

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

SEPTEMBER 24, 2002

PRESENT:

Pete Sferrazza, Chairman
Joanne Bond, Vice Chairman
Jim Galloway, Commissioner
Jim Shaw, Commissioner
Ted Short, Commissioner

Amy Harvey, County Clerk
Katy Singlaub, County Manager
Michelle Poché, Assistant County Manager
Maureen Griswold, Legal Counsel
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:

02-1003 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Sferrazza ordered that the agenda for the September 24, 2002 meeting be approved with the following amendments: Move out of the Consent Agenda Item 7E(3), concerning payment to the Tahoe Regional Planning Agency pursuant to the Tahoe Regional Planning Compact and Item 7L, concerning a Resolution regarding acquisition by eminent domain of an access and waterline easement from the Mount Rose Water System.

PUBLIC COMMENTS

Sam Dehne, Reno citizen, expressed his opposition to the City of Reno's recent adoption of a policy where the Reno City Council is able to choose who is allowed to speak on agenda items. He said this policy is unconstitutional and un-American.

Aaron Schumacher, area resident, said every government organization has hidden money from the citizens, which information is contained in their Comprehensive Annual Reports. He demanded that Washoe County give back every cent of the funds they confiscated from the citizens, which he said amounts to \$2 billion since 1988.

Eddie Anderson, area resident, noted today's paper stated that the recall backers of the four City Councilmen conceded defeat. He requested that voters in November look at the progress of the City and the County Commission. He then discussed concerns regarding Commissioner Galloway's support or non-support of certain issues, such as the train trench.

Commissioner Galloway noted that the Board members have been advised it is not appropriate to respond to public comments. He said he sometimes vehemently disagrees or thinks some of the comments made are outrageous, but it is the Board's policy not to respond.

Stanley Waugh, Washoe County resident, presented and discussed a document titled Citizen's Petition To The Washoe County Commission that set forth Nevada Revised Statutes (NRS) and Washoe County Code regulations he believes are being violated. He stated the County Courthouse needs to be cleaned up literally and figuratively, and solicitation or steering people on Courthouse property to perform marriages is unlawful. He requested that the Board abate this violation. He then noted that a special meeting would be held between the County Clerk and the wedding chapel industry on Thursday at the Courthouse, and it would be wise for a representative of the Board to attend that meeting.

MANAGER'S/COMMISSIONERS' COMMENTS

Chairman Sferrazza said several people have requested information about the requirements for payment of water injection in Golden Valley and asked that this item be placed on a future agenda.

MINUTES

On motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Sferrazza ordered that the minutes of the regular meetings of July 9 and July 16, 2002 be approved.

02-1004 EXPENDITURE – DESIGN REVIEW COMMITTEE MEMBERS TO ATTEND ANNUAL DESIGN AWARDS CEREMONY – COMMUNITY DEVELOPMENT

Upon recommendation of Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Sferrazza ordered that the expenditure of \$250 for members of the Design Review Committee (DRC) to attend the annual Design Awards Ceremony scheduled for Thursday, October 10, 2002, at Lilly's At Lakeridge Tennis Club be approved.

It was noted that the cost for the general public to attend the awards ceremony is \$25, and the maximum expenditure to send five principal and five alternate members would be \$250.

ACCEPTANCE OF DONATIONS – FY 2002/2003 EXPENDITURES
– SOCIAL SERVICES

Upon recommendation of Michael Capello, Director, Department of Social Services, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Sferrazza ordered that cash donations totaling \$1,567.35 from the following donors to be used to assist children in emergency shelter care and families who are clients of the Department of Social Services be accepted with gratitude:

CASH DONATIONS	
Reno Kiwanis Community Foundation	\$400.00
Frank and Karen Tirado	\$ 50.00
Jan and Lisa O'Grady	\$ 60.50
Roy and Leslie Adams	\$ 50.00
Richard Iori and Victoria Casella	\$ 20.00
Karen Sue Wilson	\$ 50.00
Valerie J. Ferrante	\$ 20.00
Herbert Wells III and Christine Wells	\$ 20.00
Sherre Engdahl	\$ 15.50
William Knapp, Ph.D. & Margaret Knapp	\$ 40.00
LaDonna Babione	\$ 5.00
Charles Maestas and Katherine Myers	\$ 20.00
Timothy and Alice LeDesma	\$ 15.00
Stephen Sullivan	\$ 15.00
Michael and Stephanie Kindrick	\$ 10.00
Colette Imasaki	\$ 50.00
Shane and Sherri Cline	\$ 63.00
Christopher and Jennifer Koch	\$ 20.00
Michael and Patricia Capello	\$135.00
Piper Brittain	\$ 25.00
Sharon Gibbons	\$ 40.00
David and Margaret Downs	\$ 30.00
Diane Wozniak	\$ 21.50
Jerry Miller and Mary Encarnacion	\$ 15.00
William and Laura Rose	\$ 75.00
Elizabeth Trujillo	\$ 10.00
Rick and Jeanne Marsh	\$100.85
Patrick and Anne Schiller	\$ 30.00
Michael DeTullio	\$ 30.00
John Gancarek	\$ 25.00
Melody Arnold	\$ 12.00
Tara Anderson	\$ 25.00
Katherine Harvey	\$ 15.00

