

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

TUESDAY

2:00 P.M.

MARCH 27, 2001

PRESENT:

**Jim Shaw, Chairman**  
**Pete Sferrazza, Vice Chairman (arr @ 2:09 p.m.)**

**Joanne Bond, Commissioner**

**Jim Galloway, Commissioner**

**Ted Short, Commissioner**

**Amy Harvey, County Clerk (arr @ 4:00 p.m.)**

**Nancy Parent, Chief Deputy County Clerk**

**Katy Singlaub, County Manager**

**Madelyn Shipman, Legal Counsel**

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

**01-274      WORK CARD PERMIT APPEAL – KELLI SUE CODMAN**

This appeal was considered on MONDAY, MARCH 26, 2001, prior to the Caucus meeting. The Board having convened in open session with Chairman Shaw presiding to consider the appeal of Kelli Sue Codman from the Sheriff's denial of her permit application to work in the field of childcare.

On motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, the Board convened in closed session to hear testimony as to why the work card should or should not be granted. The appellant and several of her children were present to offer testimony during the closed session. Maureene Thomas, Chief Records Clerk of the Permits and Registration Department of the Sheriff's Department, read into the record her Confidential Memorandum to the Board regarding this denial. Alice LeDesma and Victoria Foss from the Social Services Department were present and answered questions from the Board. The Board then reconvened in open session, and the following action was taken.

Having convened in OPEN SESSION, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the appeal of Kelli Sue Codman be upheld and the childcare work permit be issued.

**01-275            AGENDA**

In accordance with the Open Meeting Law, on motion by Commissioner Short, seconded by Commissioner Bond, which motion duly carried with Commissioner Sferrazza absent, Chairman Shaw ordered that the agenda for the March 27, 2001 meeting be approved with the following changes: **Delete: Item 11** Appearance by Leonard Pugh, Director, Juvenile Services; **Item 21** Submittal of Riverdale-River Pines Water Improvement Status Report; **Item 27** Request that Regional Water Planning Commission reconsider their vote on Mercury Study; and **Item 30D** Appeal – Special Use Permit Case No. SW008-020 (Base Camp).

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**Commissioner Sferrazza arrived.**

**PUBLIC COMMENTS**

Jerry Purdy, area resident, discussed the multi-use effort concerning the RETRAC Project. He said the project would provide for decking over the downtown section of the train trench.

Richard Baker, area resident, said he is in support of Mr. Purdy’s proposal concerning the decking over the train trench.

Richard Hardenbrook, area resident, expressed concern about the Sparks City Council voting on issues such as raising the level of costs on public works’ projects and raising depreciation values on homes with no public input before making their decision. He requested that voters phone their State and local representatives and complain.

Gary Schmidt, area resident, alleged that Ms. Shipman slandered him in the County Manager’s office; therefore, he requests the Board not allow her to give any legal advice concerning any pending matters he has before the County.

Aaron Schumacher, area resident, said the Sheriff’s Department is abusing their authority by misusing the helicopter, which is a waste of taxpayer money.

Sam Dehne, Reno citizen, expressed his concern about annexation by the City of Reno, the expansion by the RSCVA, and the RETRAC Project.

Tom Kearns, area resident, requested that Washoe County provide a construction and noise ordinance within the Washoe County Code. He said currently construction can be done 7 days a week, which he does not agree with.

## **COMMISSIONERS' AND MANAGER'S COMMENTS**

Commissioner Galloway said he would look into the noise complaint and determine whether Washoe County Code already provides for one. He commented that if citizens want to be involved in community issues, they need to attend meetings.

Commissioner Bond said that residents in Lemmon Valley are requesting that people be allowed to store no more than two inoperable vehicles on their property at any given time. She advised that the road in Golden Valley is being worked on and Washoe County has the opportunity to work cooperatively with the Washoe County School District and the City of Reno to put some infrastructure in place before the road is built.

Commissioner Short requested information from staff concerning prisoner transportation, toxicology, etc. He said he disagrees with the City of Reno saying there is a fiscal inequity of \$16 million.

Commissioner Sferrazza requested that a joint meeting be scheduled with the Cities of Reno and Sparks concerning current legislation.

Chairman Shaw said that Commissioner District funds need to be spent before the fiscal year ends.

### **01-276      RECOGNITION – BRAD BLOCK – NEVADA TAXPAYERS ASSOCIATION'S CASHMAN GOOD GOVERNMENT AWARD**

Tom Gadd, Director, General Services, explained the award being given to Brad Block for his suggestion and work on the design of the truck transfer system (Washoe Edition). He advised that this design would save Washoe County approximately \$100,000 annually.

Ann McFarland, Vice-President of Nevada Taxpayers Association, said this year's Cashman Good Government Award has been awarded to Brad Block for his innovative suggestion. She advised that this award is for recognition of State and local government employees who make strong and consistent efforts to spend taxpayers' money wisely and efficiently.

Brad Block, Equipment Services Supervisor, thanked his co-workers who helped him make this suggestion work. He expressed his appreciation to his supervisor, Jean Ely, and the Board, for allowing him and others the time to make this suggestion a reality.

### **01-277      WASHOE COUNTY SUGGESTION PROGRAM**

Darin Conforti, Senior Administrative Analyst, acknowledged Karen Martin, Public Administrator's Office, for her innovative suggestion that resulted in cost

savings to the County. He reviewed the suggestion and monetary award the Employee Recognition Committee approved for the suggestion submitted. Chairman Shaw presented a certificate of recognition to Karen Martin.

Karen Martin said she is a relatively new employee and thanked the Board for her award.

### **MINUTES**

On motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the minutes of the regular meetings of February 13 & 20, 2001, be approved.

### **01-278      PROCLAMATION – NATIONAL LIBRARY WEEK**

On motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that the following proclamation be adopted and Chairman Shaw be authorized to execute:

#### **PROCLAMATION**

**WHEREAS**, The Washoe County Library System, serving Nevada communities since 1904, will be celebrating “National Library Week,” April 1-7, 2001; and

**WHEREAS**, The Washoe County Library System provides citizens the opportunity to access resources that can give every person the chance to learn and gain knowledge; and

**WHEREAS**, The Washoe County Library System wishes to make known the vast resources available free to library card holders including books, magazines, reference resources, videotapes, computers, Internet connections, audiobooks, books on CD’s, etc. that can give every citizen the tools for learning; now, therefore, be it

**PROCLAIMED**, By the Washoe County Board of Commissioners that April 1-7, 2001, is designated as “National Library Week” and the Board urges all residents of the Truckee Meadows to take advantage of the resources available to them at the Washoe County Libraries by visiting any one of the twelve locations or [www.washoe.lib.nv.us](http://www.washoe.lib.nv.us).

### **01-279      NINTH ANNUAL NEVADA WOMEN’S FUND WOMEN OF ACHIEVEMENT – COMMUNITY RELATIONS DEPARTMENT**

Upon recommendation of Kathy Carter, Community Relations Director, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that Washoe County’s sponsorship of an awardee at the

ninth annual Nevada Women's Fund's Women of Achievement event on May 2, 2001, be approved.

**01-280            800 MHZ RADIO SYSTEM – ERICSSON INC. – REDESIGN**  
**MICROWAVE BACKBONE – PUBLIC WORKS DEPARTMENT**

Upon recommendation of Rodney Savini, P.E., Capital Projects Division Manager, through Dave Roundtree, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the expenditure to Ericsson Inc., in an estimated amount of \$32,466.16, for the redesign of the microwave backbone for the 800 MHz radio system be approved.

**01-281            PURCHASE UNBUDGETED CAPITAL ITEM – COMMUNITY**  
**DEVELOPMENT DEPARTMENT**

Upon recommendation of Robert Sellman, Director, Community Development Department, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the purchase of a folding machine in the amount of \$7,625.00, on behalf of the Business License Division of the Community Development Department be approved.

**01-282            AUTHORIZE PAYMENT OF NON-COUNTY EMPLOYEE**  
**TRAVEL – DR. LARRY BLUM – STRESS MANAGEMENT**  
**TRAINING – SHERIFF'S DEPARTMENT**

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the non-county employee travel expenses, in an estimated amount of \$350.00, to bring Dr. Larry Blum, Clinical Police Psychologist, to Reno on April 12, 2001, be approved.

It was noted that Dr. Blum will present a training class to Washoe County Sheriff's Office personnel on stress management on Friday, April 13, 2001. The training will be conducted at TMCC. Total travel expenses will include airfare, lodging, meals and ground transportation.

**01-283            RESOLUTION – GERLACH GENERAL IMPROVEMENT**  
**DISTRICT – PUBLIC WORKS DEPARTMENT**

Upon recommendation of Dave Roundtree, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Shaw be authorized to execute:

**RESOLUTION**

**WHEREAS**, the water system for the town of Gerlach has been found to be in non-compliance with a recently adopted Federal drinking water standard for the element uranium; and

**WHEREAS**, the Washoe County School District has a State mandated responsibility to provide and operate schools to serve the residents of Gerlach, which facilities include Gerlach High School and a soon-to-be-constructed elementary school to replace the aging and inadequate Johnson Elementary School; and

**WHEREAS**, the health and well-being of the kindergarten through twelfth grade students attending the District’s schools in Gerlach would be adversely affected by prolonged exposure to uranium in the drinking water (as determined by the Washoe District Health Department); and

**WHEREAS**, the estimated cost of improvements to the water system required to achieve compliance with this health standard is beyond the fiscal capability of the town; and

**WHEREAS**, the Gerlach General Improvement District has requested that State funds be made available for improvements to bring the drinking water system into compliance with Federal standards;

**NOW, BE IT THEREFORE RESOLVED** that the Board of County Commissioners of Washoe County supports the application of the Gerlach GID for State funds to offset the cost of improvements to the town’s water system.

**01-284            ACCEPTANCE OF GRANT – NEVADA STATE DIVISION OF EMERGENCY MANAGEMENT – SHERIFF’S DEPARTMENT**

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that the Grant from the State of Nevada, Weapons of Mass Destruction Steering Committee of the Division of Emergency Management, in the amount of \$15,000.00 be accepted, and Chairman Shaw be authorized to execute any documents relating to the grant. It was noted that this grant would be used to purchase items needed for the upcoming Western States Search and Rescue Conference.

