

**BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA**

TUESDAY

1:00 P.M.

DECEMBER 11, 2007

PRESENT:

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

**Amy Harvey, County Clerk**  
**Katy Singlaub, County Manager**  
**Melanie Foster, Legal Counsel**

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

**07-1377      AGENDA ITEM 3 - PUBLIC COMMENT**

**Agenda Subject: Public Comment. Comment heard under this item will be limited to two minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to two minutes per person. Comments are to be made to the Commission as a whole.**

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.

**\*1:16 p.m.** Commissioner Galloway arrived.

Guy Felton discussed the time allowed for public comments, decorum and the County voting system.

Sam Dehne objected to the two minutes allowed for public comment.

**07-1378      AGENDA ITEM 4 - COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS**

**Agenda Subject: Commissioners'/Manager's Announcements, Requests for Information, Topics for Future Agendas and Statements Relating to Items Not on the Agenda. (No discussion among Commissioners will take place on this item.)**

Katy Singlaub, County Manager, stated the amount of increase in the Roll Change Request listed in Agenda Item 6A was published in the agenda as \$13,676.75; however, the correct amount was \$13,218. She remarked Dorothy Nash Holmes had withdrawn her application for the County Board of Equalization (CBOE), and also advised the Board that there were two different appointment terms for the CBOE.

Commissioner Humke said Community Development staff met with a delegation from the "Working Group" in the South Valleys to discuss the South Valleys Area Plan.

Chairman Larkin announced the Reed High School Intermezzo Choir would perform in the lobby of the Administration Building at the County Complex on December 21, 2007. He commented he received the Performance Measurement and Management First Quarter fiscal year 2007/08 results and requested an update on projections of the Courts and assumptions concerning other departments.

**\*1:23 p.m.**      Commissioner Weber arrived.

Commissioner Galloway stated, in action responding to the first of nine points raised by fire officials in the Tahoe Basin, the Tahoe Regional Planning Agency (TRPA) adopted a more lenient tree-cutting rule. He requested staff devise a proposal suggesting before departments approve certain permits that could impact traffic on high volume streets those permits be reviewed by Citizen Advisory Boards (CAB).

Commissioner Jung agreed with Commissioner Galloway's concerns. She suggested the City of Reno request developers attend the CAB meetings to discuss any issues in advance.

Commissioner Weber spoke on funding proposals offered by Senator Harry Reid. She said those proposals could bring \$24 million back to the State for payment in lieu of taxes.

**07-1379      AGENDA ITEM 5 - FINANCE /BUDGET DIVISION**

**Agenda Subject: Update on Fiscal Year 2007/08 Budget and possible direction to staff.**

Katy Singlaub, County Manager, and John Sherman, Finance Director, conducted a PowerPoint presentation that reviewed the budget status, the current fiscal environment, the impact of proposed action plans, and the request for authorization to implement the proposed action plans, which was placed on file with the Clerk. Ms. Singlaub commented during 2005/06 and 2006/07 two key Bond Rating Agency upgrades were completed, which was external validation of the County's financial management. She said Moody's Economy and Standard and Poors upgraded the credit rating of the County to the highest credit rating ever given to a local government in northern Nevada.

In response to Commissioner Weber, Mr. Sherman replied the high credit rating translated into lower interest rates.

Chairman Larkin said when departments received budget direction last year there should have been a reduction rather than an increase and for departments to arrive at a contingency plan for a reduction of two percent. Mr. Sherman replied in hindsight that was correct and indicated the budget would be constrained next year. Chairman Larkin commented the two sectors that were indicating a slowdown were housing and some elements of retail sales. Mr. Sherman concurred.

Commissioner Jung asked if the Federal Reserve or Congress could do anything at a national level to help homeowners with the adjustable rate mortgages. Mr. Sherman replied there was a wealth affect of people owning their own homes and how they felt about the rest of the economy. He said measures to mitigate the impact of the subprime mortgage meltdown were key; however, everyone had to be mindful of unintended consequences.

Commissioner Galloway asked how the Federal Emergency Management Agency (FEMA) reimbursement could be considered new revenue. Mr. Sherman replied it had not been previously placed into the budget and now everything was being identified. He said in areas where fees were adjusted upward there would be a downward pressure of consumption and noted the list of charges for services could be further reviewed. Ms. Singlaub added many of the fees that went into the General Fund were specified by statute and those that were not specified were reviewed regularly. Commissioner Galloway stated the hiring freezes were broken out separately from the department reductions and requested that the positions in public safety not be permanently eliminated. Ms. Singlaub clarified in some departments reduction plans were identified as held vacancies that contributed to the department reduction plan. She said the \$2.5 million that was identified as the additional vacancy freeze were from additional vacancies that would be held as part of the hiring freeze. She explained per the Board's previous direction, the Manager and the Finance Director were given the ability to hear appeals and to grant the filling of positions that were mission critical for the primary core services of the County. Ms. Singlaub remarked public safety positions that were critical were allowed to be filled.

Mr. Sherman said the Rainy Day Fund, or Stabilization Fund, dealt with some of the lower parts of the economic downturn and fiscal stress in an organization. He said it assured the County's fund balance did not go below a certain critical point where there would be cash flow problems. Commissioner Humke inquired on the level of additional State cuts that could impact County spending or County revenue. Ms. Singlaub replied the County believed Child Welfare and Juvenile Services were off the table for cuts within the State budget. She said the proposed cuts might be Senior Services, homeless shelter operations, or the one-shot projects that were legislatively approved. Ms. Singlaub said in addition to State cuts there were also federal grant funding cuts, which made for compounded challenges.

Commissioner Jung remarked she requested the projected savings of employees who were retiring this fiscal year. Mr. Sherman replied the typical cycle of retirees would not be fully known until the first week in January. Commissioner Jung said she was confident staff could review an artificial period of time or one based on data to be projected, concerning the estimated savings of retirees. Mr. Sherman said using historical data was a tried and true technique, but the State had a mandate that the County pay retiree health benefits, which would be sunseting next year. He said based on that State law sunseting, it was anticipated people would retire early. Commissioner Jung reiterated she needed the information to make good policy decisions. Ms. Singlaub indicated the historical information would be provided.

Commissioner Jung commented on the video equipment for the Alternate Public Defender and stated that equipment cost \$7,000, which was in their proposed cuts. The equipment would allow the Alternate Public Defender to save the County money since they could contact their clients in detention, cases would get resolved earlier, there could be fewer continuances, a decrease in jail time and the District Attorney would save in witness fees. She said this was a pittance of money with the potential for a huge impact of savings. Commissioner Jung indicated the staff report noted that the Medical Examiner discussed the impacts of their reductions as the inability to respond and investigate sudden, unexpected, and unexplained natural and suspicious deaths and stated that was not correct. She clarified this was a reduction in the on-call overtime and would be a slower response time to sudden deaths, which the County was mandated to investigate those.

Sheriff Mike Haley stated he supported the Manager's action plan. He commented the FBI released the 2006 crime report based on data from the Uniform Crime Report (UCR), which each city and county in the Country reports to. He explained there was a significant increase in violent crime over the last two years. Sheriff Haley stated an increase in crime was due to a lack of sufficient personnel to combat crimes both nationally and locally. He said since 2003, 27 of the Country's 44 largest police agencies had lost officers. Sheriff Haley said the Brookings Institute determined that for every \$1.4 billion invested in the Country to hire officers, nearly \$12 million in crime related incidents in costs were saved. He stated good policing protected communities and noted every year 650,000 ex-felons were released from prisons, with two-thirds rearrested for felonies or serious crimes within three years of their release. Sheriff Haley

said law enforcement was the protective barrier between the vitality of a region and its demise. He indicated the Washoe County Sheriff's Office (WCSO) was not overstaffed, but understaffed in operations. He acknowledged he was holding 31 positions, in addition to the eight positions he offered to hold for the current budget year. Sheriff Haley remarked if quality of life was to be maintained the County must not reduce the commitment to public safety. He stated he understood the budget shortfall situation and was committed to participating in reducing the County's spending; however, he could not allow deterioration in public safety if measures were taken to reduce his staffing permanently. He stated the WCSO would hold commission and civilian positions to a number that staff could regularly meet and discuss, and added if he needed to fill a position he should be able to make that determination. However, before he would do so, he would simultaneously hold a position to ensure that he maintained an agreed upon total law enforcement positions held in the region. Sheriff Haley said this process could continue and as the budget changed the positions held would reflect that same reduction or increase. He remarked he should not have to return to the Board to defend the rehiring of positions that had been previously authorized and noted under the Manager's proposal he would not need to do so. He stated he needed flexibility in running the WCSO and explained it took a great deal of time to recruit, hire and train both commission and civilian employees and added any disruption in that process would not save money. He indicated he was under budget this fiscal year by 1.6 percent, and was fully engaged in strategic planning and the Baldrige Plan. Sheriff Haley concluded a community's success was tied to law enforcement effectivity. He referenced statistics explaining that Detroit, Michigan was rated as the most dangerous city in the Country. He said the Reno metropolitan area was rated 90th, and he hoped to decrease areas exposed to crime and improve on that score.