Stephanie Kennedy	\$ 14.00
Cody Ghiggia	\$ 5.00
Diane Rogers	\$ 25.00
Lucy Baden-Seiner	\$ 5.00
Unknown Donor	\$ 5.00

It was further ordered that the following account transactions be approved and the Department of Social Services be authorized to expend funds from the Social Services Donations account (28052D) to benefit children who are in care at the Kids Kottage emergency shelters and families who are clients of the Department of Social Services:

Increase Revenues Account	Description	Amount
28-28052D-5802	Donations – General	\$1,567.35
Increase Expenditures Account	Description	Amount
28-28052D-7205	Minor Furniture and Equipment	\$1,567.35

02-1006 RENTAL AND OPERATION – STORM DRAINAGE CLEANING EQUIPMENT – SPANISH SPRINGS STORM OF JUNE 21, 2002

Upon recommendation of Rodney Savini, Road Division Manager, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Sferrazza ordered that the payment of \$31,175.00 for the rental and operation of storm drainage cleaning equipment for the period July 9 - 19, 2002, in response to the Spanish Springs storm of June 21, 2002 be approved.

02-1007 CONTRACTS – RESOLUTIONS - LOW INCOME HOUSING TRUST FUNDS – GRANTS ADMINISTRATOR

Upon recommendation of Gabrielle Enfield, Grants Administrator, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that The Low Income Housing Trust Funds contracts between Washoe County and the following agencies be approved and Chairman Sferrazza be authorized to execute said contracts.

Catholic Community Services	\$40,000
Nevada AIDS Foundation	\$ 6,097
Family Resource Centers (WCSD)	\$ 7,903
Restart, Inc.	\$13,500
Restart, Inc.	\$12,500
Total	\$80,000

It was further ordered that the following Resolutions to grant the funds for Fiscal Year 2002/03 to the noted agencies be adopted and Chairman Sferrazza be authorized to execute the Resolutions:

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 for fiscal year 2002-2003 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private non profit organizations; now, therefore, be it

RESOLVED, by the Board of Commissioners of Washoe County that:

1. The Board hereby grants to Catholic Community Services of Northern Nevada, a private, nonprofit organization, a grant for fiscal year 2002-2003 in the amount of \$40,000 (Community Support).
2. The purpose of the grant, the maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Grant Program Contract, which Contract is incorporated herein by reference.

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 for fiscal year 2002-2003 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private non profit organizations; now, therefore, be it

RESOLVED, by the Board of Commissioners of Washoe County that:

1. The Board hereby grants to the Nevada AIDS Foundation, a private, nonprofit organization, a grant for fiscal year 2002-2003 in the amount of \$6,097(Community Support).
2. The purpose of the grant, the maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Grant Program Contract, which Contract is incorporated herein by reference.

RESOLUTION – Authorizing the Grant of Public Money to a Governmental Entity

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

WHEREAS, the Board of Commissioners of Washoe County has determined that a certain amount of money is available for fiscal year 2002-2003 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private non profit organizations, and governmental entities; now, therefore, be it

RESOLVED, by the Board of Commissioners of Washoe County that:

1. The Board hereby grants to the Washoe County School District, a political subdivision of the State of Nevada, a grant for fiscal year 2002-2003 in the amount of \$7,903 (Community Support).
2. The purpose of the grant, the maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Grant Program Contract, which Contract is incorporated herein by reference.

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 for fiscal year 2002-2003 for

community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private non profit organizations; now, therefore, be it

RESOLVED, by the Board of Commissioners of Washoe County that:

1. The Board hereby grants to Restart, Inc., a private, nonprofit organization, a grant for fiscal year 2002-2003 in the amount of \$13,500 (Community Support).
2. The purpose of the grant, the maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Grant Program Contract, which Contract is incorporated herein by reference.

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 for fiscal year 2002-2003 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private non profit organizations; now, therefore, be it

RESOLVED, by the Board of Commissioners of Washoe County that:

1. The Board hereby grants to Restart, Inc., a private, nonprofit organization, a grant for fiscal year 2002-2003 in the amount of \$12,500 (Community Support).
2. The purpose of the grant, the maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Grant Program Contract, which Contract is incorporated herein by reference.

**02-1008 COMMUNITY SUPPORT RESOLUTIONS – FISCAL YEAR
2002/2003 – GRANTS ADMINISTRATOR**

Upon recommendation of Gabrielle Enfield, Grants Administrator, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Sferrazza ordered that the following Community Support Resolutions

for Fiscal Year 2002/03 for the provision of funding to the Affordable Housing Resource Council in the amount of \$9,600 and Silver State Fair Housing in the amount of \$4,800 be adopted and Chairman Sferrazza be authorized to execute the same:

RESOLUTION - Authorizing the Grant of Public Money to a Nonprofit Organization Created for Religious, Charitable or Educational Purposes

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

WHEREAS, the Board of Commissioners of Washoe County has determined that \$9,600 in funding is needed to assist in providing services to encourage a clean community; now, therefore, be it

RESOLVED, by the Board of Commissioners of Washoe County that:

1. The Board hereby grants to Affordable Housing Resource Council, a nonprofit organization created for religious, charitable or educational purposes, a grant for fiscal year 2002 - 2003 in the amount of \$9,600 (Community Support).
2. The purpose of the grant is to provide technical assistance and capacity building services to developers of affordable housing in Washoe County, which will provide a substantial benefit to the inhabitants of the county.

