It is hoped that Senator Reid or a member of his staff can participate in the discussions, as this represents continuity in the process. Should the Board appoint a new Chairman after January 1,

2007, Commissioner Larkin will continue with said discussions.

Chairman Larkin asked the Clerk to provide him with the motion on this item as soon as practicable. The Clerk agreed that staff would provide that to him the following morning.

**06-1391 AGREEMENT – STORMWATER MANAGEMENT – LAKE
DITCH COMPANY – PUBLIC WORKS**

Commissioner Galloway commented that his staff report did not include a copy of the agreement. Melanie Foster, Assistant District Attorney, stated that she had obtained a copy of the agreement from David Price, County Engineer. Although she had not finished reading the entire agreement, she stated that it was similar to the existing agreement for the Steamboat Ditch, in that the County would pay a portion of the maintenance cost for its use of the ditch as a drainage channel, the County would pay a portion of the insurance, the County would conduct joint assessments with the ditch company, and as portions of ditch were annexed to the City of Reno, the City would become responsible for maintenance of those portions.

Commissioner Galloway wondered if the Board should approve the concept and then wait to approve the agreement when it was available. He was troubled about approving an agreement without review of the document. Ms. Foster stated that her office had read and approved the agreement approximately six weeks ago but did not have an electronic copy available for the meeting.

Commissioner Galloway asked how long the agreement would continue and pointed out that \$125,000 was a substantial amount of money approximately 19 months. He wondered if there was a more cost effective solution if this were to continue in the long term. Ms. Foster responded that the proposed agreement was for a five-year term with a five-year renewal provision. Mr. Price added that the fees were calculated on a per-foot, per-year basis, as determined by maintenance records from the ditch company. He remarked that maintenance fees could vary from year to year. Ms. Foster commented that the costs given by the ditch company were based on historical averages and offered no guarantees, but the ditch companies were nonprofit entities.

Mr. Price explained that the ditch was being used as a storm water conveyance channel and also received urban runoff. He stated that the ditch provided an overall benefit to the citizens. Mr. Price commented that the City of Reno had been paying their share of the costs for about three years. He thought that, since the County was responsible for stormwater management, it was worthwhile to enter into an agreement in the short term. In the long term, he noted that the ditch companies would not be needed and the agreement provided the opportunity to obtain easements in that eventuality.

Commissioner Galloway stated he could support approval, provided the final draft does not differ from the particulars and concept of what was discussed here today.

Commissioner Humke stated this seemed to be the most prudent long-term decision and that acquisition of the property may become important as well if the ditch company were to go out of business. Mr. Price pointed out that the agreement provided the County with first right of choice to the easements. Commissioner Galloway asked if a property owner who had granted an easement for the purpose of irrigation could stop the County from taking over the easement for some other purpose such as stormwater management. Ms. Foster stated this was a final agreement that had been approved and executed by the ditch company. It was nearly identical to the Steamboat Ditch agreement; and it gave the County the right to step into the ditch company's shoes if they were to sell, convey or abandon.

Commissioner Galloway requested that he be furnished with a copy of the agreement.

Upon recommendation of David Price, County Engineer, and Anna Heenan, Senior Fiscal Analyst, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioners Sferrazza and Weber absent, it was ordered that the Agreement with the Lake Ditch Company for Use and Maintenance of the Lake Ditch for Stormwater Management be approved and the Chairman be authorized to execute the Agreement contingent on staff finding that the Agreement does not differ from the particulars and concept of what was discussed in the Board of County Commissioners meeting of December 19, 2006. It was further ordered that a transfer of \$158,402.96 from the General Fund contingency account (189000-820000) to the Public Works engineering service contract account (163000-710200) be approved.

06-1392 DISCUSSION – LEGISLATIVE AFFAIRS

Katy Singlaub, County Manager stated there was no specific business for this item today. She advised the Board to look for an upcoming email from the Government Affairs Program regarding platform issues and bill draft requests that would be coming back to the Board in January.

REPORTS/UPDATES – COUNTY COMMISSION MEMBERS

Chairman Larkin noted that he would be attending the Truckee Meadows Water Authority (TMWA) Board meeting tomorrow, December 20, 2006 at 10:00 a.m.

Commissioner Humke reported on personnel actions from the District Board of Health and Reno-Sparks Convention and Visitors Authority (RSCVA). The executive officers from each of these boards, Dr. Mary Anderson and Ms. Ellen

Oppenheim respectively, were reviewed. Their work was considered to be excellent in both cases and they continued in good standing.

Katy Singlaub, County Manager, announced she would be bringing the candidate recommended for the Public Works Director's position, Dan St. John, before the Board for approval in January. Mr. St. John was currently serving as the Public Works Director for the Incline Village General Improvement District.