It was further ordered that the following account transactions be authorized:

<b>INCREASE REVENUES</b>	
15266G-4301	\$15,000.00
<b>INCREASE EXPENDITURES</b>	
15266G-7843	\$ 4,000.00
15266G-7260	\$ 5,500.00

15266G-7213	\$ 1,000.00
15266G-7250	\$ 1,000.00
15266G-7357	\$ 3,000.00
15266G-7261	\$ 500.00

It was further ordered that the following Capital Outlay expenditures be approved: \$4,000 to purchase a LCD projector to be used during class instruction and for future SAR conferences.

**01-285      ACCEPTANCE OF GRANT – U.S. DEPARTMENT OF JUSTICE  
BUREAU OF JUSTICE ASSISTANCE – BULLETPROOF VEST  
PARTNERSHIP GRANT – SHERIFF’S DEPARTMENT**

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the Bulletproof Vest Partnership Grant from the U.S. Department of Justice, Bureau of Justice Assistance in the amount of \$9,173.63 be accepted.

It was noted that these funds pay up to 50 percent of the total cost of each vest order. Cost includes the vest, vest carriers, attachments, inserts and covers considered essential for its proper care, use and wearability.

It was further ordered that the following account transactions be authorized:

<b>INCREASE REVENUES</b>	
15263G-4301	\$9,173.63
<b>INCREASE EXPENDITURES</b>	
15263G-7277	\$9,173.63

**01-286      REQUEST FOR PROPOSAL #2280-01 – SIERRA SAGE  
RESTAURANT/BAR CONCESSIONAIRE – PARKS  
DEPARTMENT**

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno-Gazette Journal on February 11, 14 & 18, 2001, for Request for Proposals for Sierra Sage Restaurant/Bar Concessionaire, on behalf of the Parks and Recreation Department.

Proposals, copies of which were placed on file with the Clerk, were received from the following:

- Culinary Solutions, Inc.
- RSJ Enterprises, Inc.

Valley Innovative Services, Inc. submitted a “no bid” response, and Harry Robinson, Mark Southern, and Gloria Woodard failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the proposal for Sierra Sage Restaurant/Bar Concessionaire, on behalf of the Washoe County Parks and Recreation Department, be accepted from the most responsive, responsible proposer, RSJ Enterprises, Inc. It was further ordered that the Purchasing and Contracts Administrator be authorized to enter into a three year agreement with RSJ Enterprises, Inc., commencing on April 1, 2001 through March 31, 2004, with the County retaining an option to renew for an additional period of three years.

It was noted that the monthly concession fees shall remain firm for the duration of the initial Agreement, but shall be subject to renegotiation prior to renewal of the Agreement.

Monthly Concession Fee for the months of November – April \$500.00/per month or 4% of the gross receipts, whichever is greater.

Monthly Concession Fee for the months of May – October \$1,000.00/per month or 5% of the gross receipts, whichever is greater.

It was further noted that said agreement is under final review by RSJ Enterprises, Inc., and is subject to further negotiation.

**01-287      AWARD OF BID – MEDIUM DUTY SERVICE TRUCK AND  
BODY – BID NO. ITB-2275-01/MS – PURCHASING  
DEPARTMENT**

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno-Gazette Journal on February 28, 2001, for a new Medium Duty Service Truck and Body, on behalf of the Equipment Services Division of the General Services Department. Proof was made that due and legal Notice had been given.

Bids, copies of which were placed on file with the Clerk, were received from the following vendors:

Friendly Ford  
Capital Ford, Inc.  
Jones-West Ford  
Edward R. Bacon Company, Inc.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Bond, seconded by Commissioner Short,

which motion duly carried, Chairman Shaw ordered that Bid No. ITB-2275-01/MS for a new Medium Duty Service Truck and Body, on behalf of the General Services Department, be awarded to Friendly Ford in the net amount of \$60,211.20.

**01-288            AWARD OF BID – WATER TESTING LAB – PUBLIC WORKS DEPARTMENT**

This was the time to consider award of bid, informal bids were solicited on February 20, 2001, for “Water Resources – Water Testing Lab,” on behalf of the Public Works Department.

Bids were received from the following:

<i><b>CONTRACTORS</b></i>	<i><b>BASE BID</b></i>
F. Evans Construction	\$38,000.00
Christman Construction	\$49,000.00
K7 Construction	\$38,900.00
Dennis Banks Construction	\$44,000.00

Upon recommendation of Keith McAninch, Registered Engineer, through Rodney Savini, P.E., Capital Projects Division Manager, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that the “Water Resources – Water Testing Lab,” on behalf of the Public Works Department, be awarded to the low responsive, responsible bidder, F. Evans Construction, in the amount of \$38,000. It was further ordered that Chairman Shaw be authorized to execute the contract documents upon presentation.

**01-289            RESOLUTION – COOPERATIVE AGREEMENT – CITY OF RENO – KIDS KORNER PROGRAM – SOCIAL SERVICES DEPARTMENT**

Upon recommendation of Mike Capello, Director, Washoe County Social Services Department, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that the Cooperative Agreement between the City of Reno, Kids Korner Program, and the Washoe County Department of Social Services, effective January 1, 2001 through June 30, 2002, be approved. It was further ordered that the following resolution be adopted and Chairman Shaw be authorized to execute:

**RESOLUTION**            Authorizing Washoe County on behalf of the Washoe County Department of Social Services to enter into a cooperative agreement with the City of Reno on behalf of the Reno Police Department

**WHEREAS**, NRS 277.045 permits any two or more political subdivisions of this state, including without limitation counties, incorporated cities and towns, to enter

into a cooperative agreement for the performance of any governmental function. Such an agreement may include the furnishing or exchange of personnel, equipment, property or facilities of any kind or the payment of money; and

**WHEREAS**, the children and families of Washoe County need services, such as outreach, case management, and intervention to alleviate crisis as well as to prevent child abuse and neglect; and

**WHEREAS**, the City of Reno through the Kids Korner Program provides family support services to children and families and facilitates coordination and cooperation between child serving agencies; now, therefore, be it

**RESOLVED** that the Board of County Commissioners of Washoe County enter into the attached miscellaneous cooperative agreement in effect from January 1, 2001 through June 30, 2002.

**01-290            TEEN CENTER SERVICE AGREEMENT – BOYS AND GIRLS CLUB OF THE TRUCKEE MEADOWS – PARKS DEPARTMENT**

Upon recommendation of Doug Mullens, Recreation Superintendent, through Karen Mullen, Parks & Recreation Director, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that the Teen Center Service Agreement between the Boys and Girls Club of the Truckee Meadows and the Washoe County Parks and Recreation Department for the joint operation of the Sun Valley Teen Center be approved and Chairman Shaw be authorized to execute.

**01-291            FERNLEY – WADSWORTH TRANSPORT STUDY – REGIONAL WATER MANAGEMENT FUND – WATER RESOURCES**

Upon recommendation of Steve Walker, Water Management Planner, through Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that funding the final year of the Fernley-Wadsworth Solute Transport Study from the Regional Water Management Fund, in an amount not to exceed \$70,674.00, be approved.

**01-292            WATER RIGHTS DEEDS – NORTH VALLEY HOLDINGS LLC – GEO PROBASCO, INC. – WATER RESOURCES**

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that:

1. The Water Rights Deed for a total of 15.27 acre-feet of surface water rights between North Valley Holdings, LLC as Grantor and Washoe County as Grantee from the following claims be approved:
  - a) 5.22 acre-feet from Claim 586, further changed by Application 67222;
  - b) 2.52 acre-feet from Claim 156½, 0.72 acre-feet from Claim 157, 1.22 acre-feet from Claim 159 and 2.30 acre-feet from Claim 128/129 for a total of 6.76 acre-feet, further changed by Application 67224;
  - c) 0.77 acre-feet from Claim 231, 0.44 acre-feet from Claim 247, 0.92 acre feet from Claim 251/455, 0.60 acre-feet from Claim 294 and 0.56 acre-feet from Claim 295 for a total of 3.29 acre-feet, further changed by Application 67225.
2. The Water Rights Deed for 45.19 acre-feet of surface water rights between Geo. A. Probasco, Inc., as Grantor and Washoe County as Grantee from Claims 128 and 129, further changed by Application 67223 be approved; and
3. Chairman Shaw be authorized to execute the two Water Rights Deeds.
4. The Utility Services Division Manager be directed to record the two Water Rights Deeds with the Washoe County Recorder.

**01-293                    WATER RIGHTS DEED – WATER SALE AGREEMENT –**  
**SIERRA PACIFIC POWER COMPANY – WATER RESOURCES**

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that:

1. The Water Rights Deed between Sierra Pacific Power Company as Grantor and Washoe County as Grantee, for a total of 4.58 acre-feet from the following claims be approved:
  - 0.30 acre-feet from Claim 242, further changed by Application 65921
  - 1.40 acre-feet from Claim 544, further abrogated by Permit 65692
  - 1.33 acre-feet from Claim 546, further abrogated by Permit 65693
  - 0.78 acre-feet from Claim 547, further abrogated by Permit 65694
  - 0.77 acre-feet from Claim 553, further changed by Application 65919
2. The corresponding Water Sale Agreement for 4.01 acre-feet of surface water rights between Sierra Pacific Power Company and Washoe County be approved; and
3. Chairman Shaw be authorized to execute the Water Rights Deed and corresponding Water Sale Agreement.

4. The Utility Services Division Manager be directed to record the Water Rights Deed and corresponding Water Sale Agreement with the Washoe County Recorder.

**01-294            WATER RIGHTS DEED – WATER SALE AGREEMENT –  
SIERRA PACIFIC POWER COMPANY – WATER RESOURCES**

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that:

1. The Water Rights Deed between Sierra Pacific Power Company as Grantor and Washoe County as Grantee for 36.74 acre-feet of surface water rights from Claim 387, further changed by Application 67021, be approved;
2. The corresponding Water Sale Agreement for 24.49 acre-feet of surface water rights between Sierra Pacific Power Company and Washoe County be approved; and
3. Chairman Shaw be authorized to execute the Water Rights Deed and corresponding Water Sale Agreement.
4. The Utility Services Division Manager be directed to record the Water Rights Deed and corresponding Water Sale Agreement with the Washoe County Recorder.

**01-295            AGREEMENT – WILL & CARLSON, INC. – TRUCKEE  
WATERSHED RECLAMATION PROJECT**

Upon recommendation of Jeanne Ruefer, Manager, Water Planning Division, through Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that an Agreement between Washoe County and Will & Carlson, Inc., for governmental representation services with Congress and federal departments in Washington D.C., to support approval of authorization of federal funding for the Truckee Watershed Reclamation Project, in the amount of \$3,000 per month plus expenses through December 31, 2001, be approved.