RESOLUTION - Authorizing the Grant of Public Money to a Nonprofit Organization Created for Religious, Charitable or Educational Purposes

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

WHEREAS, the Board of Commissioners of Washoe County has determined that \$4,800 in funding is needed to assist in providing services to encourage a clean community; now, therefore, be it

RESOLVED, by the Board of Commissioners of Washoe County that:

1. The Board hereby grants to Silver State Fair Housing, a nonprofit organization created for religious, charitable or educational purposes,

a grant for fiscal year 2002 - 2003 in the amount of \$4,800 (Community Support).

2. The purpose of the grant is to provide informational materials and education to increase community awareness of housing discrimination, Fair Housing Act protections, and fair housing rights and responsibilities, which will provide a substantial benefit to the inhabitants of the county.

**02-1009 AWARD OF BID – RETROFIT OF FIRE SUPPRESSION SYSTEM
- BID NO. ITB-2340-02/RW – INFORMATION TECHNOLOGY**

This was the time to consider award of the bid for the Retrofit of the Fire Suppression System in the Information Technology (IT) Center's main computer room located at 1001 East 9th Street, Reno, Nevada, on behalf of the IT Department of Washoe County. The Invitation to Bid was made available through the online services of Demandstar.com.

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

SimplexGrinnell LP
Diversified Systems International

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Sferrazza ordered that Bid No. ITB-2340-02/RW for the Retrofit of the Fire Suppression System in the Informational Technology (IT) Center's main computer room located at 1001 East 9th Street, Reno, Nevada, on behalf of the IT Department of Washoe County, be awarded to SimplexGrinnell LP in the net amount of \$51,276.00. This amount is for the work as specified in the Invitation to Bid and shall conform to National Fire Protection Agency (NFPA) 72, NFPA 2001, NFPA 12, State and Local Codes and manufacturers requirements. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute an agreement with SimplexGrinnell LP to perform the work.

**02-1010 UNCOLLECTABLE PERSONAL PROPERTY ACCOUNTS –
PERSONAL PROPERTY TAX ROLLS – COMPTROLLER**

Upon recommendation of Kathy Garcia, Comptroller, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Sferrazza ordered that the deletion of uncollectable personal property names, amounts and account numbers, as outlined on the Washoe County Assessor's/Treasurer's Deletion List May 2002 Adjustment Listing, which was placed on file with the Clerk, be authorized.

**02-1011 EXHIBIT AGREEMENT – POTOMAC MUSEUM GROUP –
"ELEPHANTS!" EXHIBIT – PARKS**

Upon recommendation of Kristy Lide, Recreation Specialist III, through Karen Mullen, Director, Department of Parks and Recreation, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that the Contract between Washoe County and the Wilbur D. May Museum for the loan of the touring exhibit "Elephants!" be approved and Chairman Sferrazza be authorized to execute the same.

**02-1012 FY 2002/2003 INTERLOCAL AGREEMENT – CITY OF RENO/
RENO POLICE DEPARTMENT – JOINT CHILD ABUSE AND
INVESTIGATION TEAM - SOCIAL SERVICES**

Upon recommendation of Michael Capello, Director, Department of Social Services, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that the Interlocal Agreement between Washoe County and the City of Reno on behalf of the Reno Police Department, effective from July 1, 2002 through June 30, 2003, to continue the operation of the Joint Child Abuse and Investigation Team be approved and Chairman Sferrazza be authorized to execute the same.

**02-1013 MEMORANDUM OF UNDERSTANDING – NATIONAL
WEATHER SERVICE – RENO FLOOD WARNING SYSTEM –
WATER RESOURCES**

Upon recommendation of Jeanne Ruefer, Water Resources Planning Manager, through Steve Bradhurst, Director, Department of Water Resources, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that the Memorandum of Understanding (MOU) between Washoe County and the National Weather Service for the Reno Flood Warning System, which replaces the September 1987 MOU between both entities, be approved and Chairman Sferrazza be authorized to execute the same.

**02-1014 REQUEST FOR ASSISTANCE – U. S. ARMY CORPS OF
ENGINEERS – FEASIBILITY STUDY – NORTH SPANISH
SPRINGS FLOOD DETENTION FACILITY**

Upon recommendation of Jeanne Ruefer, Water Resources Planning Manager, through Steve Bradhurst, Director, Department of Water Resources, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that a Letter Request for Assistance to the U. S. Army Corps of Engineers to perform a Feasibility Study of the North Spanish Springs Flood Detention Facility be approved and Chairman Sferrazza be authorized to execute the same.

It was noted that the first \$100,000 to perform the Preliminary Assessment phase of the Feasibility Study would be funded 100 percent by the Federal Government; and costs in excess of this amount for the Feasibility Study would be split 50/50 between Washoe County and the Corps of Engineers.