Chairman Larkin then summarized the Sheriff was supportive of the Manager's proposal for the budget reductions; however, would like the flexibility for the management of those held positions and unfunded positions and not have to return to the Job Evaluation Committee to re-establish those positions. Sheriff Haley and Ms. Singlaub concurred. Ms. Singlaub commented those references had been implemented with cooperation between the WCSO and administrative staff and added staff was willing to trust the Sheriff's judgment. Sheriff Haley said dollar values of the positions were being discussed and he believed an informal process should be established to meet a dollar target not a position target. Sheriff Haley stated as the process developed it would allow him to manage in a way that was important to his department. Ms. Singlaub indicated there was already agreement on the flexibility with all departments to negotiate positions. Chairman Larkin stated because of the public safety nature that the WCSO was responsible for, the utmost discretion, opportunity and flexibility needed to be given to the Sheriff; however, he would not be as lenient to other departments.

Ms. Singlaub explained there were levels within the flexibility and noted for public safety the County provided the WCSO the ability to fill more of their vacancies since they were mission critical to the protection of public health and safety. She said where there were positions that could be replaced staff was attempting to complete that throughout the organization with a priority on public safety.

Commissioner Humke asked for clarification on the work the WCSO did on unfunded mandates such as the areas of mental health, indigent medical care, social services, employment and job training, and certain aspects of legal aid. Sheriff Haley replied the County often became the "catch basin" for what others did not want. He indicated as people became more involved in the drug culture, they became more mentally deficient and the need for the mental health services continued to rise. He said the WCSO provided the types of medication that were expensive and also provided one of the largest General Education Development (GED) functions, which was not funded by an outside source. Sheriff Haley said the WCSO provided a regional aviation program marginally supported by the partners in the region that was necessary to keep the area safe.

Commissioner Galloway asked if there was a certain percentage of savings due to unfilled positions that the County should not go below and asked when the Sheriff returned to the Board in January 2008 if he and the County Manager could agree on a floor for this. Sheriff Haley remarked there was that percentage, but it was complex and required executive staff to evaluate that in a way that covered a broad spectrum. He said there were gauges in the community of early indicators identifying when the County would hit that number. He explained when the WCSO could not respond to a call for service, their Q-time was bad, and when they could not respond to calls after events had occurred or could not timely respond to serious events because units were tied up on other challenges, those indicators emerged quickly. Commissioner Galloway said he heard willingness from the Sheriff to work on this between now and January and come to a term. Sheriff Haley remarked at the present time, with the additional held positions indicated, the WCSO was at 40 positions held. He reiterated the need for a large degree of flexibility, but believed if this trend continued, in order to meet the fundamental safety needs of the community, there would be a time where he would come before the Board and state that he could not offer any additional cuts within his organization.

Commissioner Weber asked for a clarification that the County Manager and the Budget Department understood that the WCSO's vacant positions were on a hold basis, but allowing the Sheriff the ability to fill those positions. Ms. Singlaub replied the Board gave direction for a vacancy freeze; however, at the same time departments could appeal those frozen positions to the County Manager and the Finance Director. She said staff met weekly with individual departments that had requested an appeal, and she noted the WCSO was part of that weekly process, where the appeals were reviewed and noted the majority of the appealed positions from the WCSO had been filled. Ms. Singlaub stated a concept of a "vacancy pool" had arisen and explained how that concept worked. She indicated part of the proposal was the funding for the recommended reduction plans that departments had endorsed and presented, but the positions would still be held so when the economy improved, those would get re-evaluated and replace the funding as the County could afford to do so for the highest priority areas including the WCSO, which would be done by negotiations.

Commissioner Weber commented she still did not have the answer, which was in the area of public safety. She understood the direction the Board was giving the Sheriff was if he chose to change employees or his staffing positions he would have the ability to do so immediately. Ms. Singlaub replied staff understood her direction, but the County had a \$14 million shortfall. She explained the Sheriff had a \$90 million budget, and if all of the positions in the WCSO were approved, the budget goals could not be reached. She explained budget staff discussed the financials and the WCSO discussed the operations, and as yet, have not had a disagreement. She said if there were disagreements she would accept direction from the Board. Ms. Singlaub said the County was trying to meet the financial shortfall while responding to the Board's and the community's priorities for public safety. Sheriff Haley clarified he would not want to come back before the Board for the additional eight positions that the WCSO had offered and get them reapproved. Chairman Larkin stated none of those positions were eliminated just "parked", and Ms. Singlaub agreed.

Judge Kevin Higgins, Sparks Justice Court, explained the courthouse was 103 years old and was not designed to be a courthouse. He said for the previous two years there had been a planned project to construct a new courthouse. Judge Higgins said the current cost estimate for a new courthouse was approximately \$30 million, of which about half of that amount was banked; however, there was no prospect in the immediate future to fund that construction. He was asking to allow the Sparks Justice Court to stay within the Capital Improvement realm. Ms. Singlaub commented staff had worked hard to bring that project forward and would continue to do so; however, that would not occur in this economic condition. She said it would stay on the list only at a slower pace, and in the present time, there would be modifications made to ensure security at the current Court.

Chairman Larkin requested information on what the banked \$15 million could purchase in the short-term from the proposed land that had been issued from the Bureau of Land Management (BLM).

In response to the call for public comment, Sam Dehne spoke on the current budget issues. Gary Schmidt discussed subsidizing growth.

Commissioner Jung moved to approve staff's recommendation; however, suggested removing the \$7,000 for the Alternate Public Defender so they could purchase their video equipment thereby reducing outside expenses.

Commissioner Humke said he would second the motion except for the last statement. He said he reviewed the Alternate Public Defender's expenditure for video equipment and agreed with Commissioner Jung; however, there was page after page of proposed cuts, and the Board could not begin the process of picking one department over another. Commissioner Humke said for that principled reason, he felt the best course was to review the budget again next month.

Commissioner Jung agreed it was a slippery slope to begin during budget cuts; however, she had asked more than once for the projected savings from retirement and felt taking \$7,000 from this budget and looking toward that cushion of the retirees was negligible if not benign.

Commissioner Galloway suggested a process in January reviewing specific items where the elimination could save money then reconsider and hopefully the department would concur and demonstrate that the elimination of the cut would save money. He moved to amend the previous motion to approve the budget adjustments with no exceptions. Commissioner Weber seconded the amendment.

On call for the question to amend the motion the vote passed unanimously.

Chairman Larkin clarified that vote was to simply amend the motion; however, the Board would now vote on the amended motion.

On call for the question, to vote on the amended motion to accept the County Manager's proposal and authorize the County Manager with the \$12 million reductions, the vote passed unanimously.

Ms. Singlaub thanked the Board and the departments for cooperating during this difficult time and appreciated how the organization came together.

**07-1380      AGENDA ITEM 9 - TRUCKEE RIVER FLOOD MANAGEMENT PROJECT**

**Agenda Subject: Recommendation to approve and execute a development and finance agreement with the Reno-Sparks Indian Colony and Wal-Mart Stores Inc. regarding construction of a levee/floodwall on Colony and State of Nevada land east of Highway 395 and north of Second Street in Reno [Washoe County cost share not to exceed \$1.72 million, or 50% of the project costs, whichever is less]; authorize Director of the Truckee River Flood Management Project and legal counsel to negotiate any required easements; and, authorize Chairman to sign required easement documents upon presentation.**

Naomi Duerr, Truckee River Flood Management Project Director, conducted a PowerPoint presentation that identified and thanked the partners involved with the Truckee River Action (TRAction) Project, discussed the Project and proposal, the floodwalls and levees, the key points, the funding contributions and the value of the Project, which was placed on file with the Clerk.

Commissioner Jung remarked this was an excellent example of public and private partnership to ensure the safety of residents in the Truckee Meadows and allowed the Reno-Sparks Indian Colony (RSIC) to develop their land in a positive direction.

In response to Commissioner Galloway, Ms. Duerr replied the anticipation of a flood risk was always present, which was the reason to start the Project sooner rather than later. She said discussions with legal counsel and the County Risk Manager on how to deal with a flood if it occurred before or during construction. Ms. Duerr remarked this Project would not have been proposed if there were doubts that others could be harmed.