**01-296            SECOND AMENDMENT – WATER DEDICATION AGREEMENT  
– NELL J. REDFIELD FOUNDATION – SOUTHWEST POINTE  
ASSOCIATES LLC – ARROWCREEK SUBDIVISION**

Commissioner Galloway stated, with this agreement, unbuilt homes would only be required to dedicate .96 acre-feet of water, and there are homes already built whose dedication requirement would be reduced to that amount. He said if the County

approves this and maintains a dedication requirement for other people in the future of 1.12 acre-feet of water, what would be the rationale for doing this for this subdivision. Ed Schmidt, Director of Water Resources Department, stated that Water Resources did not make this proposal; that it was made by the developer of the subdivision; and that Water Resources agreed to bring this forward to the Board, hoping it would bring more water customers to Washoe County.

Vahid Behmaram, Utility Services Division, said there is a retroactive aspect specific to ArrowCreek. If the consumption per lot is less than what is specified in the agreement then any excess dedication will go into the pool for use by ArrowCreek. He said hopefully the statistical analysis will address the issue of a 5 to 10 percent buffer zone concerning dedication, but that issue has not yet been resolved. Mr. Behmaram stated there has to be a comfort level for County staff that the ultimate commitment to each home will be sufficient given the variation in use.

Commissioner Sferrazza said he is concerned about people who have already bought their homes and dedicated their water rights.

Robert Sader, representing ArrowCreek Subdivision, stated that the agreement from 1997 states that the subdivision uses Sierra Pacific water dedication requirement for each and every lot. The difference between Sierra Pacific's requirement and 1.12, is held in a water reserve by the County pending verification of the amount of water used in each lot. He said there is a basement level which is the Sierra Pacific water dedication formula; there is a ceiling and the question is, whether there is an over dedication of water or not. Mr. Sader said each lot owner is sold an allocation of water pursuant to Sierra Pacific's dedication requirement, which is the basement and not the 1.12 acre-feet.

Commissioner Sferrazza said based on the information provided today, he finds this agreement very innovative and suggested using it as a model for future development.

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, it was ordered that:

1. The Second Amendment to Water Dedication Agreement between Nell J. Redfield Foundation, a non-profit corporation, Southwest Pointe Associates, LLC, a Delaware limited liability company, and Washoe County be approved; and
2. Chairman Shaw be authorized to execute the Second Amendment to the Water Dedication Agreement.

**01-297            CORRECTION OF FACTUAL AND CLERICAL ERRORS ON  
TAX ROLLS – ASSESSOR**

Upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that the following Roll Change Requests correcting factual errors on tax bills already mailed, be approved for the reasons indicated thereon and mailed to the property owners, a copy of which is placed on file with the Clerk. It was further ordered that the Orders directing the Treasurer to correct the errors be approved and Chairman Shaw be authorized to execute on behalf of the Commission.

**1998 Supplemental Roll**

Benjamin E. and Sharon E. Stefanavage, Jr. – Parcel #204-183-09 [-\$253.15]  
(Improvements only)

**1999 Secured Roll**

Benjamin E. and Sharon E. Stefanavage, Jr. – Parcel #204-183-09 [-\$263.87]

**2000 Supplemental Roll**

Kelly R. Thomas – Parcel #009-062-17 [-\$31.91] (Improvements only)

**2000 Secured Roll**

Donald R. Lowery – Parcel #011-312-14 [-\$344.63]  
Benjamin E. and Sharon E. Stefanavage, Jr. – Parcel #204-183-09 [-\$263.88]  
Sky Vista Homeowners Assn – Parcel #550-180-01 [-\$2,381.68]  
Sky Vista Homeowners Assn – Parcel #550-180-02 [-\$1,975.97]

**01-298            APPEARANCE – RICHARD AGUILAR, PRESIDENT –  
NORTHERN NEVADA FIREFIGHTERS ATHLETIC  
ASSOCIATION**

Richard Aguilar, President, Northern Nevada Firefighters Athletic Association, said they would like to host the World Police and Fire Games in the year 2009, but without City, County or State support, among others, they cannot succeed. The County's involvement will allow the community the opportunity to participate in the second largest sporting event on this planet. He commented that this is a regional project and would benefit the entire community. He requested support from the County to send a representative to the Indianapolis Observers Program to discuss the bid process, as well as the preparation necessary to host such an event, with the World Police and Fire Games officials. He reviewed the process and time limits they have to follow in order to be able to bid the 2009 games.

Duane Gillies, Special Events, (retired battalion chief from Reno Fire Department) explained that the \$750,000 bid amount would be used to bid the games for the world organization. He said what they are requesting today, is support from the County to go to Indianapolis to ask questions and find out what the parameters are to host the games in 2009.

Commissioner Short said they would need to send someone who is knowledgeable about all the facilities in Washoe County; and they need to get the University of Nevada Reno (UNR) involved in the process in order to use their track facility, Mackay Stadium, etc.

Commissioner Sferrazza asked about television rights. Mr. Gillies said he is not sure how that process works, but he imagines something could be worked out.

Katy Singlaub, County Manager, said she would help draft a letter of support if the Board decides to support this program. She will talk with staff about any concerns or questions they may have about this event.

On motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, it was ordered that a letter of support for the World Police and Fire Games for 2009 be approved and Chairman Shaw be authorized to execute. It was further ordered that staff be directed to come back at a later time for appointment of the individual who will attend the meeting in Indianapolis.

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**Commissioner Galloway temporarily left the meeting.**

**01-299      AWARD OF BID – FLEET HEAVY EQUIPMENT – BID NO. ITB-2278-01/MS – PURCHASING DEPARTMENT**

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno-Gazette Journal on February 28, 2001, for Fleet Heavy Equipment, on behalf of the Equipment Services Division of the Washoe County General Services Department. Proof was made that due and legal Notice had been given.

Bids, copies of which were placed on file with the Clerk, were received from the following vendors:

Cashman Equipment Company, Inc.  
Empire Equipment Company  
Komatsu Equipment Company

Arnold Machinery submitted a “no bid” response.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Short, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Galloway temporarily absent, Chairman Shaw ordered that Bid No. ITB-2278-01/MS for Fleet Heavy Equipment comprised of 5 articulated motor graders, 4 wheel loaders, 3 backhoe loaders and 2 hydraulic excavators, on behalf of the Equipment Services Division of the General Services Department, be

awarded to the lowest responsive, responsible bidders on a 3-year total cost basis as follows:

<b><i>Empire Equipment Company</i></b>		Bid Item #1	5 – John Deere 770C Motor Graders
		Bid Item #4	2 – John Deere 410 G Backhoe Loaders
<i>Initial Outlay</i>	<i>Buyback</i>	<i>Bond Cost</i>	<i>Total Net Cost</i>
\$762,750.00	<\$600,000.00>	\$1,660.00	<b>\$164,410.00</b>
<b><i>Cashman Equipment Company</i></b>		Bid Item #2	3 – Cat 950G 3-yr Wheel Loaders
		Bid Item #3	1 – Cat 966G 4-yr Wheel Loader
		Bid Item #5	1 – Cat 446B Backhoe Loader
		Bid Item #6	2 – Cat 313B CR Hydraulic Excavators
<i>Initial Outlay</i>	<i>Buyback</i>	<i>Bond Cost</i>	<i>Total Net Cost</i>
\$989,103.00	<\$707,108.00>	\$0.00	<b>\$281,995.00</b>

It was noted under the terms of this award, the successful bidders will provide the County with new replacement fleet heavy equipment for a total initial capital expenditure of **\$1,751,853.00**, and warranty all major components thereof, including providing loaner units if required, for a period of 3-years. Successful bidders will further provide performance bonds guaranteeing to buy back the equipment from the County at the end of 3-years for a total of **\$1,305,448.00**, resulting in a net total cost to the County at the end of 3-years of **\$446,405.00**. Ownership costs to the County during the 3-year period averages \$885.72 per unit, per month, for state of the art, fully warranted equipment. This is far below the average rental rate of \$4,000 - \$5,000 per month – for comparable heavy equipment. The equipment recommended for purchase will replace existing equipment that must be returned to the vendors for guaranteed buyback in the month of June 2001. This equipment was originally awarded and procured on a total cost basis whereby the low bidder is determined after deducting the guaranteed buyback amount from the outright purchase price offered. Not exercising the guaranteed buyback provision and keeping the equipment could result in the County violating NRS statutes which require award be made to the lowest responsive responsible bidder. This would be the case if any of the other bidders had offered a lower outright purchase price for the equipment before deducting the buyback amount.

It was further ordered that the County's right to procure additional fleet heavy equipment from the successful bidders through December 31, 2001, provided there is no increase in pricing offered and capital outlay requests have been approved, be affirmed.

**01-300            AMENDMENT – PROFESSIONAL SERVICES CONTRACT –  
HERSHENOW AND KLIPPENSTEIN – INCLINE VILLAGE  
MAINTENANCE FACILITY – PUBLIC WORKS**

Upon recommendation of Don Jeppson, Associate Architect, through Rodney Savini, P.E., Capital Projects Division Manager, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried with Commissioner Galloway temporarily absent, it was ordered that the Amendment to the Agreement with

Hershenow and Klippenstein for design development, construction document development, and construction administration services for the Incline Village Maintenance Facility, in the amount of \$300,000, be approved and Chairman Shaw be authorized to execute.

**01-301            INTERLOCAL CONTRACT – PRISON RE-ENTRY DRUG COURT – CLARK COUNTY EIGHTH JUDICIAL DISTRICT COURT**

Upon recommendation of Ron Longtin, District Court Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried with Commissioner Galloway temporarily absent, it was ordered that the Interlocal Contract for Prison Re-entry Drug Court between Washoe County and Clark County be approved and Chairman Shaw be authorized to execute on behalf of the Commission.

**01-302            AUTHORIZE FUNDS TO RETAIN – CH2M HILL – SWENDSEID & STERN – DELOITTE & TOUCHE LLP - TRUCKEE MEADOWS WATER AUTHORITY**

In response to Commissioner Short's inquiry, John Sherman, Finance Director, stated that Washoe County has committed about \$690,000 to this project, and the City of Reno has committed slightly less than that. The Interlocal Agreement signed by TMWA, basically says Washoe County and the City of Reno will employ the consultants and pay them their out of pocket costs; and that both entities will be reimbursed for these costs. He said he reviewed the Asset Purchase Agreement that TMWA signed with Sierra Pacific, which says if Sierra Pacific does not like the ruling of the PUC, the agencies can still be reimbursed for their out of pocket costs.