**02-1015 AFFIDAVIT 28 OF WAIVER AND CONSENT AS AN
APPORTIONMENT REPORT – SPECIAL ASSESSMENT
DISTRICT NO. 23 – ARROWCREEK – UTILITY DIVISION**

Upon recommendation of John Collins, Manager, Utility Services Division, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Director, Department of Water Resources, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that Affidavit 28 Waiver and Consent as an Apportionment Report to redistribute the Special Assessment District (SAD) 23 assessments for ArrowCreek be accepted and Chairman Sferrazza be authorized to execute the same. It was further ordered that the Manager of the Utility Services Division be directed to record the Affidavit with the County Recorder.

**02-1016 PAYMENT – TAHOE REGIONAL PLANNING AGENCY –
TAHOE REGIONAL PLANNING COMPACT – GRANTS
ADMINISTRATOR**

Commissioner Galloway stated that, although he likes the Tahoe Regional Planning Compact, he does not like the way the Tahoe Regional Planning Agency (TRPA) is currently being managed. He said he is not opposed to the recommendation to pay Washoe County's share of the financial support of the Tahoe Regional Planning Agency because it is required by State law, and the Board must meet its legal obligation. Commissioner Galloway then advised that he has received many letters from people who are upset about the unsubstantiated and reasonless extent to which the TRPA has sought to micromanage the scenic issue at Lake Tahoe. He said the TRPA has proposed regulations that go way beyond anything that would be necessary to protect the qualities of the Lake. He noted there has been movement toward resolving some of the problems with the proposed regulations, and he gives credit to those who are now listening to people's concerns and are working on the issues.

Sam Dehne, Reno resident, said the TRPA's proposed directives are extremely harsh and do not allow homeowners to design their own properties.

Upon recommendation of Gabrielle Enfield, Grants Administrator, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that the payment of Washoe County's share of financial support in the amount of \$33,262.00 to the Tahoe Regional Planning Agency, pursuant to the Tahoe Regional Planning Compact, Article VIII, Public Law 96-551 dated December 19, 1980, be approved.

**RESOLUTION – ACQUISITION OF ACCESS AND WATERLINE
EASEMENT – MOUNT ROSE WATER SYSTEM – WATER
RESOURCES/DISTRICT ATTORNEY**

Andy Fuller, MacKay & Soms Civil Engineers, Inc., representing Raymond Guerra, owner of the subject property, stated that Mr. Guerra has been working on developing the subject property for over ten years and is opposed to the recommendation to initiate eminent domain proceedings for a waterline easement across his property. He said Mr. Guerra would like to complete the parcel map and grant the easement to the County at no cost to the taxpayers and eliminate the necessity of this proposed court action. Mr. Fuller said the information the Board received from the District Attorney's Office states that Mr. Guerra has been unwilling to negotiate with the County for acquisition of the easement, but this is not true. The staff report also states there is no alternative other than this easement through Mr. Guerra's property, but noted that U.S. Forest Service property adjoins Mr. Guerra's property, and they have granted similar easements to other agencies in the past.

Tom Kelly, Senior Engineer, Utility Division, advised that Forest Service regulations state that a special use permit cannot be obtained to cross Forest Service property if there is any other alternative, such as private land. Mr. Kelly responded to questions of the Board concerning the waterline location and the Forest Service's directive that acquisition of private land is considered an alternative to using Forest Service land. He then reviewed the yearlong process of staff's attempts to contact Mr. Guerra regarding the easement acquisition.

Commissioner Galloway said he is satisfied that staff has appropriately considered the Forest Service rule that a special use permit cannot be obtained to cross Forest Service land, if private land is available. He stated that placing the easement on the parcel map as a condition would interfere with the process already under way and would impose a condition for gain, which he does not think the County has the authority to do. He said he believes the County has to pay for the property, and staff has made every attempt to contact the property owner to agree to the acquisition. He stated that Mr. Guerra has had many opportunities to come forward and negotiate with the County but has not done so; and he thinks the eminent domain proceedings need to go forward.

Upon recommendation of Steve Bradhurst, Director, Department of Water Resources, and John Rhodes, Deputy District Attorney, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Resolution to initiate eminent domain proceedings for acquisition of an easement for access to the Mount Rose Water Tank No. 4 and for a waterline be adopted and Chairman Sferrazza be authorized to execute the same:

RESOLUTION - Authorizing proceedings for acquisition, by eminent domain, of an access and waterline easement for the Mount Rose Water System.

IT IS HEREBY RESOLVED, by the Board of County Commissioners of Washoe County, pursuant to Chapter 37, Nevada Revised Statutes:

1. The acquisition of the access and waterline easement upon, over, across and through the real property hereinafter described is in the best interest of the general public.

2. The construction of the access and waterline, by securing the easement described in item 3 below, is compatible with the greatest public good and the least private injury.

3. The Washoe County Department of Water Resources, in conjunction with the Washoe County District Attorney's Office, is hereby authorized to commence and prosecute, in a court of competent jurisdiction, condemnation proceedings to enable Washoe County to acquire the access and waterline easement upon, over, across and through all of that real property situated in Washoe County, Nevada, being more particularly described in Exhibit "A."