Arlan Melendez, RSIC Tribal Chairman, explained the planned Wal-Mart would be a supercenter. He said the Tribe was building a new Health Center near the Truckee River, which would benefit from this Project. Chairman Melendez indicated the floodwall had been an issue and an impediment to the progress of the Health Center. He commended the County and the Board for working with the Colony in a partnership to complete the Project and added the Tribal Council met and approved the Project by resolution.

In response to Commissioner Humke, Steve Moran, RSIC Economic Development Director, replied the economic impact had been researched and stated the average Wal-Mart did approximately \$100 million sales per year of which 60 percent were taxable sales. He said the RSIC had entered into revenue sharing, expected to be \$600,000 annually, with the State of Nevada who would give approximately one-third of that to rebuild a Restitution Center along with a contribution to the Washoe County School District. He explained the RSIC would rebuild the Restitution Center for the State and then pay back the debt service on that construction project. Mr. Moran commented the County would assess a personal property tax on the value of the improvement and receive the tax revenue annually. He explained revenue sharing was complicated, but felt this would be a benefit to the surrounding communities as well as the RSIC.

Doug Baker, Wal-Mart site consultant, commented this had been a long process; however, Wal-Mart felt committed to building a store to provide services to their customer base in Reno.

Chairman Larkin thanked the RSIC for helping to enact the first flood feature placed on the river, and he said the cooperation between the Cities of Reno and Sparks, the RSIC, the County and a private enterprise was stellar.

In response to the call for public comment, Sam Dehne stated his opinion on the Project.

On motion by Commissioner Humke, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 9 be approved, authorized and executed.

**3:48 p.m.** The Board recessed.

**4:09 p.m.** The Board reconvened.

**CONSENT AGENDA DISCUSSION - ITEMS 6A THROUGH 6P**

After discussion, it was noted that the following items would be removed from the consent agenda for a separate vote: Item 6F, General Fund Ending Fund Balance Audit Report; Item 6G, Justice Court Records Clerk position; Item 6K(5), bids to buy parts to complete the replacement of HVAC pneumatic controls; and Item 6L(4), Washoe County Resolution for Southern Nevada Public Land Management Act-Round IX submittals (Toll Road Canyon).

**07-1381      AGENDA ITEM 6A - ASSESSOR'S OFFICE**

**Agenda Subject: Approve Roll Change Request, pursuant to NRS 361.765, for error discovered for the 2005/2006, 2006/2007 secured tax roll for Assessor's Parcel Number 086-380-11 and for the 2007/2008 secured tax roll for Assessor's Parcel Number 086-380-12, Sky Vista Parkway, Camino Viejo Investments LLC. [amount of increase \$13,676.75]; and if approved, authorize Chairman to execute order (Parcel located in Commission District 5.)**

Katy Singlaub, County Manager, indicated the dollar amount had been reduced from \$13,676.75 to \$13,218.

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6A be approved, authorized and executed.

**07-1382      AGENDA ITEM 6B - COMMUNITY DEVELOPMENT**

**Agenda Subject: Approve a State of Nevada Importer and Wholesale Intoxicating Liquor (Wine, Liquor and Beer) License and a Washoe County Importer/Wholesaler Intoxicating Liquor License for Ralph N. Leone, dba Appellation Wine & Spirits of Reno, LLC; and if approved, direct that each Commissioner sign original copy of State of Nevada Application for License for Importer and Wholesale Dealer of Wine, Liquor, and Beer.**

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Agenda Item 6B be approved and directed.

**07-1383      AGENDA ITEM 6C - DISTRICT ATTORNEY**

**Agenda Subject: Approve payments [\$13,656] to vendors for assistance of 55 victims of sexual assault and authorize Comptroller to process same. NRS 217.310 requires payment by the County of total initial medical care of victims and of follow-up**

treatment costs of up to \$1,000 for victims, victim's spouses and other eligible persons.

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Agenda Item 6C be approved.

**07-1384      AGENDA ITEM 6D - HEALTH DEPARTMENT**

**Agenda Subject: Accept cash donation [\$15,000] to the Washoe County District Health Department from Anthem Blue Cross and Blue Shield in support of the smoking cessation advertising campaign; approve amendments totaling \$15,000 in both revenue and expense to the adopted Fiscal Year 2008 Chronic Disease program budget in the Anthem Donation internal order IN 20264; and if accepted, direct Finance Department to make appropriate budget adjustments.**

On behalf of the Board, Commissioner Galloway acknowledged the donation and thanked the donors.

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Agenda Item 6D be accepted, approved and directed.

**07-1385      AGENDA ITEM 6E - HUMAN RESOURCES**

**Agenda Subject: Approve Amendment to Administrative Services Agreement between the County of Washoe and Hartford Life Insurance Company to allow Hartford Life to process benefit payment requests as directed by participants [no fiscal impact]; and if approved, authorize Human Resources Director to execute same.**

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Agenda Item 6E be approved and authorized.

**07-1386      AGENDA ITEM 6H - SOCIAL SERVICES DEPARTMENT**

**Agenda Subject: Accept cash donations [\$10,925.16] and Juror Fee donations [\$2,400], authorize Department of Social Services to expend these funds for goods and services to benefit children in care and families who are clients, including gift**

**cards and/or food vouchers; and if accepted, direct Finance Department to make appropriate budget adjustments for Fiscal Year 2007/08.**

On behalf of the Board, Commissioner Galloway acknowledged the donations and thanked the donors.

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Agenda Item 6H be accepted, authorized and directed.

**07-1387      AGENDA ITEM 6I - SOCIAL SERVICES DEPARTMENT**

**Agenda Subject: Adopt and execute Resolution directing the County Treasurer to give notice of the sale of properties subject to the lien of a delinquent special assessment; ratifying all actions previously taken; and providing other matters properly relating thereto (following districts: Washoe County Assessment District (WCAD) 21-Cold Springs Sewer, WCAD 23-Arrowcreek Water, WCAD 25-Calle De La Plata, WCAD 26-Matterhorn Drive, WCAD 30-Antelope Valley Road, WCAD 31-Spearhead Way-Running Bear Drive, WCAD 36-Evergreen Hills Drive, WCAD 37-Spanish Springs Sewer Phase 1A)**

In response to Commissioner Weber, Linda Jacobs, Deputy Treasurer, replied these were assessments for completed street and sewer improvements. She explained the parcels being sold were delinquent parcels in which ownership would be transferred for liens that went unpaid for two years. Katy Singlaub, County Manager, explained this Resolution would give notice of a possible sale. She said often after these notices were published they were corrected and the sales were cancelled.

Commissioner Galloway asked where the residual monies went if a sale occurred with additional revenue. Ms. Jacobs indicated there were no excess monies. She explained when properties went to auction a drawing was held including all of the bidders and the winning bid had until the following day to bring in the proceeds. She added the fee collected was exactly what was due, plus any administrative fees that may have been incurred.

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6I be adopted and executed. See Resolution attached hereto and made a part hereof.

**07-1388      AGENDA ITEM 6J(1) - EMERGENCY MANAGEMENT**

**Agenda Subject: Accept 2007 Emergency Management Performance Supplemental Grant [\$75,485.44 requires County soft match in the amount of \$75,485.44 by applying monthly CERT volunteer hours, calculated by using volunteer hours multiplied by \$18.77 - 2006 estimated dollar value of volunteer time as determined by Bureau of Labor Statistics] from State of Nevada, Division of Emergency Management; and if accepted, direct Finance Department to make appropriate budget adjustments.**

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Agenda Item 6J(1) be accepted and directed.

**07-1389      AGENDA ITEM 6J(2) - MANAGEMENT SERVICES**

**Agenda Subject: Approve expenditure from County Commission District 4 Special Funding Account [\$4,000] to Teen Challenge of Nevada, Inc. to assist in funding for the supplemental development of the Reno Adolescent Boys' Center High School programs; and if approved, execute Resolution necessary for same. (Requested by Commissioner Larkin.)**

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6J(2) be approved, adopted and executed. See Resolution attached hereto and made a part hereof.

**07-1390      AGENDA ITEM 6K(1) - PUBLIC WORKS DEPARTMENT**

**Agenda Subject: Ratify Interlocal Agreement between the County of Washoe, City of Reno, City of Sparks, Regional Transportation Commission, Truckee Meadows Water Authority, Washoe County School District and Washoe County Search and Rescue/AGC Contractor Auxiliary for Emergency Snow Removal Plan; and if ratification approved, authorize the Chairman to execute same upon receipt.**

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6K(1) be ratified, authorized and executed.