Commissioner Sferrazza said he is concerned because the Interlocal Agreement provides that these costs will be reimbursed by TMWA. He requested that TMWA review and consent to this agreement because ultimately these costs will be passed on to the ratepayers.

\*            \*            \*            \*            \*            \*            \*            \*            \*

**Commissioner Galloway returned to the meeting.**

Upon recommendation of John Sherman, Finance Director, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered the following:

1.        The law firm of Swendseid and Stern continue to be retained for an additional amount of \$150,000.
  
2.        The law firm of CH2M Hill continue to be retained for an additional amount of \$75,000.

3. The accounting firm of Deloitte & Touche LLP be retained in an amount not to exceed \$60,000 plus expenses.

It was further ordered that the Comptroller be directed to make the following account adjustments:

<i>Account</i>	<i>Description</i>	<i>Increase</i>	<i>Decrease</i>
1031-7140	Finance Admin – Other Prof. Services	\$210,000	
6612-7103	Water Management Fund Consultants	\$ 75,000	
66112-6901	Transfer from General Fund to Water Resources Fund		\$210,000
66138-7181	Regional Flood Control – Service Contracts		\$ 45,000
66138-7105	Regional Flood Control – Consulting Services		\$ 15,000
66138-7140	Regional Flood Control – Other Prof. Services		\$ 15,000

**01-303            RESOLUTION – REFUND OF TAXES – KUENZLI PARTNERS LTD PARTNERSHIP (APN 012-011-15)**

Upon recommendation of Ann Wilkinson, Deputy District Attorney, as stated in D.A. Opinion No. 6388, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Shaw be authorized to execute on behalf of Washoe County:

**RESOLUTION – Directing the County Treasurer to Refund Taxes**

**WHEREAS**, the Board of Commissioners of Washoe County, pursuant to NRS 354.220 – 354.240, has the authority to direct the County Treasurer to refund money paid into the County Treasury; and

**WHEREAS**, Kuenzli Partners LTD Partnership (“Taxpayer”) made application for a partial refund of real property taxes for the 1999-2000 tax year on APN 012-011-15; and

**WHEREAS**, Kuenzli Partners LTD Partnership, has overpaid taxes for 1999-2000 fiscal year in the amount of \$9,163.26; and

**WHEREAS**, it is the opinion of the Board of Commissioners of Washoe County that the Taxpayer has just cause for making such application and that the granting of the partial refund would be equitable.

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

1. That the Treasurer of Washoe County is authorized and directed to refund to Kuenzli Partners LTD Partnership, a total of \$9,163.26, that amount being the prorated taxes overpaid for the 1999-2000 tax year on APN 012-011-15.

2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity that has shared in the excess of the taxes collected in error for its pro rata share of the refund.

**01-304            RESOLUTION – COUNTY COMMISSION DISTRICT SPECIAL FUNDING ACCOUNTS – INCLINE VILLAGE/CRYSTAL BAY CITIZEN ADVISORY BOARD – REGIONAL TECHNICAL INSTITUTE AT RENO HIGH SCHOOL**

On motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following expenditures and resolution from the County Commission District Special Funding Accounts be approved and adopted, and Chairman Shaw be authorized to execute:

**Commissioner Galloway**

\$490 to Incline Village/Crystal Bay Citizen Advisory Board for printing 1000 flyers notifying the Incline Village/Crystal Bay communities of an open house event to take place May 16, 2001, at the Chateau in Incline Village.  
(A resolution is not required for this item.)

**Commissioner Bond**

\$500 to the Regional Technical Institute at Reno High School for the Prime Time Program for the purchase and printing of 100 t-shirts for students that participate in the self-esteem violence intervention program.

**RESOLUTION -** Authorizing the Grant of Public Money to a Private Nonprofit Organization

**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, 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 2000/2001, a grant of money which will provide a substantial benefit to the inhabitants of Washoe County and which is made to private, nonprofit organizations; now, therefore, be it

**RESOLVED**, By the Board of Commissioners of Washoe County that the Board hereby grants to the Regional Technical Institute (Prime Time Program), a private, nonprofit organization, a grant of in-kind support for Fiscal Year 2000/2001 in the

amount of \$500 for the purchase and printing of t-shirts for students that participate in the self-esteem violence intervention program.

**01-305            RESCIND PREMIUM PAY FOR SELECT SEASONAL CLASSIFICATIONS – PARKS DEPARTMENT**

Upon recommendation of Gregg Finkler, Parks Operation Superintendent, through Karen Mullen, Parks & Recreation Director, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that the prior authorization granted to the Parks and Recreation Department on February 8, 2000, to pay premium pay for select seasonal classifications, be rescinded.

**01-306            LEMMON VALLEY MULTI-PURPOSE TRAIL SYSTEM MASTER PLAN – PARKS DEPARTMENT**

Upon recommendation of Karen Mullen, Parks & Recreation Director, on motion by Commissioner Bond, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the Lemmon Valley Multi-Purpose Trail System Master Plan be approved. (A copy of the map providing the master plan was placed on file with the Clerk.)

**01-307            SETTLEMENT AGREEMENT AND MUTUAL RELEASE – ADDENDUM TO SETTLEMENT AGREEMENT – COLD SPRINGS 2000 INC. – HAMILTON PROPERTIES INC. – STATE ENGINEER – WATER RESOURCES**

John Collins, Manager, Utility Services Division, Department of Water Resources, advised that the disagreement is that Utilities Inc. believes the County cannot provide reclaimed water service within their certified public service territory. He said the County has informed Utilities Inc. they will provide the water and Utilities Inc. will have to decide if they want to file a suit against the County to stop them from doing so. The County has taken the position that they are the only reclaimed water provider within the County because they own the affluent and will continue to keep control of it.

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that the Settlement Agreement and Mutual Release between Cold Springs 2000, Hamilton Properties, the State Engineer, and Washoe County be approved; and that an Addendum to Settlement Agreement between Cold Springs 2000, Hamilton Properties and Washoe County be approved, and Chairman Shaw be authorized to execute both documents.

**01-308**

**BILL NO. 1291 – REVISING SCHEDULES OF RATES AND CHARGES FOR WATER SERVICE – ABOLISHING ORDINANCE NO. 999 – WATER RESOURCES**

John Bradbury, area resident, said he reviewed the draft provided by Water Resources, and he is concerned that staff has not completed an internal audit. He requested that prior to the Board implementing any rate changes, a full draft audit be completed and reviewed.

Commissioner Galloway requested at the time staff presents a full draft audit, the agenda item be broad enough to consider any substantially different assumptions revealed by the audit, so they can be addressed at that time.

Katy Singlaub, County Manager, stated that the draft audit was presented to Water Resources for comment last week and, by ordinance, they have 30 days to review and comment on the audit.

Ed Schmidt, Director of Water Resources Department, said that one of the items in the ordinance is that staff bring the water and sewer rates to the Board for review. He advised that even in spite of all of the suggestions, the auditor said the rates, as recommended by Water Resources, need to go forward at this time.

Bill No. 1291 entitled, “AN ORDINANCE REVISING A SCHEDULE OF RATES AND CHARGES FOR PROVISION OF WATER SERVICE BY WASHOE COUNTY WITHIN CERTAIN AREAS OF THE UNINCORPORATED AREA OF WASHOE COUNTY; REQUIRING THE DEPARTMENT OF WATER RESOURCES, UTILITY SERVICE DIVISION, TO SUBMIT BILLINGS TO ALL WATER USERS WITHIN THE CERTAIN AREA, REQUIRING PAYMENT THEREOF; AND PROVIDING PROCEDURES FOR ITS ENFORCEMENT. THIS ORDINANCE ABOLISHES ORDINANCE NO. 999” was introduced by Commissioner Sferrazza, the title read to the Board, and legal notice for final action of adoption directed.

**01-309**

**BILL NO. 1292 – AMENDING WASHOE COUNTY CODE CHAPTER 25 – ADULT CHARACTERIZED BUSINESS – BUSINESS IMPACT STATEMENT**

Commissioner Galloway said the last time they discussed this ordinance, staff was directed to include a waiver provision. The waiver provision that was drafted and included here does not mention hardship in any way, and he believes it is too broad.

Bob Webb, Planning Manager, Community Development, advised the Board of the non-conformance section concerning variance requirements. He said that language was added based on the direction given by the Board.

Madelyn Shipman, Legal Counsel, advised the Board of the concern brought forward by the public regarding locational waivers and said that had nothing to

do with the variances that relate to the structure of the building. She reminded the Board that changes have to be made prior to the adoption of the ordinance.

Mr. Webb clarified that staff is being directed to include language in the waiver provision regarding the detriment to surrounding areas, or wording that exists similar, to other planning decisions for a special use permit.

\* \* \* \* \*

**Commissioner Sferrazza temporarily left the meeting.**

Aaron Schumacher, area resident, said this ordinance is a little too much a little too late. He said he does not appreciate Commissioner Galloway attacking him for not attending previous meetings; some people have to work and cannot attend every meeting.

Gary Schmidt, area resident, said this ordinance is the type of action by a government body that attacks an unpleasant or unpopular activity. He stated this is how the United States Constitution gets chipped away, either intentionally or unintentionally, by government bodies. Personally, he would like to have an adult oriented business on every street corner, then to fall victim to tyrannical, intrusive and abusive government regulations and controls that threaten the United States Constitution. He said he does oppose the definition of “completed application,” because the definition leaves open the unencumbered government abuse. Mr. Schmidt said currently, anyone from the government or the business license agency can continue to request more and more items. Mr. Webb clarified that the definition is included because once an application has been filed, it starts the clock ticking for the issuance of a temporary license and then for a final license.

In response to Commissioner Galloway’s inquiry, Mr. Webb stated that the locational waiver allows for review of the decision by the Business License staff on a locational restriction, by the Board as an elected body as an administrative process, and then the next step would be a legal review. Ms. Shipman said there is no requirement to have a waiver provision but, from a legal standpoint, it is recommended there be one.

On motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Shaw ordered that the Business Impact Statement be approved.