4. The Washoe County District Attorney's Office is hereby authorized to apply to the court in accordance with the provisions of N.R.S. 37.100 for an order permitting the Washoe County Department of Water Resources to occupy and use the real property as may be necessary for the construction of a water tank waterline prior to entry of judgment.

02-1018 SALARY RANGE – ASSISTANT COUNTY MANAGER

Katy Singlaub, County Manager, advised that the Assistant County Manager position does not currently have a salary range, and the salary is set at the top of the proposed range. The salary range recommendation would put a floor to the salary and allow flexibility to recruit within that range.

Chairman Sferrazza asked if the bottom figure of the salary range could be lowered. County Manager Singlaub advised that the proposed classification has been set pursuant to the Hay System, and the point factoring takes into account the entire market of comparables based on Board policies.

Upon recommendation of Joanne Ray, Director of Human Resources, on motion by Commissioner Short, seconded by Commissioner Bond, which motion duly carried with Chairman Sferrazza voting "no," it was ordered that the salary range of \$102,190.40 - \$132,641.60 for the Assistant County Manager classification be approved.

02-1019 **APPEARANCE: KATHY CARTER, COMMUNITY RELATIONS DIRECTOR – FINAL ACTION PLAN STATUS REPORT - WASHOE COUNTY/TRUCKEE MEADOWS TOMORROW QUALITY OF LIFE COMPACT**

Kathy Carter, Community Relations Director, reviewed the Final Action Plan Status Report dated September 24, 2002 on the Quality of Life Compact between Washoe County and Truckee Meadows Tomorrow. This partnership was created to support the community's 66 quality of life indicators. She advised that the Compact is complete, and she believes the partnership was successful in serving as a model to get other organizations to implement the 66 quality of life indicators into their planning and daily practice. Ms. Carter advised that Washoe County was notified yesterday by the International City/County Management Association (ICMA) that it has been selected as best practices for the Truckee Meadows Tomorrow/Washoe County Quality of Life Compact, and has been invited to make a presentation at their conference next March in Tacoma, Washington.

Board members complimented everyone that worked on this program for a job well done. Ms. Carter responded to questions of the Board concerning the goals of the Action Plan that were outlined in the agenda material.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that the Final Action Plan Status Report on the Washoe County/Truckee Meadows Tomorrow Quality of Life Compact be accepted.

02-1020 **MERGER OF VERDI TOWNSHIP JUSTICE COURT INTO RENO TOWNSHIP JUSTICE COURT**

Katy Singlaub, County Manager, advised that staff prepared an analysis to look at the cost benefit of merging the Verdi Township Justice Court into the Reno Township Justice Court, as requested by the Board. She said the recommended final settlement agreement would accept Verdi Justice Court Judge Clark's resignation in consideration of a lump sum payment in the amount of \$286,000. This lump sum payment equates to her wages, longevity, sick leave cash out and PERS contributions through the end of her elected term of December 31, 2006. She advised that, if the recommendation is approved, the merger would be effective November 1, 2002.

Chairman Sferrazza stated he supported the idea of a merger but did not expect that the County would prepay Judge Clark's salary for four years. He said, under this recommendation, the County would pay Judge Clark in today's dollars for something that would not be earned until 2006, which he does not support.

County Manager Singlaub advised that costs and revenues are associated with the Verdi Justice Court. She said, if the County paid the money out over time and amortized the cost, the calculation would change; and the net present value could go up or down depending on the future economy.

Steve Watson, Labor Relations Manager, stated that Judge Clark discussed the issues with County staff, her family and financial advisors, and determined the lump sum payment is what she would require in consideration of her resignation. He advised that staff did not deal with net present value because that was not acceptable to Judge Clark. He said, if the Verdi Justice Court is closed, for the period from November 1, 2002 through December 31, 2006 there would be a savings of \$71,000 to the County and, if it is not closed, there would be a deficit of \$168,000.

Upon inquiry of Chairman Sferrazza, Mr. Watson advised that two other employees at the Verdi Justice Court, the Bailiff and the Supervisory Clerk, would be laid off. He stated that staff talked with Reno Justice Court and Human Resources about placing those employees, and noted the County is committed to working to obtain jobs for them.

Commissioner Galloway requested this item be deferred in order to go through the analysis more thoroughly.

Eddie Anderson, County resident, said he thinks it is unfair to give this elected official more than one-quarter million dollars to resign and then lay off the other two people.

Dave Freed, Bailiff, Verdi Justice Court, said he and the Supervisory Clerk are concerned about their employment, and if this recommendation is approved, they would request that their employment with the County continue without a lay-off.

Chairman Sferrazza stated he would like staff to find a way to provide for the Bailiff and the Supervisory Clerk. He said it was not the Board's intent to reward one person and punish the other employees. Commissioner Shaw agreed and stated he would like to receive additional information concerning the merger.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that this item be continued to the October 15, 2002 meeting.