COMMUNICATIONS AND REPORTS

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

COMMUNICATIONS:

- 06-1393** A Notice of Completion between the Washoe County Department of Water Resources, Utility Services Division and Resource Development Company, State Contractor's License No. 0012777, for the Spring Creek Well 7 in Washoe County. (BCC Meeting October 25, 2005, Item 05-1141.)
- 06-1394** Notice of Intent to Annex Land into the City of Sparks dated November 17, 2006 to annex 3 acres of land, generally located at 2770 Spanish Springs Road (Assessor's Parcel No. 516-281-03), Washoe County, into the City of Sparks, and a copy of Bill No. 2527 introducing the proposed Ordinance. The public hearing on Bill No. 2527 was scheduled for the Council meeting held on November 27, 2006. (Copy of Documents sent to Community Development.)
- 06-1395** Certificate of Insurance for the Bella Vista Ranch Water Facilities Project signed February 28, 2006 and copies of the signed agreement and Exhibit B - Public Works Construction/Indemnification and Insurance Specialists. (BCC Meeting February 28, 2006, Item 06-236).
- 06-1396** Fully executed Contract Documents and Technical Specifications with Northern Sierra Construction, Inc., for Spring Creek Northeast Phase 2A Water Transmission Main. (BCC Meeting August 23, 2005, Item 05-874).
- 06-1397** Two Independent Contractor Agreements for Services between Washoe County and Niki Linn for transcription of summary minutes for the Regional Water Planning Commission (RWPC) and the Well Mitigation Hearing Board.
- 06-1398** A letter from the State of Nevada Department of Conservation and Natural Resources, Nevada Division of Forestry to the Reno-Sparks Indian Colony concerning the Hungry Valley Community Wildfire Protection Plan.

- 06-1399** A letter from “The Builders” concerning the Review of Washoe County Development Code Assessment.
- 06-1400** A letter from the State of Nevada Department of Transportation to Q & D Construction Company for the Contract No. 3286 READVERTISED, Project No. BRI-080-1(145), Four Bridges on I-80 East of Sparks. I-1008 (Vista Interchange), I-750 (Lockwood Interchange) and I-753/W (Mustang Interchange), Washoe County, concerning fully executed contract, (Documents forwarded to Engineering on October 31, 2006.)
- 06-1401** A Notice to inform the public and interested State and local government officials from the Department of the Interior, Bureau of Land Management of the filing of Plats of Survey in Nevada. (Copy of Documents sent to Community Development on October 13, 2006.)
- 06-1402** A letter to Pete Anderson, State Forester dated September 27, 2006 stating the Community Wildfire Hazard Assessment for Washoe County was accepted by the Washoe County Board of County Commissioners on October 11, 2005. (Item No. 05-1089).
- 06-1403** Notice of Election for the Washoe-Storey Conservation District dated October 18, 2006 was published in the *Reno Gazette-Journal* on October 28, 2006.
- 06-1404** A Notice of a Biannual Election for the Vya Conservation District and Election results.
- 06-1405** A fully executed contract for business personal property auditing services between Washoe County and Tax Management Associates (TMA).
- 06-1406** Assessors 2006/07 Change Log for Washoe County pursuant to NAC 361.310(4).
- 06-1407** Gerlach General Improvement District notice of District Utility Rates dated October 18, 2006.
- 06-1408** **REPORTS – MONTHLY (SEPTEMBER/OCTOBER 2006):**
- A. County Clerk
 - B. Clerk of the Court

06-1409 REPORTS – QUARTERLY (JUNE 2006):

- A. Washoe County School District

06-1410 REPORTS – QUARTERLY (SEPTEMBER 2006):

- A. County Clerk
- B. Clerk of the Court
- C. Gerlach General Improvement District
- D. Grand View Terrace General Improvement District
- E. Justice Court - City of Sparks
- F. Office of the Constable Incline Village/Crystal Bay Township
- G. Washoe County School District

06-1411 REPORTS - ANNUAL FINANCIAL STATEMENTS - JUNE 30, 2006:

- A. Carson-Truckee Water Conservancy District
- B. Gerlach General Improvement District
- C. Palomino Valley General Improvement District
- D. Sun Valley General Improvement District

BUDGETS - 2006/07

- 06-1412 A. City of Reno - In Brief**

- 06-1413 B. City of Reno - Budgeted Capital Improvement Plan and 20-Year Capital Improvement Plan.**

- 06-1414 C. City of Reno - Adopted Budget**

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6:36 p.m. There being no further business to come before the Board, the meeting was adjourned.

ROBERT M. LARKIN, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Lisa McNeill
Deputy County Clerk*