Bill No. 1292 entitled, “AN ORDINANCE AMENDING WASHOE COUNTY CODE; REVISING SECTION 25.047, DEFINITIONS, AND ADDING DEFINITIONS FOR THE WORDS “ARTERIAL” AND “COMPLETED APPLICATION” AND “INDEPENDENT CONTRACTOR”; REVISING SECTION 25.049 RELATING TO FINDINGS; REVISING SECTION 25.051 TO CLARIFY REQUIREMENTS FOR AN APPLICATION AND REMOVING REQUIREMENTS RELATING TO CORPORATE OFFICERS; REVISING SECTION 25.053 TO REQUIRE THAT ADULT BUSINESSES BE LOCATED IN AN INDUSTRIAL OR

TOURIST COMMERCIAL REGULATORY ZONE AND AT LEAST 1,000 FEET FROM VARIOUS PUBLIC USES, OTHER ADULT USES OR AN ESTABLISHMENT HOLDING AN UNLIMITED GAMING LICENSE, CLARIFYING REQUIREMENTS FOR A WAIVER REQUEST AND SETTING FORTH FINDINGS NEEDED TO SUPPORT A WAIVER; REVISING SECTION 25.0531 TO LIMIT THE UTILIZATION OF A DISPLAY WINDOW AND CLARIFY THE TYPES OF DISPLAY THAT IS PROHIBITED AND CLARIFYING THE REQUIREMENTS RELATING TO STRUCTURES UTILIZED BY AN ADULT CHARACTERIZED BUSINESS; REVISING SECTION 25.0532 TO CLARIFY THOSE BUSINESSES THAT ARE EXEMPT FROM REGULATION; REVISING SECTION 25.0533 RELATING TO REQUIREMENTS FOR WORK PERMITS; REVISING SECTION 25.0535 TO AUTHORIZE PERSONS OTHER THAN A PEACE OFFICER TO REQUEST DISPLAY OF A WORK PERMIT; REVISING SECTION 25.055 SETTING FORTH REQUIREMENTS FOR ADULT INTERACTIVE CABARETS; REVISING SECTION 25.0551 TO AUTHORIZE INSPECTION BY AUTHORIZED COUNTY EMPLOYEES; REVISING SECTION 25.0553 TO CLARIFY REQUIREMENTS RELATING TO ADULT MOTION PICTURE ARCADES; REVISING SECTION 25.056 TO ESTABLISH DATE ON WHICH NON-CONFORMING LOCATIONAL STATUS IS OBTAINED FOR EXISTING BUSINESSES AND PROVIDING FOR A VARIANCE PROCEDURE; AND OTHER MATTERS RELATING THERETO,” was introduced by Commissioner Bond, the title read to the Board, and legal notice for final action of adoption directed.

**01-310            RESOLUTION – ELECTRIC GENERATION DIVESTITURE AND  
RETAIL ELECTRIC COMPETITION – GENERAL SERVICES**

Upon recommendation of Tom Gadd, Director, General Services, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried with Commissioner Sferrazza temporarily absent, it was ordered that the following resolution be adopted and Chairman Shaw be authorized to execute:

**A RESOLUTION REGARDING ELECTRIC GENERATION DIVESTITURE  
AND RETAIL ELECTRIC COMPETITION**

**WHEREAS**, Governor Guinn has delayed the opening of Nevada's electricity markets to retail competition until the market stabilizes, there are adequate consumer protections in place and the supply of generation is at an acceptable level; and

**WHEREAS**, The Nevada Legislature is currently reviewing numerous actions the State could take with regard to retail electric competition; and

**WHEREAS**, The utility environment is extremely volatile both in natural gas and electricity markets and is anticipated to remain so for the immediate future; and

**WHEREAS**, Washoe County is a large customer of energy services for County facilities; and

**WHEREAS**, Washoe County is supported by limited tax dollars and is held accountable for its expenditures, including higher energy bills; and

**WHEREAS**, Washoe County and its citizens have already experienced significant increases in their energy bills; and

**WHEREAS**, Washoe County is exploring available options to reduce its energy consumption; now, therefore, be it

**RESOLVED, BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF WASHOE IN THE STATE OF NEVADA**, that we do hereby:

Section 1. Urge the Nevada State Legislature to proceed cautiously with the divestiture of the generation facilities belonging to Sierra Pacific Power Company and Nevada Power Company and opening the Nevada electric markets to retail competition to ensure Nevada consumers' interests are protected, that Nevada's energy supplies are not jeopardized and that such actions encourage competition in generation markets while preserving for Nevada consumers the benefits of the generating plants for which they already have paid.

Section 2. Support SB 253 if it continues to exempt the small Hydro Electric Plants in the proposed Truckee Meadows Water Authority (TMWA) acquisition and if it includes provisions to protect consumers, encourage conservation, promote reliability and adequate capacity - both generation and transmission - and will not impair the development of effective competition.

Section 3. Support the State of Nevada's implementation of energy assistance programs to provide affordable utility services for low-income consumers and senior residents.

Section 4. Recommend exploration of all possible means to ensure a reliable power supply for northern Nevada.

Section 5. Encourage long-term energy conservation plans be developed and implemented.

Section 6. This Resolution shall be effective on passage and approval by the Board of County Commissioners.

Section 7. The County Clerk is hereby directed to distribute copies of this Resolution to the County Manager, Finance and General Services.

**01-311            WASHOE COUNTY ENERGY STRATEGY – GENERAL SERVICES**

Upon recommendation of Tom Gadd, Director, General Services, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Shaw ordered that the Energy Strategy for Washoe County be adopted. (A copy of which was placed on file with the Clerk.)

**01-312            BILL NO. 1293 – AMENDING WCC – JOB CLASSIFICATION SYSTEM – HAY CLASSIFICATION AND COMPENSATION PLAN**

Joanne Ray, Human Resources Director, reviewed the action the Board is being asked to take today. She said historically the unclassified management and confidential employees have generally been provided the same salary and benefits as the Washoe County Employees Association (WCEA). She stated the reason for embarking on this project was due to many internal inconsistencies throughout the County, using the previous method of classifying and compensating positions, through a whole job ranking method. The external competitiveness is not what it should be based on job turn-over rate and lack of applicant pool. The Human Resources Department believes that having more people involved in the process provides for a more fair and consistent process. She said the County wanted to increase employee satisfaction and retention, as well as organizational effectiveness. Ms. Ray stated, with the past system, it became more difficult to apply a whole job method as they were paying jobs of the same size different rates of pay and paying different size jobs the same rate of pay.

Mark Gregersen, Assistant County Manager, using a power point presentation reviewed the internal relationships, prior to, and after the Hay Study, contractual partnership with WCEA, Hay – job evaluation system, and strategies to address major employee issues.

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**Commissioner Sferrazza returned to the meeting.**

Ms. Ray reviewed the job evaluation process and compensation structure, using a power point presentation.

Amy Harvey, County Clerk, read into the record a memo dated March 27, 2001, which was placed on file with the Clerk. She reminded the Board that the Amended Memorandum of Understanding entered into by the County Commissioners and the District Court in 1975, promised “the salaries of judicial exempt employees shall be commensurate with the salaries of like positions governed by the County Merit Personnel System.”

Sharon Gotchy, County Clerk's office, Minutes Division, read into the record a memo dated March 27, 2001, which outlined the position of the Commission Clerks on why they believe the Hay Study is inequitable. She said Human Resources did not provide all of the information promised to the employees that showed why employees were placed into the job classification they were. Ms. Gotchy believes the County Commission Clerks should be in the same job classification as the legal secretary's, as job skills and knowledge between the two are basically the same.

Cheryl Phay, County Clerk's office, Marriage Division, reviewed the salary inequity between the Marriage Clerks and the District Filing Clerks who work side-by-side in the same office. She said both positions must possess the same job skills, keep abreast of the ever-changing NRS codes and assist the general public in filing documents. She reminded the Board that the University of Nevada Reno previously had commissioned a salary and classification study by the HayGroup, but the recommendations were so absurd, the Board of Regents shelved the findings and never implemented the study.

Ray Horstmeyer, Washoe County employee, stated he has worked for the County for 14 years. He said he is very concerned about the inequity generated by the Hay Study, mainly that mid and upper management stands to gain a 15 to 20 percent increase in their salaries. Mr. Horstmeyer said that most of the lower level employees, i.e. painters, maintenance workers, carpenters, janitors, roads crew, vehicle maintenance, and reprographics, who do the actual work, will have their pay frozen from 2 to 10 years. He said employees whose salaries are being frozen feel they are being penalized for their longevity and loyalty to the County.

Brad Larson, General Services Department, said the Hay Study was sold to the Board and the WCEA as a fair and objective method for evaluating compensation. He said that is not what happened, and encouraged the Board to deny the Hay Study.

Robert Burdick, Executive Director, WCEA, stated that the WCEA has just completed negotiations and reached a tentative contract agreement that the members will vote on in the very near future. He advised that, during these negotiations, consensus was reached on how to implement the Hay Study and they have every confidence that this system will serve the County well; and that the Board will make the right decision for their employees.

Tracy Hilton, Washoe County employee, said the Hay Study was not done thoroughly or equitably. She said the employees were not given the opportunity to review their revised classifications and sign off on them, as they were told by Joanne Ray that they would be able to do.

Ray Comtois, Facilities Management Division, stated that the Hay Study is inherently flawed. He said employees were not told how and why they were categorized. Mr. Comtois stated the employees believe there is disparity in compensation compared to management and encouraged the Board to deny the Hay Study.

Vahid Behmaram, Washoe County employee, stated that the Hay Study was a very complicated process, but believes no process is perfect. He requested that the employees be afforded another appeal process based on the review of the data that was used to evaluate the salaries.

Jerry Walker, Washoe County employee, said he does not have anything against the Hay Study as long as it is implemented fairly. He does not believe his position was treated fairly; and as a result of the IT department's reorganization, all of the employees in the department ended up with new job descriptions. He said Joanne Ray advised the employees that they would have a chance to review their job classifications for accuracy and make appropriate corrections and revisions. He said that did not happen, as the employees did not even get to see their new job descriptions until after the results of the Hay Study in October. The Human Resources Department was unresponsive when employees attempted to address that issue. He said his job position was lowered more so than other divisions within his department, which is possibly due to point factors being left out of the new job descriptions. Mr. Walker stated Human Resources does not want to address that possibility and requested the Board keep this information in mind when they make their decision concerning the Hay Study.

John Sherman, Finance Director, stated he understands this has been a difficult process, but he does support the objectives of the Hay Study and the process that it went through. He believes the recommendations from the Hay Study are fair.

Commissioner Bond said she thinks the process is fair when people are a part of that process. She believes, for the most part, the Hay Study has accomplished what the Board set out for it to do. She is concerned that the employees who testified today feel they have not been afforded an adequate role in the process. If there was a snag in the process, then it should be revisited because everyone should have an opportunity to be heard and be included in the process.