02-1021 AWARD OF BID – FAMILY COURT REMODEL PHASE THREE
– BID NO. PWP-WA-2002-258 – PUBLIC WORKS

This was the time to consider an award of the bid for the Family Court Remodel Phase Three, PWP-WA-2002-258 on behalf of the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-*

Journal on August 23, 28, 30 and September 4, 2002. Proof was made that due and legal Notice had been given.

The following bids were received:

CONTRACTOR	BASE BID
Advance Installations	\$462,760.00
Bison Construction	\$439,700.00
K-7 Construction	\$448,044.00
United Construction	\$441,600.00

Upon recommendation of Don Jeppson, Public Works Project Coordinator, through David Roundtree, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried with Chairman Sferrazza voting "no," it was ordered that Bid No. PWP-WA-2002-258 for the Family Court Remodel Phase Three for the Public Works Department be awarded to the low, responsive and responsible bidder, Bison Construction, in the amount of \$439,700.00. It was further ordered that Chairman Sferrazza be authorized to execute the contract documents when presented.

02-1022 CHANGES IN AUTHORIZED POSITIONS – CREATION OF POSITIONS – WOMEN, INFANTS AND CHILDREN (WIC) PROGRAM – HEALTH DEPARTMENT

Upon recommendation of Barbara Lee Hunt, District Health Officer, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Sferrazza ordered that the following actions be approved effective October 1, 2002:

1. Abolish three full time Human Services Support Specialist II positions (Position Control #85, #121 and #239).
2. Establish three full time clerical support positions at the Office Assistant I or Office Assistant II level.
3. Increase part time positions as follows:
 - a) Position Control #61: Increase a part time 32 hours/week Community Health Nutritionist position from 32 hours/week to 40 hours/week,
 - b) Position Control #167: Increase a part time 32 hours/week Human Services Support Specialist II position from 32 hours/week to 40 hours/week, and
 - c) Position Control #203 - increase a part time 32 hours/week Human Services Support Specialist II position from 32 hours/week to 40 hours/week in the Women, Infants and Children Program.

02-1023

**CONSULTING ENGINEERING SERVICES AGREEMENT –
KLEINFELDER ASSOCIATES, INC. – FIELD INVESTIGATION -
CENTRAL TRUCKEE MEADOWS REMEDIATION DISTRICT**

Upon recommendation of Jeanne Ruefer, Manager, Water Resources Planning Division and Jim Ford, Remediation District Program Manager, through Steve Bradhurst, Director, Department of Water Resources, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Consulting Engineering Services Agreement between Washoe County and Kleinfelder Associates, Inc., concerning Field Investigation of the Potential for Degradation of Soil and Groundwater from Leakage of Targeted Sanitary Sewer Line Reaches for the Central Truckee Meadows Remediation District, in a not-to-exceed amount of \$200,000.00 be approved and Chairman Sferrazza be authorized to execute the same.

02-1024

**BILL NO. 1353 - AMENDING ORDINANCE 1038 – RECLAIMED
WATER SERVICE - ADDING CHARGES FOR OVERUSAGE AND
TEMPORARY EMERGENCY SERVICE**

Steve Bradhurst, Director, Department of Water Resources, advised that this item relates to the Board's previous direction that staff incorporate a policy into the reclaimed water service ordinance to include charges for overusage and temporary emergency service and to provide procedures for its enforcement. He stated there are 136 reclaimed water customers and only one customer is going over the amount of water they were required to dedicate to the County. Mr. Bradhurst reviewed the analysis concerning the payment of a connection fee surcharge in lieu of a connection fee. He advised that the current base rate is \$1.84 per thousand gallons and the surcharge rate is \$0.45 for a total of \$2.29 per thousand gallons; that staff recommends a connection fee surcharge of \$1.68 per thousand gallons to be added to a base rate of \$0.55 per thousand gallons for a total of \$2.23; and that these proposed rates reflect a 3 percent interest rate with a five-year amortization period. He noted that the proposed surcharge is \$0.06 per thousand gallons less than the current emergency rate of \$2.29; and approval of the proposed amendments would reduce the cost of overuse and temporary emergency service water but still provide a mechanism to encourage water planning and conservation.

Chairman Sferrazza stated he thinks the rate should at least pay the County's cost to borrow the money, and would prefer that the customer pay their fair share. Discussion was held concerning implementing a higher rate, and the Board determined that a surcharge rate of \$1.72 added to the base rate of \$0.55 for a total of \$2.27 would be appropriate.

Bill No. 1353, entitled, "AN ORDINANCE AMENDING THE SCHEDULE OF RATES AND CHARGES FOR PROVISION OF RECLAIMED WATER SERVICE, RETROACTIVELY TO SEPTEMBER 1, 2002, BY ADDING SECTIONS FOR CHARGES FOR OVERUSAGE AND TEMPORARY EMERGENCY SERVICE AND PROVIDING PROCEDURES FOR ITS ENFORCEMENT" was introduced, *as amended*, by Commissioner Shaw; the title was

read to the Board; and direction was given to publish the legal notice for final action of adoption.