**07-1391      AGENDA ITEM 6K(2) - PUBLIC WORKS DEPARTMENT**

**Agenda Subject: Execute First Amendment to Lease (retroactive to December 1, 2007) between the County of Washoe and Park Center Tower, LLC, to amend the**

**name and address of Lessor due to acquisition of the building located at 300 E. 2<sup>nd</sup> Street, Reno.**

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6K(2) be executed.

**07-1392      AGENDA ITEM 6K(3) - PUBLIC WORKS DEPARTMENT**

**Agenda Subject: Approve six-month Lease Agreement (January 1, 2008 through June 30, 2008) between the County of Washoe and J & S Erlach Properties, LLC, to provide uninterrupted operation of the Washoe County Public Guardian Department at 690 Kresge Lane, Sparks [annual lease costs \$49,086]; and if approved, authorize Chairman to execute Lease Agreement upon receipt.**

Commissioner Galloway said he received correspondence from the West Truckee Meadows Citizen Advisory Board (CAB) Chairman, stating the building had difficulties in habitability and asked if this lease should proceed. Dan St. John, Public Works Director, replied staff had been mitigating the issue with the current location of the Public Guardian's Office, which was located in leased space. He indicated the situation involved odors produced by another tenant in the building that had involved Risk Management, the Nevada Occupational Safety and Health Administration (NOSHA) and the City of Sparks. He said the process had begun to relocate the Public Guardian's Office to a County owned facility at Wild Creek. Mr. St. John explained because of that, staff was recommending the existing lease be extended for six months with the anticipation that the Public Guardian's Office would be moved within three to four months. He said staff was working with the current property owners to implement ventilation improvements and to continue air quality testing. Mr. Sherman noted staff would continue to remain vigilant to ensure any additional occurrences would be documented.

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6K(3) be approved, authorized and executed.

**07-1393      AGENDA ITEM 6K(4) - PUBLIC WORKS DEPARTMENT**

**Agenda Subject: Approve request to proceed with obtaining bid proposals for the purchase of a replacement street sweeper on behalf of Equipment Services for the Incline Village/Crystal Bay area; and if approved, direct Purchasing Department to begin procurement process.**

In response to Chairman Larkin, Dan St. John, Public Works Director, replied because of air quality and water quality issues the Washoe County Health Department had a mandated requirement that all streets be swept within four days after a storm event in which sand and salt mixtures were used. He said that put a large burden on a roads operation to meet that mandate within the required time frame. Mr. St. John said the sweepers in Incline Village were four-wheel drive and specific for mountain environment. He explained there were transport costs involved if a sweeper needed to be transported to Incline Village, and added sweepers were a high maintenance piece of equipment, which was why their down time was higher than other equipment. He said at Lake Tahoe there was a special requirement for the County to meet the environmental improvement program criteria that was administered by the Tahoe Regional Planning Agency (TRPA). He said the County submits an annual compliance report that spoke to the Maintenance Efficiency Program (MEP), which had a high emphasis on the removal of fine particles from the roads as a water quality mitigation measure. Mr. St. John explained staff had not been able to find a suitable alternative rather than purchase an additional sweeper.

Chairman Larkin said the staff report did not reflect the previous discussion about a striper, and he expected in future staff reports there be an item that discussed regional equipment listings and availability. Mr. St. John said that request was noted and would be complied with in the future.

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Agenda Item 6K(4) be approved and directed.

**07-1394      AGENDA ITEM 6L(1) - REGIONAL PARKS AND OPEN SPACE**

**Agenda Subject: Approve Right of Entry Agreement with Washoe County School District for the purpose of performing maintenance and repairs to the letter “G” on Rolling Hills Open Space [APN 144-010-22]; and if approved, authorize Regional Parks and Open Space Director to sign the Agreement.**

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Agenda Item 6L(1) be approved and authorized.

**07-1395      AGENDA ITEM 6L(2) - REGIONAL PARKS AND OPEN SPACE**

**Agenda Subject: Approve three Agreements (Grant, Bargain and Sale Deed, Restrictive Covenant and Easement For Drainage and Utilities) with Southwest Pointe Associates LLC, regarding dedication of 206.831-acres of open space (APN’s**

**150-880-02, 150-880-06 and 150-880-03) to Washoe County as part of the ArrowCreek development; and if approved, authorize Chairman to sign same.**

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6L(2) be approved, authorized and executed.

**07-1396      AGENDA ITEM 6L(3) - REGIONAL PARKS AND OPEN SPACE**

**Agenda Subject: Approve a Trail Easement Agreement with Spanish Springs Associates Limited Partnership as part of the Eagle Canyon VI development; and if approved, authorize the Regional Parks and Open Space Director to sign the Agreement.**

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Agenda Item 6L(3) be approved and authorized.

**07-1397      AGENDA ITEM 6L(5) - REGIONAL PARKS AND OPEN SPACE**

**Agenda Subject: Approve Interlocal Cooperative Agreement between the County of Washoe and City of Sparks [\$65,000] for installation of trailhead utilities at Golden Eagle Regional Park; and if approved, authorize Chairman to sign Agreement upon presentation.**

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6L(5) be approved, authorized and executed.

**07-1398      AGENDA ITEM 6M(1) - SENIOR SERVICES DEPARTMENT**

**Agenda Subject: Appoint Karen Davis and Julia Ratti as Washoe County Senior Services Advisory Board members for a term January 1, 2008 thru June 30, 2011.**

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Agenda Item 6M(1) be approved.

**07-1399      AGENDA ITEM 6M(2) - SENIOR SERVICES DEPARTMENT**

**Agenda Subject: Accept Grant Award from U.S. Department of Housing and Urban Development [\$50,700 with no County match] retroactively for the period October 1, 2007 through September 30, 2008; and if accepted, direct Finance Department to make appropriate budget adjustments.**

Chairman Larkin said the staff report indicated the grant was for \$50,700; however, the fiscal impact indicated \$12,700, and he asked which was the correct amount.

Grady Tarbutton, Senior Services Director, said this represented \$12,700 in additional revenue for the year. He said staff budgeted the \$38,000, which was the amount in the original proposal for U.S. Department of Housing and Urban Development (HUD), and HUD put in an additional amount of \$12,700 to cover mortgage defaults and other housing issues.

Katy Singlaub, County Manager, explained the action item was to increase the revenue and expenditures by the net change.

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Agenda Item 6M(2) be accepted and directed.

**07-1400      AGENDA ITEM 6N(1) - SHERIFF'S OFFICE**

**Agenda Subject: Accept donations [\$2,500 to Washoe County Sheriff's Incline K9 Program (for K9 Training) and \$1,000 to Marine 9 Patrol Unit (purchase of equipment)] from Foundation 36, Inc.; and if accepted, direct Finance to make appropriate budget adjustments.**

On behalf of the Board, Commissioner Galloway acknowledged the donations and thanked the donors.

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Agenda Item 6N(1) be accepted and directed.

**07-1401      AGENDA ITEM 6N(2) - SHERIFF'S OFFICE**

**Agenda Subject: Accept donations [\$50 from Mary A. Rector and \$25 from I. Kay Kaufman and Gordon L. Kaufman] to the Washoe County Sheriff's Office Search and Rescue Unit; and if accepted, direct Finance to make necessary budget adjustments.**

On behalf of the Board, Commissioner Galloway acknowledged the donations and thanked the donors.

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Agenda Item 6N(2) be accepted and directed.

**07-1402      AGENDA ITEM 6O(1) - TRUCKEE RIVER FLOOD MANAGEMENT PROJECT**

**Agenda Subject: Authorize reclassification of one full-time Environmental Engineer II to a Licensed Engineer position as evaluated by the Job Evaluation Committee for the Truckee River Flood Project; and if authorized, direct Finance Department to make appropriate budget adjustments to the Truckee River Flood Project's budget to accommodate salary and benefits for this new position [position range estimated \$71,115.20 to \$92,476.80 - funding in Flood Project's Cost Center 211001 provided by 1/8 cent sales tax to fund the increment].**

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Agenda Item 6O(1) be authorized and directed.

**07-1403      AGENDA ITEM 6O(2) - TRUCKEE RIVER FLOOD MANAGEMENT PROJECT**

**Agenda Subject: Accept Truckee River Flood Management Project Status Report for October 2007.**

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Agenda Item 6O(2) be accepted.

**07-1404      AGENDA ITEM 6P - MANAGER'S OFFICE**

**Agenda Subject: Execute Resolution approving the assignment of Second Washoe County Amended Garbage Franchise Agreement from Independent Sanitation Company to Reno Disposal Company.**

Katy Singlaub, County Manager, explained this was a change in ownership title and name of the company providing the franchise.