Ms. Ray said they did not conduct desk audits because it would have taken a lot longer to complete the study if they had. She advised there were times when the Job Evaluation Committee needed clarification or was confused about something, and they went back to the Assistant County Managers' or the department heads for an answer. If this study is accepted, they will always be doing desk audits, but it was prohibitive prior to transitioning to the new system. She noted that the job specifications were not on the web site until October, but that was prior to starting the round of appeals. The IT department had started reorganization prior to the commencement of the Hay Study and so that was an extremely difficult transition for that department.

Commissioner Bond said when the Hay Study started, they agreed they were not going to do any reorganization until the conclusion of the study. Ms. Ray said that was correct and that was the intention early on, but part of the IT reorganization had already gone to the Board.

Commissioner Short said the Hay Study was a difficult process and with approximately 2800 County employees, not everyone is going to be happy. Ms. Ray said once the Hay Study is in place, the Human Resources Department is going to start desk audits the first week in April.

Commissioner Sferrazza stated that the departments represented by members on the Job Evaluation Committee did markedly better than those that were not. He believes it does create a bias, with no aspersions to the committee members because they did work very hard. Commissioner Sferrazza commented that the Committee included two members from the District Attorney's office and no one from the Clerk's office, the Recorder's office or the civilian employees of the Sheriff's Department. He stated if the study is approved today, he would like to refer that, in the future, when someone is appealing, there has to be someone from that department serving on the Job Evaluation Committee because otherwise it is a very unfair system. Commissioner Sferrazza said he is amazed that employees were told that they could not get their point factor determination and did not get a copy of how it was calculated. There is no due process in the appeals system where employees do not even know how they were evaluated.

Neville Kenning, HayGroup, said the preliminary results were communicated to all of the employees at the commencement of the appeals process back in October, including information concerning the proposed salary grade and a one page overview explanation of the factors used in the job evaluation process. He said what was not given to the employees was the actual points themselves because it takes one day of extensive training to understand how to apply them to the process. The HayGroup wanted the employees to understand the factors that were taken into consideration rather than the points themselves; the points are just the language by which to express those factors. He explained the process used for selecting Job Evaluation Committee members.

Commissioner Sferrazza said employees are being denied the actual point factors applied to their job because the HayGroup believes they will not understand them. He asked how employees are supposed to make a meaningful presentation to the committee without having that basic information. If there is a problem with the employees understanding the point factor system, then a representative who understands the system should be appointed to represent everyone before the committee, so they can make a meaningful presentation. Commissioner Sferrazza stated that he totally disagrees with Mr. Kenning and believes it is a denial of due process to hold back how an employee is rated. Mr. Kenning said employees were given three choices to submit an appeal: job classification, job evaluation and pay; and that a document was provided to the County outlining the job evaluation process.

Commissioner Sferrazza asked how the Hay Study dealt with the 1975 Memorandum of Understanding between the County Commissioners and the District Court, with respect to salaries of judicial exempt employees remaining commensurate with salaries of like positions governed by the County merit personnel system. Mr. Kenning said they only dealt with the positions that were covered within the scope of the

study, which was agreed to at the commencement of the Hay Study; they did not look at any of the positions covered by the District Court plan because they were not within the scope of the study.

Commissioner Sferrazza asked why 66 percent of the departments represented on the Job Evaluation Committee received an increase in maximum range versus the general population. Mr. Kenning said he was not aware of that statistic. He advised the role of HayGroup was to ensure that the Committee was objective and only reviewed jobs, not their own special interests.

Commissioner Galloway asked how often an employee could use the appeal system. Mr. Kenning said one of the things the HayGroup encouraged was there not be annual windows in which an employee can request a reclassification or review.

Bill Berrum, Treasurer, expressed his appreciation to the Job Evaluation Committee and the Human Resources Department for all of their hard work. He requested the Board not underestimate the concerns expressed by the employees. Mr. Berrum suggested the Board remove the HayGroup from the position as sole final authority in the appeal process and, instead, appoint a committee to hear the appeals. The Board should also allow the appellant and/or a representative to be present for an oral presentation when appealing. Mr. Berrum said, if the Board accepts his suggestion, it would reduce inequities, enhance recruitment, glean the good that has come out of this investment and improve moral and open communications, as well as restore confidence in the leadership of Washoe County. He said employees do need to know how and why they were rated as they were.

Richard Gammick, District Attorney, stated he did serve on the Steering Committee, and advised that there are still outstanding issues that have not yet been resolved. He said he doubts the Board could find anyone else who came into this project more skeptical than he was, but they need to look at this project overall and what has been put in to it. He does support this study. The Steering Committee made a commitment to stay with this project until it is fully completed and all issues are resolved.

Commissioner Galloway said there should be someone other than the Board watching to see how this Hay Study process works. He commented that maybe the Steering Committee could have some sort of oversight role and make recommendations to the Board if things are not working out.

Chairman Shaw asked if there was any other recourse for the County Clerk's staff regarding their job descriptions. Ms. Ray said if their job changes, they have the option to request a review.

Commissioner Sferrazza said employees who have previously appealed and were denied, should be allowed a further appeal.

Commissioner Short moved to accept the following: Seconded by Commissioner Galloway.

1. The Classification and Compensation Plan (placed on file with the Clerk) for the Washoe County Employees Association for the Non-supervisory and Supervisory units in accordance with the collective bargaining agreements for these units; and
2. The Classification and Compensation Plan (placed on file with the Clerk) as for the Unclassified Management Employees, Confidential Employees.

Commissioner Bond said she has no problem going forward with this study today, but requested the Steering Committee and the HayGroup give employees another opportunity to review their positions.

Commissioner Sferrazza moved to amend the motion, and clarified that this would only pertain to the people who did appeal and were denied, to give employees one additional appeal and furnish them with a copy of their point factors, the actual numbers and how they were computed, their job description, as well as have an opportunity to be present and heard by the Committee, and the (appellant board) similar to what was recommended by Mr. Berrum; and that the deputy clerks be point factored with the comparable positions in judicial, seconded by Commissioner Bond. On call for the amended motion Commissioners Bond and Sferrazza voted "aye," and Commissioners Short, Shaw and Galloway voted "no," and the amended motion failed.

Upon call for the original motion, Commissioners Shaw, Galloway, Short and Bond voted "aye," and Commissioner Sferrazza voted "no."

Bill No. 1293 entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY CHANGING PROVISIONS RELATING TO THE CLASSIFICATION SYSTEM AND ESTABLISHING THE JOB EVALUATION COMMITTEE INCLUDING ITS MEMBERSHIP AND TERMS AND SETTING FORTH THE DUTIES AND RESPONSIBILITIES OF THE COMMITTEE IN ASSISTING IN ADMINISTRATION OF THE CLASSIFICATION SYSTEM AND OTHER MATTERS PROPERLY RELATING THERETO," was introduced by Commissioner Bond, the title read to the Board, and legal notice for final action of adoption directed.

**01-313            COURT CLASSIFICATIONS – DEPUTY CLERK I, II, III AND COURT TECHNOLOGY POSITIONS – DISTRICT COURT**

Judge James Hardesty, Second Judicial District Court, discussed their request for approval of the maximum salary levels recommended by the Court to the Board on December 12, 2000, for the Deputy Clerk I, II and III and Court Technology (IT) positions. At that time the National Center for State Courts Job Classification and Pay Study was approved, with the exception of these positions. He stated it has never been the Court's position that the Clerks working in County Clerk Amy Harvey's office

should or should not be compared to the Court Clerk positions, but the issue is that the systems by which they are being compared are different and produce different results. The National Center Study was approved by the County Commission for establishing the Court salary ranges, and it is not fair to make a comparison using one system for the Courts' compensation and what Human Resources has already admitted is a completely different system (HayGroup Study). He said there is no showing that the numbers proposed by the Court for these positions were not reasonable and not consistent with the job descriptions and duties of the positions. With respect to the IT department, they believe comparisons were made to the wrong position. He noted that their IT personnel were never given the opportunity to appeal and a desk audit was not conducted. It is not fair to make a comparison between the Court IT personnel and the County IT personnel, but if the comparison is made, it should at least be done with respect to the same positions and job descriptions, a factor that cannot be accomplished because of the differences in the two systems.

Commissioner Short stated that the appeal opportunity given to all County employees should also be given to the Court employees; and that the Board wants equitable pay throughout the County. Judge Hardesty stated that he does not believe there are inequities, and there is no defect in their system.

Commissioner Sferrazza referred to the 1975 Amended Memorandum of Understanding (MOU) with respect to judicial employees being commensurate with the salaries of like positions governed by the County Merit Personnel System. Judge Hardesty stated that their position is these are not like positions, but to the extent anyone believes they are, it would seem a showing should be made that the pay given to the Filing Office Clerks and the Marriage Clerks or County Commission Clerks should be compared to the Court salaries, as opposed to the other way around. Commissioner Sferrazza noted that the Board's previous action to approve the Hay Study now makes that impossible. Judge Hardesty commented that Joanne Ray, Human Resources, testified that Hay Study salaries were based on an entirely different system. Commissioner Sferrazza stated he would never vote to have that situation occur again because it creates inherent inequity. Judge Hardesty said he is not an expert in County positions and only knows what the Court positions do. He stated he is not prepared to interpret the MOU tonight and perhaps the Court Administrator and Human Resources could make a comparison, but he believes that has already been done.

Commissioner Sferrazza commented that he agrees the Court employees should have recourse. At the same time, however, he does not think the Deputy Court Clerk positions are Court employees, but are County employees who are being treated differently, which he believes violates the spirit of the MOU. In his opinion, many of these positions are very similar and should be treated equally, and, he believes if the Board approves this request, inequity will be created with respect to the Deputy County Clerks.

Commissioner Galloway stated that these Court positions appear to be the most like positions of all the Court employees to the employees that report to the County

Manager, which is why the Board held them out on December 12. He said he would like to review the MOU, noting the 1975 arrangement may not be ideal, and there may be some crossover points. He suggested it might be desirable to fund these positions now, subject to a review of what the Hay Study would recommend. He noted it is not known how Amy Harvey's lawsuit will come out concerning some of these Court personnel or whether, in the future, it would be desirable to follow the lines of Clark County where the Court Clerks work for the County.