02-1025 **APPEAL OF CONDITION NO. 1 – RECORD OF SURVEY**
BOUNDARY LINE ADJUSTMENT – RIVER PINES CASE NO.
BL02-005

Upon inquiry of Commissioner Bond, Katy Singlaub, County Manager, said staff would keep working on this issue as long as there is a willingness to try to reach an agreement on the matter. Michelle Poché, Assistant County Manager, advised that, if negotiations are successfully completed, the item may be pulled altogether. Legal Counsel Griswold stated that the appellant has requested that the Appeal be postponed until the Board's next meeting.

On motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Sferrazza ordered that this item be continued.

02-1026 **COMPLAINT SEEKING DECLARATORY JUDGMENT –**
GONOWABIE ROAD – DISTRICT ATTORNEY

Paul Lipparelli, Deputy District Attorney, said he is requesting authority to file a declaratory judgment action because the County is uncertain of its legal rights with regard to Gonowabie Road. He advised that Grable Ronning, owner of the parcel located at 400 Gonowabie Road, applied for a fence permit and asserts that the County has no interest in the portion of Gonowabie Road that is shown on an unrecorded 1931 subdivision map; and that she should be permitted to have the fence down her property line. He said the property adjacent to Ms. Ronning is owned by the State of Nevada, who claims that, despite the fact the Crystal Bay Corporation's 1931 subdivision map was never recorded and the County did not get title in the usual dedication method, because of the doctrine of implied dedication and through historical use, the State has access to its parcel from Gonowabie Road. Mr. Lipparelli advised that the County is in the middle of this issue because it is the entity that would administer the permit for the fence.

Mr. Lipparelli advised that a permit was issued on October 10, 2000 for Ms. Ronning based on information that was made available to the County, and the fence was built. After the fence was built, new information became available through a Record of Survey requested by the State that confirms the alignment of Gonowabie Road is through Ms. Ronning's parcel onto the State's parcel. After the issuance of the permit and the construction of the fence, the County learned it had been party to litigation on a parcel located about two properties down from Ms. Ronning that was owned by the Geiszlers. This litigation resulted in an order from the District Court that the doctrine of implied dedication did apply, and the County owned Gonowabie Road in front of the Geiszler parcel. Mr. Lipparelli said the ruling does not make a determination about Gonowabie Road at the corner that involves the State and Ms. Ronning, but does go through the

analysis of implied dedication and makes a conclusion that, even though the 1931 map was never recorded, it has been relied upon for many years. He stated that, based on this new information and on the fact that Ms. Ronning's fence permit was never finalized and has expired, the County is in the position of not knowing whether to require Ms. Ronning to tear her fence down because it is not permitted, or to grant an extension of her once existing permit for the fence. Mr. Lipparelli advised that a number of people have voiced concerns on both sides of the issue, and the County believes that everyone needs to be certain about the right-of-way ownership because rights of parties are involved.

Mr. Lipparelli responded to questions concerning the 1931 unrecorded map. He advised the map was filed with the County and has been in the County's possession for a number of years, but the subdivider did not follow the normal procedure of recording the map. He does not believe the County could accept the dedication of the road because he is not sure the map was given to the County with the intent to offer the road for dedication in the usual way. He stated that the road has been maintained by the County for many years and the County's position is that it is a County road. He does not believe Ms. Ronning disputes the fact that some portions of Gonowabie Road belong to the County, but argues that the portion of Gonowabie Road located on the State's parcel does not belong to the County. Mr. Lipparelli advised that Ms. Ronning installed a gate on the fence to permit access for State officials to their land and has given them a key to the lock for that purpose.

Chairman Sferrazza asked why the County is maintaining the road, as it has never been dedicated and, to him, is not a County road. Mr. Lipparelli stated he did not know what the policy decision was in the 1950's when the County started maintaining the road.

George Taylor, Deputy Attorney General, State of Nevada, noted that the Supreme Court upheld the District Court ruling in the Geiszler case that the County had accepted Gonowabie Road; and that expressed acceptance was not necessary as it constituted a common law dedication. He said the court also found that the County's rights include the extent of the right-of-way regardless of whether the road is paved or not. Mr. Taylor discussed issues relating to the right-of-way and the history of the maps on which the road is shown. He advised the State's argument is that the County's right-of-way extends to the limits of the dedication as shown by the 1931 map. They believe that, because the County has an interest in preserving its rights-of-way, the issue is whether the County would let a property owner fence the right-of-way without County permission. Mr. Taylor stated that Ms. Ronning has fenced the State out of their property, and the State supports the District Attorney's request to seek declaratory relief.

Commissioner Galloway said he supports the filing of a declaratory relief action because there is a degree of uncertainty about the ownership of the right-of-way, and the court action would support whatever the County does.

Pam Wilcox, Administrator, Nevada Division of State Lands, said the District Attorney's suggestion is a good way to resolve this issue, and they would cooperate in that effort.

Les Barta, Incline Village resident, advised he has been fishing on the subject State-owned parcel for many years, and there was never a problem with the previous property owner. He stated this is a case of someone trying to privatize public land, and it is a matter of common sense to realize that all of the parcels on Gonowabie Road were built with the idea that the owners would have access to their property. Mr. Barta stated the assumption that one owner could build a fence to block another owner from having access to their property is absurd. He said he has no objection to deciding the issue in court, but would not want the County to set a precedent where people think they could keep the public out of public lands they consider their own.