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6P be adopted and executed. See Resolution attached hereto and made a part hereof.

**07-1405      AGENDA ITEM 6F - INTERNAL AUDIT DIVISION**

**Agenda Subject: Accept General Fund Ending Fund Balance Audit Report from Washoe County Internal Audit Division.**

Chairman Larkin said it appeared to be an anomaly that occurred within the funding end balance in the years 2005 and 2006 that were substantially different than the other remaining years.

Bill Mikawa, Internal Audit Manager, commented this was a comparison of the fund balance to the Governing Finance Officers Association's (GFOA) guidelines where a fund balance of 5 to 15 percent of operating revenues or one to two months of operating expenditures was recommended. Chairman Larkin said in 2005 and 2006 there was a substantial increase in revenues and expenditures, and he asked if the ratio was the same of actual revenues to expenditures in terms of the other years. Mr. Mikawa replied the percentage of those revenues to the actual fund balance that remained to those two years was in line with the previous years, but 2007 brought it back into line with 2004. Chairman Larkin said then in 2005 and 2006 the County had an ending fund balance of over \$50 million, which was attributed to the increase in revenues of the economic activity that was occurring. Mr. Mikawa agreed. Chairman Larkin said while these were out of the ordinary for ending fund balances compared to other years, in contrast to the revenue and expenditures, the amount of ending fund balance was in line with other peer groups that had been sampled. Mr. Mikawa said the average of the eight years, with the exception of 2005 and 2006, brought it back in line with the GFOA guidelines of 15 percent. He explained every entity that was reviewed used different numerators and denominators, which made it hard to compare what the County's fund balance was to other fund balances. Chairman Larkin clarified it was in 2006 that the County received the highest bond rating for any governmental agency in northern Nevada, and he asked if those ending fund balances would have contributed to the credit worthiness of the County. Mr. Mikawa replied he believed so and explained bond rating agencies reviewed the financial stability of the entity. He said a solid fund balance would improve financial

stability. Chairman Larkin stated this was an internal audit and inquired if staff had sought outside peer review. Mr. Mikawa commented not on this particular audit.

Chairman Larkin explained since it was important to the citizens to understand how these documents were developed and how the numbers came about, he requested an outside peer review be conducted.

In response to Commissioner Galloway, Mr. Mikawa explained the table on page two of the staff report should budget expenditures and the table on page six was the actual expenditures.

There was no response to the call for public comment.

On motion by Chairman Larkin, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 6F be accepted and staff be directed to seek an outside peer review and return the findings to the Board.

**07-1406      AGENDA ITEM 6G - RENO JUSTICE COURT**

**Agenda Subject: Approve reclassification of Justice Court Records Clerk position to a Deputy Clerk II position (#70000325) and the reclassification of Deputy Clerk III position to a Court Clerk I position (#70000344) to conform with the Court's re-budget plan; and if approved, direct Human Resources Department to take necessary action to effectuate these reclassifications.**

Commissioner Jung stated this was a fiscally benign move because the Court had done a good job at increasing their fees to ensure this would offset the reclassification and she applauded those measures.

Darin Conforti, Reno Justice Court Administrator, thanked the Board for that endorsement and recognition.

There was no response to the call for public comment.

On motion by Commissioner Jung, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that Agenda Item 6G be approved and directed.

**07-1407      AGENDA ITEM 6K(5) - PUBLIC WORKS DEPARTMENT**

**Agenda Subject: Authorize staff to request bids to buy parts to complete the replacement of HVAC pneumatic controls with directed digital controls at the Sheriff's Office Complex [estimated cost \$85,000 - budgeted in Facility Management Infrastructure Cost Center 162000-711502].**

Commissioner Jung stated the energy savings in electricity use was well worth the \$85,000 investment. Dan St. John, Public Works Director, commended Mike Turner, Facility Management Division Director, for leading the energy conservation programs within the County.

There was no response to the call for public comment.

On motion by Commissioner Jung, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that Agenda Item 6K(5) be authorized.

**07-1408      AGENDA ITEM 6L(4) - REGIONAL PARKS AND OPEN SPACE**

**Agenda Subject: Adopt and execute Washoe County Resolution for Southern Nevada Public Land Management Act-Round IX submittals (Toll Road Canyon) supporting protection of environmentally sensitive lands and access to Federal lands through the Southern Nevada Public Land Management Act Program administered by the Bureau of Land Management.**

In response to Chairman Larkin, Jennifer Budge, Park Planner, explained there was a typographical error in the staff report that stated "wilderness" instead of "wild life." She explained the resolution identified all of the sensitive areas of the property and highlighted the historical and cultural resources, hydrological resources, the site of the old Geiger Grade, connections to the Comstock lead and significant outdoor recreation opportunities. Ms. Budge said the resolution was the County's support for the nomination. She added the Nevada Land Conservancy was preparing the nomination packet, which would become the property of the United States under the Bureau of Land Management (BLM).

There was no response to the call for public comment.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that Agenda Item 6L(4) be adopted and executed. See the Resolution attached hereto and made a part hereof.

**BLOCK VOTE**

The following items were considered in a Block Vote: Item 7, 2007 State Homeland Security Exercise Grant from State of Nevada, Division of Emergency Management; Item 8, Invitation to Bid No. 2614-08 for Water and Wastewater Treatment Chemicals; and Item 12, approve Fiscal Year 2007/08 purchase requisition with ACS Government Systems for annual maintenance and support of the Second Judicial District Court's case management system.

**07-1409      AGENDA ITEM 7 - MANAGEMENT SERVICES/EMERGENCY MANAGEMENT**

**Agenda Subject: Recommendation to accept 2007 State Homeland Security Exercise Grant from State of Nevada, Division of Emergency Management, to Washoe County [\$250,000 - no County match (grant performance timeframe November 21, 2007 through October 31, 2009)] to fund a comprehensive public safety exercise program for Washoe County; and if accepted, direct Finance Department to make appropriate budget adjustments.**

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried, Chairman Larkin ordered that Agenda Item 7 be accepted and directed.

**07-1410      AGENDA ITEM 8 - PURCHASING DEPARTMENT**

**Agenda Subject: Recommendation to award Invitation to Bid No. 2614-08 for Water and Wastewater Treatment Chemicals, on a requirements basis, to the lowest responsible, responsive bidders meeting specifications [estimated annual amounts: \$277,587 to Sierra Chemical Co., Sparks, Nevada; \$6,413 to Univar USA Inc., Kent, Washington; and, \$10,000 to Air Liquide Industrial U.S. LP, Union City, California - for an estimated cumulative annual award amount of \$294,000]; and if awarded, authorize the Purchasing and Contracts Administrator to enter into an Agreement, for one year, commencing January 1, 2008 through December 31, 2008, with the provision for two one-year extensions at Washoe County's option.**

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried, Chairman Larkin ordered that Agenda Item 8 be awarded and authorized.

**07-1411      AGENDA ITEM 12 - DISTRICT COURT**

**Agenda Subject: Recommendation to approve Fiscal Year 2007/08 purchase requisition with ACS Government Systems for annual maintenance and support of the Second Judicial District Court's case management system, retroactive from July 1, 2007 to June 30, 2008 [not to exceed \$164,446.28].**

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried, Chairman Larkin ordered that Agenda Item 12 be approved.

**07-1412      AGENDA ITEM 10 - DISTRICT ATTORNEY**

**Agenda Subject: Introduction and first reading of an Ordinance adopting Supplement Number 11 to the Washoe County Code and all clerical and technical corrections made therein.**

Bill No. 1536, entitled, "AN ORDINANCE ADOPTING SUPPLEMENT NUMBER 11 TO THE WASHOE COUNTY CODE AND ALL CLERICAL AND TECHNICAL CORRECTIONS MADE THEREIN," was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

**07-1413      AGENDA ITEM 11 - COMMUNITY DEVELOPMENT**

**Agenda Subject: Recommendation to review, revise if appropriate, and approve draft updated Citizen Advisory Board standard bylaws; provide direction to staff to circulate the approved draft updated Citizen Advisory Board standard bylaws to the Citizen Advisory Boards for review and comment prior to returning the bylaws to the Board of County Commissioners for final review and approval.**

In response to Commissioner Galloway, Bob Webb, Planning Manager, replied the substantive changes in the bylaws were highlighted in the staff report dated November 19, 2007 and pertained to Articles II and V.