Judge Hardesty stated that, in the interest of time, he would like to withdraw this item from today's agenda and meet with Joanne Ray to make a significant comparison with respect to their Clerk and IT positions. Commissioner Sferrazza asked that the 1975 MOU also be reviewed. Judge Hardesty requested that the Board direct Human Resources to disclose the points assigned by the Hay Study to Amy Harvey's Clerks in order to make a fair comparison. Commissioner Sferrazza stated that, if this information is going to be disclosed, it should be disclosed to all employees.

On motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that this item be continued. It was further ordered that Human Resources disclose to all Court and County employees the points assigned to the job classifications by the HayGroup Classification and Compensation Study.

**01-314            RESOLUTION – CONDEMNING ACTS OF VIOLENCE BASED  
ON RACIAL, ETHNIC, RELIGIOUS OR GENDER PREJUDICE**

Earlier in the meeting, Chairman Shaw read the Resolution into the record. On motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Shaw be authorized to execute:

**WHEREAS,** The Truckee Meadows community has recently experienced acts of violence upon its citizens; and

**WHEREAS,** Some of these acts of violence have been motivated by racial, ethnic, religious or gender prejudice; and

**WHEREAS,** Several of these acts of violence have resulted in personal injury; and

**WHEREAS,** The good citizens of Washoe County are appalled at these cowardly acts of violence; and

**WHEREAS,** Citizens have come together in an effort to begin the healing process and stop senseless acts of violence in our community; and

**WHEREAS,** The Washoe County Board of Commissioners, County employees and citizens are committed to working with law enforcement to stop the violence in our community; now, therefore, be it

**RESOLVED,** That the Board of Commissioners of Washoe County condemns cowardly acts of violence in our community, including those that are motivated by racial, ethnic, religious or gender prejudice, and hereby commits to working with the good citizens of Washoe County in making our community safe for all once again.

**01-315            CITIZEN ADVISORY BOARD CHAIR PRESENTATIONS**

Leslie Roylance, Community Development, advised that, at the Board's invitation, the Chairs and representatives of the Citizen Advisory Boards (CAB) were invited to present the accomplishments, goals, and needs of their respective Boards; and that 10 of the 14 advisory boards are represented today. She said Rick Jones, Chair of the Incline Village/Crystal Bay CAB, was unable to attend but sent a letter, which Ms. Roylance read into the record. An e-mail was received from Bob White, Chair, Warm Springs CAB, advising that he would not be able to attend today's meeting and thanked the Board for the invitation. The following persons presented their report to the Board: [A Summary of the presentations was placed on file with the Clerk].

- Dianne Stortz-Linz, member, East Washoe Valley CAB
- Christine Aldridge, Chair, Galena-Steamboat CAB
- Sarah Chvilicek, Chair, North Valleys CAB
- Cheryl Purvis, Chair, Southeast Truckee Meadows CAB
- Elaine Steiner, co-Chair, Southwest Truckee Meadows CAB
- Clark Monson, Chair, Spanish Springs CAB
- Marge Cutler, member, Sun Valley CAB
- Chris Sewell, Chair, Verdi Township CAB
- Len Crocker, Chair, West Truckee Meadows CAB
- Bob Rusk, Chair, West Washoe Valley CAB

Commissioner Short thanked all members for their participation on the CABs.

Gary Schmidt, Mt. Rose Highway resident, commended the Galena-Steamboat CAB for doing an excellent job and commented that anything the Commission can do to encourage citizen participation on the CABs is good for the County. He then discussed issues concerning certain Mt. Rose Scenic Corridor regulations he feels need to be addressed and stated that Washoe Valley should be afforded scenic corridor status.

**01-316**            **WATER RIGHTS APPLICATION – CHANGE POINT OF  
DIVERSION - HERMAN AND JEAN STRECKER – WATER  
RESOURCES**

**6:30 p.m.**        This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on March 2, 9, and 16, 2001, to consider Water Rights Application 66922 filed at the office of the State Engineer by Herman F. and F. Jean Strecker, Trustees, to change the point of diversion, place of use and manner of use of 6.983 acre feet, 0.0164cfs, heretofore appropriated under Permit 61784 and authorize the Chairman to formally recommend approval of same to the Nevada State Engineer. Proof was made that due and legal notice had been given.

Chairman Shaw opened the public hearing and called on those wishing to speak. There being no response, the public hearing was closed.

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that Chairman Shaw be authorized to recommend approval of Water Rights Application 66922 filed by Herman F. and F. Jean Strecker to the Nevada State Engineer. It was noted that the point of diversion would be changed from Douglas County to the Incline Village General Improvement District in support of municipal purposes.

**01-317**            **COMPREHENSIVE PLAN AMENDMENT CASE NO. CP00VE-002  
– CANYON RANCH ESTATES - COMMUNITY DEVELOPMENT**

**6:30 p.m.**        This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on March 16, 2001, to re-consider a request to amend the Verdi Area Plan, being a part of the Washoe County Comprehensive Plan. The County Commission remanded the amendment request back to the Planning Commission in order to consider two modifications. 1) Re-designate certain areas of General Rural to Open Space, and 2) to not increase the overall density beyond that already allowed for by the existing land use. The Planning Commission approved number one but did not approve number two. Utilizing this Planning Commission approval, the amendment request would re-designate Assessor's Parcel Number 38-030-01 from the land use categories of 123.9 acres of Low Density Suburban (LDS) and 63.97 acres of General Rural (GR) to 74.10 acres of Low Density Suburban (LDS), 26.46 acres of Medium Density Suburban (MDS), 27.75 acres of Parks and Recreation (PR), and 59.55 acres of Open Space (OS); Parcel Number 38-010-06 from 34.8 acres of Low Density Suburban (LDS) and 321.57 acres of General Rural (GR) to 39.55 acres of Low Density Suburban (LDS), 311.59 acres of General Rural (GR), and 5.25 acres of Open Space (OS); Parcel Number 38-111-02 from 14.07 acres of General Rural (GR) to 1.76 acres of Low Density Suburban (LDS), 9.14 acres of General Rural (GR), and 3.17 acres of Open Space (OS). The parcels considered for the land use change total ±558 acres and are located north of the Truckee River and Old Highway 40 across from the River Oaks subdivision in County Commission District 5.

The parcels are found within the Truckee Canyon Hydrographic Basin, in Sections 8 & 9, T19N, R18E, MDM, Washoe County, Nevada. Proof was made that due and legal notice had been given.

Bill Whitney, Department of Community Development, advised that the Washoe County Planning Commission recommended approval of only one of the two modifications the Board requested they review. Changing the General Rural to Open Space was approved by the Planning Commission, but the request to retain the same overall density as the existing land use in the Verdi Area Plan was not approved. The Planning Commission approved the residential land use increase originally approved last October because of the additional area granted for open space and parks.

Commissioner Galloway disclosed he has had conversations with the applicant's representative. He emphatically expressed his concern that open space is not really given unless there is a way to assure it will not come back before a future Commission and be changed to something else. He noted he looks out his window at over 100 homes built on what used to be County open space and wants to assure this does not occur in the future. Mr. Whitney commented that the concern is very valid, and staff believes it can be taken care of at the final map stage. Upon inquiry of Commissioner Galloway, Mr. Whitney advised that the Planning Commission did not discuss how to lock up that open space, but the applicant offered a possible solution to address those concerns.

Robert Sellman, Community Development Director, stated there are a number of ways to restrict open space areas, but that cannot be done at the Comprehensive Plan Amendment level. A number of options would occur when the tentative map comes in. Commissioner Galloway noted that the Board never sees the tentative map; and that he has been asking for some time for a mechanism to accomplish this restriction. There is no assurance that, if this is approved today, anything would be done when the tentative map is presented. Mr. Sellman said the Board does have the opportunity to look at the conditions set by the Planning Commission.

Commissioner Short stated that he believes an ordinance is needed to address the open space restriction issue. He advised that he met with Mr. Thomas who indicated they have agreed the dedications will forever be open space.

Upon inquiry of Commissioner Galloway, Legal Counsel Shipman advised that the Board cannot condition the Comprehensive Plan Amendment but there may a legal way to accomplish what is desired. She explained that a Comprehensive Plan Amendment is a legislative act with no conditions, and it becomes different in the County unincorporated area because of the single map system.

Bill Thomas, Summit Engineering, representing K & R Homes, advised they entered into a discussion with the District Attorney's office several months ago about a process they feel would be closest to what has been requested concerning the park and open space restrictions. He stated that escrow instructions have been written to go along with deed restrictions that state the park and open space properties would be reserved for

those purposes in perpetuity. Those deed restrictions would run to the benefit of Washoe County, and the County would dictate whether the deed restrictions would ever be changed. Their intent is to make sure those documents are recorded prior to the Regional Planning Commission process and anything happening on the property. Upon inquiry of Commissioner Galloway, Mr. Thomas confirmed that they are offering escrow instructions that could only be changed with the consent of Washoe County. Commissioner Galloway noted that the problem with the applicant's proposal would be, if the escrow does not close, the bank would have land entitled to build a higher density of 165 homes in a smaller area and would have no obligation to sign the same deal with the next buyer.

Steve Mollath, Attorney representing applicant, explained that two escrows are involved, one relating to the deed restrictions and one concerning the purchase of the property by the developer. In order to make sure that the developer does not change his mind when escrow closes, they would create deed restrictions or grants of easements on the two parcels, which would be placed in a separate escrow that would close upon the recordation of the final map. The County would then know that, when the map is recorded, there would be no question the deed restrictions are in place.

Mr. Thomas presented an overhead map and discussed issues relative to the proposed project. He said the parks and open space areas that are zoned for development now would be turned into undevelopable land uses. The net affect is that more units will be built in a smaller area. However, if there is no net increase in the number of units allowed, there is no need for this application and they would go back to the current zoning on the property.

Commissioner Bond disclosed that she met with Mr. Thomas.

Chairman Shaw opened the public hearing and called on those wishing to speak.

Chris Sewell, representing the Verdi CAB, spoke against the requested land change. He said this proposal is not the same development presented to their CAB and they would request that the land be left the way it was originally zoned under the Verdi Area Plan.

Tim Burkett, Washoe County resident, spoke in support of the developer and the project.

Nancy Brettner, Verdi resident, spoke in favor of the project. She said K & R has improved sewer, water and roads in the area.

Jim Middagh, Verdi resident, advised he represents the Mortensen family who is transferring approximately 6 acres to the developers. The balance of the Mortensen property, which is almost 1,000 acres, is not a part of this project. He then stated that, while he would prefer that this property be left alone, it is unrealistic to think

that it will not be developed at some point. He, therefore, supports this developer as they are good people that build a quality project.

Paula Rodriguez, Verdi resident, spoke in opposition to redesignating the land use. She expressed concern about school capacity and increased traffic, stating that the project is too big, too congested, and does not comply with the Verdi Master Plan.

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

Commissioner Galloway advised the applicant would get 125 units without the comprehensive plan amendment, and he would be willing to allow the proposed additional units in exchange for the dedication of the park and open space. He expressed his continued concern that staff needs to plug the loophole that when the Board approves density transfers, there is no required dedication at that time to assure the land will be left vacant.

County Manager Singlaub noted that under the single map process, conditions cannot be imposed on the Comprehensive Plan Amendment. She asked Legal Counsel whether Commissioner Galloway's request could be accomplished within the single map process or does the County need to look at changing that process. Legal Counsel Shipman stated that the Board always has the right to change a process, which can be done through an ordinance change. She advised she is comfortable with the idea of the escrow proposal because it would deal with the issue. Final boundary descriptions of the open space or parks cannot be done until the final map stage, but the escrow proposal would hold the open land, which could not be changed without Board approval. She is not in a position tonight to say the entire single map process would have to be scrapped in order to address Commissioner Galloway's concerns. Commissioner Galloway stated that he is also concerned about the process the Board never sees. County Manager Singlaub advised that staff is very interested in Commissioner Galloway's concerns and will work with Legal Counsel to determine what options are available.

Commissioner Short stated he believes the escrow instructions and the statements made on the record today would make it difficult for any future County Commission or Planning Department to change anything. Commissioner Bond said the project has real merit, especially since the applicant came up with a process to assure the park and open space designation. She believes the County will be involved in the escrow instructions and that safeguards are in place. Commissioner Galloway stated this is better than what was previously presented, and he will support the request. However, he will ask for an agenda item to address the land restriction issue because it is still not iron clad.

Based on the following findings:

1. The proposed amendment to the Verdi Area Plan is in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan;

2. The proposed amendment to the Verdi Area Plan will provide for land uses compatible with existing and planned adjacent land uses and will not adversely impact the public health, safety or welfare;
3. The proposed amendments to the Verdi Area Plan respond to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable use of land;
4. The proposed amendment to the Verdi Area Plan will not adversely affect the implementation of the policies and action programs of the Conservation Element, the Population Element and/or the Housing Element of the Washoe County Comprehensive Plan;
5. The proposed amendment to the Verdi Area Plan will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services;
6. The proposed amendment to the Verdi Area Plan is the first amendment to the Plan in 2001 and, therefore, does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code;
7. The Washoe County Planning Commission public hearing, prior to action on the proposed amendment to the Verdi Area Plan, and the related changes to the text and maps of the plan, has been properly noticed in a newspaper of general circulation in the County as prescribed under NRS 278.210(1);
8. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing; and
9. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Planning Commission and the Washoe County Commission, and information received during the Washoe County Commission public hearings,

on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that Comprehensive Plan Amendment Case Number CP00VE-002 for Canyon Ranch Estates be approved; and that the escrow instructions offered by the applicant be accepted, subject to review by the District Attorney.

**COMPREHENSIVE PLAN AMENDMENT CASE NO. CP00FO-003**  
**- CALLAMONT ESTATES/PINEY CREEK ROAD REMOVAL AS**  
**COLLECTOR STATUS - COMMUNITY DEVELOPMENT**

**6:30 p.m.** This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on March 16, 2001, to consider a request to amend the Forest Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment request would remove Piney Creek Road from its collector status on the Street and Highway System Plan within the Forest Area Plan. The request would further re-designate the project area from Low Density Suburban (LDS) and General Rural (GR) to High Density Rural (HDR). The proposed project area is located 1.6 miles south of Mt. Rose Highway on Callahan Ranch Road. The 351.82 acre properties are designated Low Density Suburban (LDS) and General Rural (GR) in the Forest Area Plan and are situated in a portion of Section 11, T17N, R19E, MDM, Washoe County, Nevada, within Washoe County Commission District No. 2. (APN: 047-141-03; 047-141-06; 047-141-07; 047-141-10; 047-141-11). Proof was made that due and legal notice had been given.

Sharon Kvas, Department of Community Development, presented overhead graphics and reviewed the proposed amendment. She advised the amendment involves two changes to the Forest Area Plan, one being to redesignate the property from Low Density Suburban to High Density Rural, which reduces the development potential from 320 to 140 units, and the second being to take Piney Creek Road off of collector status. She explained that Piney Creek Road does not exist at this portion of the roadway and is strictly a paper easement to benefit Washoe County. Ms. Kvas provided background information concerning the designation of Piney Creek Road as a collector roadway and advised that projected traffic volumes do not meet collector status requirements. Ms. Kvas noted that the recommendation is not to abandon the road, which action would be considered at the time the subdivision map is presented.

Bill Thomas, Summit Engineering, representing Callamont Associates, LLC, discussed issues concerning access points, emergency access, proposed trail, etc. He advised the applicant intends to build a 71-lot subdivision with a private golf course. He discussed issues concerning Piney Creek Road and said there clearly is no longer a need for that road to be connected.

Chairman Shaw opened the public hearing and called on those wishing to speak. He noted that ten Request to Speak cards were submitted and all contained comments in favor of the project.

Timothy Burkett, area resident, advised his entire neighborhood supports the project.

Tom Cannon, Galena Forest property owner, said he understands that an agreement between Montreux and Callamont will extend Piney Creek Road to a cul-de-sac, which will eventually be paved. He asked if County specifications would be required and if the road would be deeded to the County. Board members and Mr. Thomas advised this would be required.

Laura Page, Callahan Ranch area, advised that during the February 20, 2001 Planning Commission meeting, she submitted 150 signatures in support of the abandonment of Piney Creek Road and the Callamont Estates project; and that they continue to support the project.

Wayne Capurro, Real Estate Broker, advised that he manages and sells property in the subject area. He reviewed historical information concerning the designation of collector status for Piney Creek Road, and stated that the way development unfolded in the area and because of the high quality, low density Callamont project, the need for that connector road has been eliminated. He encouraged the Board to support the amendment.

Based on the following findings:

1. The proposed amendments to the Forest Area Plan are in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan;
2. The proposed amendments to the Forest Area Plan will provide for land uses compatible with existing and planned adjacent land uses and will not adversely impact the public health, safety or welfare;
3. The proposed amendments to the Forest Area Plan respond to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable use of land;
4. The proposed amendment to the Forest Area Plan will not adversely affect the implementation of the policies and action programs of the Conservation Element, the Population Element and/or the Housing Element of the Washoe County Comprehensive Plan;
5. The proposed amendments to the Forest Area Plan will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services;
6. The proposed amendments to the Forest Area Plan is the first amendment to the Plan in 2001 and, therefore, does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code;
7. The Washoe County Planning Commission public hearing, prior to action on the proposed amendments to the Forest Area Plan, and the related changes to the text and maps of the plan, has been properly noticed in a newspaper of general circulation in the County as prescribed under NRS 278.210(1);

8. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing; and
9. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Planning Commission and the Washoe County Commission, and information received during the Washoe County Commission public hearings,

upon recommendation of the Washoe County Planning Commission, on motion by Commissioner Short, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that Comprehensive Plan Amendment Case No. CP00FO-003 for Callamont Estates be approved.

Commissioner Galloway commended the applicant for their proposal to lower the density of the development.

**01-319            INTERVENTION IN SUPREME COURT CASE NO. 37580 –  
WASHOE COUNTY EMPLOYEES ASSOCIATION VS. SECOND  
JUDICIAL DISTRICT COURT – DISTRICT ATTORNEY**

Legal Counsel Madelyn Shipman discussed issues relative to the Petition filed in the Nevada Supreme Court by the Washoe County Employees Association (WCEA) against the Second Judicial District Court for the purpose of directing that persons who work in certain District Court job classifications are entitled to have representation for collective bargaining matters; and that the WCEA be recognized as the exclusive bargaining agent for court-related employees. An alternative Petition was filed requesting the Court declare that persons identified as "court-related employees" are employees of Washoe County and have rights under NRS Chapter 288.

Legal Counsel Shipman stated her understanding of conversations at yesterday's caucus meeting was that any intervention would be limited to only assuring that the County be defined as the local government employer for bargaining purposes; to move to dismiss because the matter properly belongs in front of the Employee Management Relations Board (EMRB); and to assure the facts are correct.

Commissioner Galloway disclosed he discussed this issue with Steve Watson, Labor Relations Manager. Mr. Watson advised that the County would also want to intervene for the purpose of arguing that District Court is not a local government employer pursuant to NRS Chapter 288.

Some discussion was held concerning the separate County Clerk issue before the Nevada Supreme Court relative to whether certain Court employees are County employees. Legal Counsel Shipman said she anticipates a ruling on that case fairly soon that may resolve the whole issue. If the issue comes back to say that Court employees are County employees, the only matter to be resolved would be who is the

local government employer for purposes of Chapter 288, which would obviously be the County. If the Supreme Court issues a split decision where some employees are County and some are Court, the County would still not want the Courts to be recognized, directly or indirectly, as the employer for purposes of bargaining.

Commissioner Galloway commented that the County is trying to head off a situation in which the Court would do the bargaining and the County would get the bill. He said, if the County gets the bill, the County should do the bargaining.

Commissioner Sferrazza stated he disagrees with what is before the Supreme Court with respect to the County Clerk. The ruling could simply be that in Washoe County, the jurisdiction has been given to District Court and the County is stuck with it. It could be left in the hands of the County Commission to decide whether those employees are County or Court personnel. Legal Counsel Shipman advised that the Supreme Court would not be able skirt the issue and she believes they will provide guidance.

Following further discussion, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, with Commissioner Sferrazza voting "no," Chairman Shaw ordered that a minimum of intervention be done relative to Supreme Court Case No. 37580, Washoe County Employees Association vs. Second Judicial District Court, to include (1) to ask that the matter go to the EMRB, which would be more proper, (2) the County takes the position that, if it is found these are County employees, the bargaining agent must be the County Commission, and (3) that the evidence presented to the Court is factually accurate concerning what the employees do.

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There being no further business to come before the Board, the meeting adjourned at 9:40 p.m.

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JAMES M. SHAW, Chairman  
Washoe County Commission

ATTEST: AMY HARVEY, County Clerk

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*Minutes Prepared By:*  
*Jeraldine Magee and Barbara Trow*  
*Deputy County Clerks*