Chairman Larkin commented the Board previously authorized the change from residents and property owners to citizens. There was discussion whether that would allow business owners who were not in the area to sit on the Boards and Commissions; however, on that issue the Board had not reached a conclusion. He said the Board allowed if someone lived in the area and was a business owner they could sit on the Citizen Advisory Board (CAB). Chairman Larkin remarked the characterization of Article I was entirely consistent with the Board's discussion. He suggested deleting the following wording; "policy to allow business owners as CAB members or the addition of the business owner must still be residents of the CAB area." Mr. Webb stated he recalled the discussion and said he recollected that the Board took the direction that it would be at the recommendation of the Commissioner within whose District the CAB resided. Chairman Larkin said that needed to be corrected in the general procedural change in Article I.

Commissioner Weber explained this had been applied in the Verdi CAB. Chairman Larkin remarked the wording was fine, but the language needed to be clarified to reflect the Board's direction.

Melanie Foster, Legal Counsel, explained the requirement for citizen's residency was contained in the County Code. She said once the changes to the bylaws were settled upon then an ordinance would be completed to amend the Code provisions to comply with the Board's desires. Commissioner Galloway felt that members of a CAB should be a resident of that CAB.

Mr. Webb said the current wording in Article I spoke on citizens in a designated area, but did not talk about residence or property owners. He said if a Commissioner made a recommendation, he felt obligated to point out that the Code did specify residence. Mr. Webb stated a discussion would then be held to amend the Code or remain as it was and not appoint that person. He said the intent was to leave it as broad as possible. Commissioner Galloway stated he accepted that explanation and would support the bylaw change.

Chairman Larkin said what was currently listed was characterized from the change of residents and property owners, but should include "to allow business owners as CAB members at the discretion of the Commissioner whose District the CAB was in", which was the intent of the Board.

Commissioner Weber requested anything pertaining to CAB's that came before the Board also be forwarded to the CAB's so that they could have the information as well.

Commissioner Jung said Article 4.1 stated CAB's were prohibited from meeting outside of their boundaries, and requested that be changed to state they may meet "in or near" their geographic boundaries. She explained the Central CAB would prefer to meet at Rancho San Rafael Park Ranch House, which technically was not in District 3. Mr. Webb said he would place that as an edit in the draft.

In response to the call for public comment, Gary Schmidt spoke on his participation in CAB's and their authority.

In response to Commissioner Galloway, Chairman Larkin replied the draft would go to the CAB's with the Board's discussion and comments.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the Board's comments and discussion be forwarded to the CAB's, but there be no recommendation on the draft pertaining to the CAB bylaws.

**5:20 p.m.** The Board recessed.

**5:53 p.m.** The Board reconvened with all members present.

**07-1414** **AGENDA ITEM 14 - BUILDING AND SAFETY DEPARTMENT**

**5:30 p.m.**

**Agenda Subject: Second reading and adoption of an Ordinance amending the Washoe County Code by repealing provisions in Chapter 80 that create and authorize the Department of Building and Safety and staff, by repealing Chapter 100 in its entirety, and by enacting a new Chapter 100 concerning buildings and construction, containing provisions of the Building, Residential and Energy Conservation International Codes, provisions of the Uniform Plumbing and Mechanical Codes, provisions of the National Electric Code and the National Fire Protection Association Code, Amendments to all of these promulgated by the Northern Nevada Chapter of the International Code Council, and also containing administrative matters for the creation of the Department of Building and Safety and authorization of its Director and staff, and regarding permits, construction documents, fees, inspections, certificates of occupancy, service utilities, board of review, violations, stop work orders, temporary structures and uses, unsafe structures, moved structures, address numbering, and the restriction of building permit renewals, and providing other matters properly related thereto--Building and Safety. (Bill No. 1532)**

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

Don Jeppson, Building and Safety Director, stated the effective date for the ordinance would be March 10, 2008.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Ordinance No. 1355, Bill No. 1532, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REPEALING PROVISIONS IN CHAPTER 80 THAT CREATE AND AUTHORIZE THE DEPARTMENT OF BUILDING AND SAFETY AND STAFF, BY REPEALING CHAPTER 100 IN ITS ENTIRETY, AND BY ENACTING A NEW CHAPTER 100 CONCERNING BUILDINGS AND CONSTRUCTION, CONTAINING PROVISIONS OF THE BUILDING, RESIDENTIAL AND ENERGY CONSERVATION INTERNATIONAL CODES, PROVISIONS OF THE UNIFORM PLUMBING AND MECHANICAL CODES, PROVISIONS OF THE NATIONAL ELECTRIC CODE AND THE NATIONAL FIRE PROTECTION ASSOCIATION CODE, AMENDMENTS TO ALL OF THESE PROMULGATED BY THE NORTHERN NEVADA CHAPTER OF THE INTERNATIONAL CODE COUNCIL, AND ALSO CONTAINING ADMINISTRATIVE MATTERS FOR THE CREATION OF THE DEPARTMENT OF BUILDING AND SAFETY AND AUTHORIZATION OF ITS DIRECTOR AND STAFF, AND REGARDING PERMITS, CONSTRUCTION DOCUMENTS, FEES, INSPECTIONS, CERTIFICATES OF OCCUPANCY, SERVICE UTILITIES, BOARD OF REVIEW, VIOLATIONS, STOP WORK ORDERS, TEMPORARY STRUCTURES AND USES, UNSAFE STRUCTURES, MOVED STRUCTURES, ADDRESS NUMBERING, AND THE RESTRICTION OF BUILDING PERMIT

**RENEWALS, AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO,"** be approved, adopted and published in accordance with NRS 244.100.

**07-1415      AGENDA ITEM 15 - COMMUNITY DEVELOPMENT**

**5:30 p.m.**

**Agenda Subject:** Second reading and adoption of an Ordinance amending the Washoe County Development Code, Chapter 110, concerning flood hazards, by replacing the Flood Plain Storage Map with reference to the Department of Water Resources' updated maps, by adding Federal Emergency Management Agency (FEMA) requirements upon the County and applicants for approval of Flood Management Plans, by adding FEMA Construction Standards and flood zone requirements in Article 416, by updating certain definitions in Article 902, and by enacting a new Article 920 entitled "Definitions for Floodplain Management," and providing other matters properly related thereto. (Bill No. 1533)

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

In response to Commissioner Galloway, Eva Krause, Planner, replied the map had been removed from the ordinance and reference was made to the Department of Water Resources maps which were updated on a regular basis.

On motion by Commissioner Jung, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that Ordinance No. 1356, Bill No. 1533, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY DEVELOPMENT CODE, CHAPTER 110, CONCERNING FLOOD HAZARDS, BY REPLACING THE FLOOD PLAIN STORAGE MAP WITH REFERENCE TO THE DEPARTMENT OF WATER RESOURCES' UPDATED MAPS, BY ADDING FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) REQUIREMENTS UPON THE COUNTY AND APPLICANTS FOR APPROVAL OF FLOOD MANAGEMENT PLANS, BY ADDING FEMA CONSTRUCTION STANDARDS AND FLOOD ZONE REQUIREMENTS IN ARTICLE 416, BY UPDATING CERTAIN DEFINITIONS IN ARTICLE 902, AND BY ENACTING A NEW ARTICLE 920 ENTITLED "DEFINITIONS FOR FLOODPLAIN MANAGEMENT," AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO, " be approved, adopted and published in accordance with NRS 244.100.

**07-1416      AGENDA ITEM 16 - COMMUNITY DEVELOPMENT**

**5:30 p.m.**

**Agenda Subject: Appeal of the Board of Adjustment's denial of Variance Case No. VA07-018 (Mike and Mary Alber) to reduce the side yard setback from 8 feet to 0 feet in order to facilitate the rebuild of a new single-family home. The project is located at 722 Allison Drive, in Incline Village. The ±0.86-acre parcel is designated Medium Density Suburban (MDS) in the Tahoe Area Plan, and is situated in a portion of Section 9, T16N, R18E, MDM, Washoe County, Nevada. The property is located in the Incline Village/Crystal Bay Citizen Advisory Board boundary and Washoe County Commission District No. 1. (APN 125-041-09).**

Don Morehouse, Planner, conducted a PowerPoint presentation indicating the location of the subject parcel, the existing site plan, definition of hardship as defined by Washoe County Code and the Development Code, proposed site plan, findings of fact, Citizen Advisory Board (CAB) comments and staff recommendations, which was placed on file with the Clerk.

Robert Angres, representative for the appellants Michael and Mary Alber, explained the current conditions of the house and stated although the appellant's had attempted to remodel, that was not feasible and explained the current house needed to be torn-down and rebuilt. Mr. Angres said the Crystal Bay CAB approved the variance, but did not specify hardship since the entire discussion revolved around the many hardships associated with this property. He believed the Board of Adjustment (BOA) would have been a majority vote if not for procedural or substantive errors caused by faulty information given by staff and incomplete answers given by counsel. Mr. Angres explained the reasoning for granting a variance and the hardships that were associated with the request. He stated a rebuild would need to deal with the narrowness, substantial slope, the presence of a stream environment zone and highly sensitive classified land at high altitude. He indicated these serious aspects of the lot were downplayed during the BOA hearing. Mr. Angres stated the property has had a variance for fourteen years and explained the appellant's were seeking a re-granting of that variance. He read a letter by Ric Licata, project architect, which was placed on file with the Clerk, that explained the American Institute of Architects in Nevada were committed to taking environmentally sensitive approaches in how they construct and build environment in relation to the natural environment, with the goal of preserving the pristine region.

Ms. Alber conducted a PowerPoint presentation, which was placed on file with the Clerk, that included a summary of the variance request, a variance justification, the many re-building hardships and challenges, the narrow width and unusual shape of the lot, the stream zone, the exceptional topographical slope, health and safety problems associated with the current structure and why it was necessary to rebuild a comparable home. She stated in the past four years there had been irremediable structural and health problems that revealed the necessitation of a complete re-build of the home. Ms. Alber requested the Board consider the hardships involved and grant the appeal.

In response to Commissioner Humke, Ms. Alber replied, due to medical issues from the mold and mildews affecting the walls, they had been living out of the house since August of 2007.

Gary Midkiff, Midkiff and Associates, Inc., replied to questions posed by Commissioner Galloway. He said to assume that a house could be rebuilt within the lot as directed by staff would ignore the fact that the Tahoe Regional Planning Agency (TRPA) had strict standards that had to be complied with. He explained the stream zones were sensitive environmental land capabilities in the Tahoe Basin. He said TRPA's rule that this house was built under in 1982 fell under the Nevada case-by-case program, which allowed for a test program in Nevada only for TRPA to review and approve residences on steeper slopes and lower class I, II and III land capability if the subdivision had adequate water quality and other improvements in place. He said based on that program, TRPA approved the current residence. Mr. Midkiff said to reconstruct that residence it would have to stay within the exact same envelope or meet the changes within the Code. He said the height standard required for the measurement of height at midpoint was in conformance with the height standard that was in place when the home was approved in the 1980's, which was not the case today. He said in terms of what was permitted originally was now approximately 20 feet in difference. He further went on to explain TRPA's conditions and regulations. Commissioner Galloway distributed an e-mail from Gary Weigel, TRPA member, which was placed on file with the Clerk, regarding information in response to a possible teardown-rebuild of the subject residence. Mr. Midkiff explained the appellants could rebuild within the same footprint of the existing house, but could only build to the current allowable height and would lose nine feet of height.

In response to Commissioner Galloway, Don Jeppson, Building and Safety Director, replied per the Memorandum of Understanding (MOU) the County was authorized to enforce the rules and regulations for TRPA.

Commissioner Galloway disclosed he spoke with Ms. Alber and had spoken to staff.

Commissioner Humke said there had been references to a change in policy that staff had implemented, but the appellants were not made aware of that change. He asked what dictated that policy change. Mike Harper, Planning Manager, replied there had not been any policy change, and explained staff had followed State law regarding hardship. He said based on the three findings, staff was unable to find a finding of hardship.

Chairman Larkin said NRS 278.300(c) provided for "or's" and asked if the Board could consider other extraordinary exceptional situations or conditions that may result in peculiar and exceptional practical difficulties that did not include a finding of difficulty or hardship. Melanie Foster, Legal Counsel, explained the provisions necessary for findings would include exceptional narrowness, shallowness or shape of the specific piece of property or exceptional topographical conditions or the extraordinary or exceptional situation of the property and/or location of surroundings. She said if the

finding of cause and the effect warrant relief the Board could make the final sets of findings, which were contained in the staff report. She added if the Board found in this instance that TRPA regulations deemed one of those causes they could set forth why they believed them to be exceptional.

Commissioner Galloway clarified if the appeal would be upheld the same findings would be made as in the staff report and then state what exceptional condition could support that statement. Ms. Foster agreed and added to also make a full record of those issues.

Commissioner Galloway stated historically when a variance was requested it involved building more than what they had previously, but in this case, the application was for essentially the same square footage. He asked, since the appellants had a prior variance and would be recovering the previous floor space, could the variance be conditioned. Ms. Foster said the Board had the authority to condition a variance.

In response to the call for public comment, Gary Schmidt spoke in favor of the appeal.

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

Commissioner Galloway stated he would not consider the allegations against staff's conduct and would only consider the merits of the variance, and noted he had found staff to be exceptional.

Commissioner Galloway said the findings found within the staff report noted special circumstances, which were the topography in combination with all the regulations on this property and no detriment. He remarked the variance had been in place for years.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the appeal for Agenda Item 16 be approved. It was further ordered that the variance be applicable only if the project moved forward as presented and that the TRPA height regulations were applicable.

**07-1417      AGENDA ITEM 13 - MANAGER'S OFFICE**

**Agenda Subject: Possible appointment of two individuals to the Washoe County Board of Equalization with terms to expire June 30, 2011.**

Katy Singlaub, County Manager, commented there were two different terms for the appointed members.

Following discussion, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Benjamin Green be appointed to the County Board of Equalization (CBOE) with a term

ending June 30, 2011, and Grant Anderson be appointed to the CBOE with a term ending June 30, 2010.

**07-1418      AGENDA ITEM 17**

**Agenda Subject: Reports/updates from County Commission members concerning various boards/commissions they may be a member of or liaison to (these may include, but not be limited to, Regional Transportation Commission, Reno-Sparks Convention & Visitors Authority, Debt Management Commission, District Board of Health, Truckee Meadows Water Authority, Organizational Effectiveness Committee, Investment Management Committee, Citizen Advisory Boards).**

Commissioner Humke said he attended the Senior Citizen Advisory Board where the budget was discussed. He announced there would be a Board of Health meeting on December 3, 2007.

Commissioner Weber said she attended the Nevada Association of Counties (NACO) and the National Association of Counties (NACo) Board meeting and stated she would prepare her comments and the gathered information in writing to distribute to the Commission members.

Chairman Larkin noted the Truckee Meadows Water Authority (TMWA) would hold a special meeting on December 13, 2007 to consider placing all residents on meters. He said there was an Interim Western Water Commission meeting scheduled for December 14, 2007.

Commissioner Galloway requested a copy of the draft joint powers of agreement for the Interim Western Water Commission. He remarked he attended the Nevada Tahoe Regional Planning Agency meeting.

Commissioner Jung stated she toured the Veterans Guest House, which was a wonderful contribution to the community and also attended the Washoe County School District Construction and Revitalization meeting. She stated she also attended the Ward 3 Advisory Board, the Joint Housing Task Force, and along with Chairman Larkin, the Washoe County Leadership Academy graduation ceremony.

\* \* \* \* \*

**7:35 p.m.** There being no further business to come before the Board, on motion by Commissioner Humke, seconded by Commissioner Jung, which motion duly carried, Chairman Larkin ordered that the meeting be adjourned.

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**ROBERT M. LARKIN**, Chairman  
Washoe County Commission

**ATTEST:**

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

*Minutes Prepared by  
Stacy Gonzales  
Deputy County Clerk*

**RESOLUTION**  
**SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT – ROUND IX**

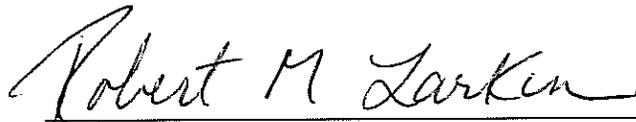
WHEREAS, The Southern Nevada Public Land Management Act of 1998 provides, from proceeds derived from the orderly disposal of certain Federal lands in Clark County, Nevada, acquisition opportunities for environmentally sensitive lands throughout the State of Nevada; and

WHEREAS, The scenic Toll Road canyon sits in the southeast portion of southern Washoe County adjacent to federally owned lands managed by the Bureau of Land Management. The offered lands are part of the Bain Springs Ranch and contain prominent historic features of interest including Owl Rock, Old Geiger Grade and connections to the Comstock Lode. The Canyon contains significant cultural and hydrological resources, is home to sensitive plant species, and has abundant outdoor recreation opportunities.

WHEREAS, There is broad public support for the protection of the above property within Washoe County and the Washoe County Board of County Commissioners remain committed to the implementation of the Southern Nevada Public Lands Management Act; now, therefore, be it

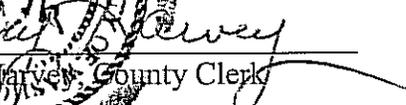
RESOLVED, That the Washoe County Board of Commissioners support the acquisition and future protection of these environmentally sensitive lands, located throughout Washoe County, through the Southern Nevada Public Land Management Act program administered by the Bureau of Land Management.

Adopted this 11<sup>th</sup> day of December, 2007



Robert M. Larkin, Chairman  
Washoe County Commission



  
Amy Harvey, County Clerk

RESOLUTION NO. 07-1387

A RESOLUTION DIRECTING THE COUNTY TREASURER TO GIVE NOTICE OF THE SALE OF PROPERTIES SUBJECT TO THE LIEN OF A DELINQUENT ASSESSMENT; RATIFYING ALL ACTIONS PREVIOUSLY TAKEN; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the Board of Commissioners (the "Board") of the County of Washoe (the "County"), State of Nevada, pursuant to different ordinances heretofore duly passed and adopted, created County improvement districts as more particularly described at Exhibit A attached hereto and incorporated herein (the "Districts"), and ordered the acquisition of improvements within said Districts, and determined to defray a portion of the entire cost and expense of such improvements by special assessments, according to benefits, against the benefited lots, tracts and parcels of land ("properties") in the respective Districts; and

WHEREAS, the Board has by their respective ordinances levied assessments against the properties; and

WHEREAS, the Board has directed and hereby reaffirm their direction to the County Treasurer to collect and enforce the assessments in the Districts in the manner provided by Nevada's Consolidated Local Improvements Law, NRS Chapter 271; and

WHEREAS, the assessment installments on certain properties in the Districts are delinquent, as identified in Exhibit A attached hereto ("delinquent properties"), and remain delinquent after delivery by certified mail, return receipt requested, of a ten day delinquency notice to each delinquent property owner; and

WHEREAS, the Board desires that the County Treasurer proceed with a notice of the sale of the delinquent properties as provided in NRS 271.545 and sell the delinquent properties pursuant to NRS 271.540 to NRS 271.630.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF WASHOE, STATE OF NEVADA AS FOLLOWS:

1. The Board hereby exercises its option to cause the whole amount of the unpaid principal of the assessments on the delinquent properties to become due and payable as provided in NRS 271.410.

2. The Board hereby ratifies all action previously taken by the County Treasurer and directs the County Treasurer to give notice of the sale of the delinquent properties and to sell the delinquent properties pursuant to NRS 271.540 to NRS 271.630. **The sale shall take place at 10:00 a.m. on February 12, 2008, in the Washoe County Central Conference Room, 1001 E 9<sup>th</sup> St, Reno Nevada,** which the Board hereby finds a convenient location within the County.

3. If some irregularity or circumstance arises before the sale of any delinquent property such that in the opinion of the Washoe County Treasurer the public interest would best be served by withdrawing such a delinquent property from sale, the Washoe County Treasurer is hereby expressly authorized to make such a withdrawal. The Treasurer shall report to the Board in writing concerning his decision to make such a withdrawal and shall state the reasons for the decision.

4. The County Treasurer shall give the notice as provided in NRS 271.545, by publication in the Reno Gazette Journal, a newspaper of general circulation in the County, and such notice to be published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication to be at least 15 days prior to the day of sale. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication and the last publication. Such service by publication shall be verified by the affidavit of the publisher and filed with the County Treasurer. The County Treasurer or his designee shall also give written notice of sale by mailing a copy of such notice, by first-class mail, postage prepaid, at least 20 days prior to the day of sale, to the last known owner or owners of all properties subject to sale or other designated person at his or her last-known address or addresses; and to any person or governmental entity that appeared in

the records of the County to have a lien or other interest in the delinquent property. Proof of such mailing shall be made by the affidavit of the County Treasurer or his designee and such proof shall be filed with the County Treasurer. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the County Treasurer until all special assessments and special assessment bonds issued (if such special assessment bonds have been or are hereafter issued) shall have been paid in full, both principal and interest, until any period of redemption has expired or property sold for an assessment, or until any claim is barred by an appropriate statute of limitations, whichever occurs last.

5. The officers of the County are hereby authorized to take all action necessary to effectuate the provisions of this Resolution.

6. The resolution is effective on passage and approval.

ADOPTED this 11<sup>th</sup> Day of December, 2007, by the following vote:

AYES: Larkin, Weber, Galloway, Humke, Jung

NAYS: none

ABSENT: none

ABSTAIN: none

Robert M Larkin

Chairman  
Washoe County Commission



Almy Harvey  
County Clerk

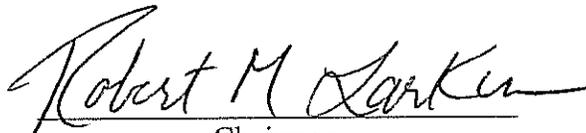
**RESOLUTION**--Authorizing the Grant of Public Money to Teen Challenge of Nevada, Inc.

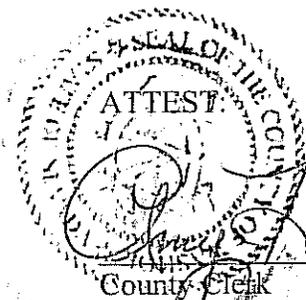
WHEREAS, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county and that a board may make a grant of money to a private organization, not for profit, or to a governmental entity, to be expended for a selected purpose; and

WHEREAS, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in Fiscal Year 2007/2008, to make a grant of money to Teen Challenge of Nevada Inc. to assist in funding for the supplemental development of the Reno Adolescent Boys' Center High School programs and that by providing this grant of money, a substantial benefit will be provided to the inhabitants of Washoe County; now, therefore, be it

RESOLVED, By the Board of Commissioners of Washoe County that the Board hereby grants to Teen Challenge of Nevada, Inc., a grant for Fiscal Year 2007/2008 in the amount of \$4,000.

Adopted this 11<sup>th</sup> day of December 2007.

  
Chairman



07-1389

LJ(2)

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY APPROVING THE ASSIGNMENT OF SECOND WASHOE COUNTY AMENDED GARBAGE FRANCHISE AGREEMENT FROM INDEPENDENT SANITATION CO. TO RENO DISPOSAL CO.**

WHEREAS on December 12, 2000, the Board of County Commissioners of Washoe County ("County") approved the Second Amended Washoe County Garbage Franchise Agreement (the "Agreement") with Independent Sanitation Co. ("Independent Sanitation"), a Waste Management, Inc. company; and

WHEREAS Section 10.1 of the Agreement states that Independent Sanitation's rights are not assignable without the written approval of the County; and

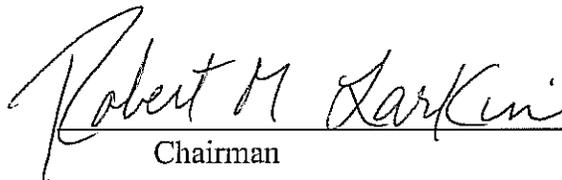
WHEREAS Independent Sanitation has informed the County that it is scheduled for merger with its corporate affiliate, Reno Disposal Co., a Nevada corporation, effective December 31, 2007 pursuant to Waste Management, Inc.'s in-house administrative reorganization program; and

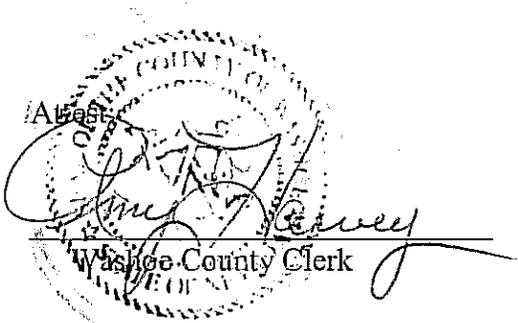
WHEREAS Independent Sanitation has requested the County provide its consent pursuant to Section 10.1 of the Agreement and assign all Independent Sanitation's rights and interests in the Agreement to Reno Disposal Co. so that it may proceed with the scheduled reorganization program; and

WHEREAS Reno Disposal Co. has represented to the County that the reorganization will not affect the services Independent Sanitation provides to the County since no changes in operations, management or personnel are contemplated;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Washoe County hereby approves and authorizes the assignment of the Agreement with Independent Sanitation, regarding garbage collection and disposal services, to Reno Disposal Co.

ADOPTED at a regular meeting of the Board of County Commissioners on the 11<sup>th</sup> day of December, 2007.

  
Chairman

  
Washoe County Clerk

07-1404

LP