Upon inquiry of Chairman Sferrazza, Ms. Wilcox stated that State Lands acquired more than 500 parcels in the Tahoe Basin under programs that provide for the acquisition of lands that are too sensitive to develop, and the purpose for buying the lands is to maintain them in a pristine condition. The lands are managed as sensitive parcels and there is public access to all of them, they are not developed in any way, and no attempt has ever been made to provide parking for the general public.

Alex Flangas, Hale Lane Peek Dennison and Howard, representing Ms. Ronning, presented their argument as to why the County should not bring a declaratory relief action. He stated that, although this is a legal matter, it does not mean it should go to court, and the State wants the County to bring action so the State might avoid a slander of title case. He said the unrecorded 1931 subdivision map the District Attorney wants to base the County's claim on does not show up in the entire chain of title for the property. Ms. Ronning's title shows a description of the property by metes and bounds, and her position is that she has a clear recorded chain of title. Mr. Flangas referred to Nevada Revised Statutes (NRS) that state an unrecorded conveyance is void, and a document affecting real property must be recorded. He stated these statutes support their position that the unsigned, unrecorded map is not a subdivision map.

Mr. Flangas then stated that the Geiszler appeal was dismissed by the court, and it would be a violation of Supreme Court rules to use that order in any court proceeding. He said the County has no business bringing a lawsuit for the benefit of State Lands. He commented that Gonowabie Road was never intended as an access to the State's property, as their access was off Anaho Road. Mr. Flangas noted that the State's parcel is covered by CC&R's and is not open for public or recreational type uses. He said his recommendation would be that the County let the State bring the lawsuit and the County approve Ms. Ronning's fence. He advised they are not fighting for the access to be restricted, but to be primarily restricted to the area where it has historically been, which is not all the way across Ms. Ronning's property.

Commissioner Galloway asked what the County's options would be, if the recommendation is not approved. Mr. Lipparelli stated the options would be: (1) To

leave the fence alone and permit Ms. Ronning to get a renewal of the permit, and let the State do what they want. He said this would close one eye to the issue of whether, and to what extent, the County has the right-of-way on Gonowabie Road and would give rise to a number of questions including access to parcels, access for fire and public safety vehicles, continuation of road maintenance, snow plowing and snow storage. (2) To demand that the fence be removed and endure the lawsuit that Ms. Ronning would bring for damages suffered from permitting her to build a fence and then ordering her to take it down and not granting her a permit across what everyone agrees is her actual boundary line, subject to a right-of-way.

Mr. Lipparelli then stated he agrees that the Geiszler case would not be ethical to cite, as it is an unpublished Supreme Court opinion in other litigation, but it is instructive to know what another court has done with many of the same issues. He said the matter of the CC&R's and what the State can do with the parcel is not an issue of concern for the County. He stated that the County is involved because staff issued a permit for the fence and is arguably the owner of the portion of Gonowabie Road shown on the 1931 map. Mr. Lipparelli said he thinks the 1931 map is important and would want to know why the designer of the subdivision extended Gonowabie Road beyond the subdivision boundaries, unless it was to provide access. He stated that the deeds that flow from 1930 to the present, except for Ms. Ronning's deed from the Porters, contain a reference to the roads of the Crystal Bay Corporation. He said a determination by District Court as to what is correct would allow everyone concerned to know how to move forward.

Karen Dennison, Hale Lane Peek Dennison & Howard, representing Ms. Ronning, referred to the official County Assessor map that is prepared in accordance with recorded deeds and shows the boundaries of Ms. Ronning's and the State's parcels. Ms. Dennison explained their belief that, even under the doctrine of implied dedication, the County does not have a road all the way to the State's property. She noted that Ms. Ronning has offered to give the County additional right-of-way on her parcel above Gonowabie road in order to create better fire access.

Commissioner Galloway stated he does not believe the County has the right to take Ms. Ronning's offer because the County does not know its standing in this situation.

Ms. Dennison said they do not believe the County has to take a position, as this is not a dedicated County road. She advised that Ms. Ronning is willing to work within reason with everyone, and this does not have to be an expensive court battle. She stated they believe her title is very clear, and NRS says anything that is not recorded is void. Upon inquiry of Commissioner Shaw, Ms. Dennison advised that the purpose of the fence is to enforce a court order, which says the property is not to be used for a public park. She said Ms. Ronning is willing to be reasonable and would allow her neighbors

access to the property if they would sign a document that they are crossing her property with her permission so she does not give up her property rights.

Commissioner Galloway stated he believes this issue needs to be cleared up by the court, and the County owes it to the community to do so.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that the District Attorney be authorized to prepare a complaint seeking declaratory judgment as to the extent of the County's legal rights to Gonowabie Road in the area of the 400 Gonowabie Road parcel against any and all parties necessary for a complete adjudication of the matter, including the owner of 400 Gonowabie Road and the State of Nevada.

UPDATE – UNIVERSITY RIDGE PARK – CITY OF RENO

Legal Counsel Griswold advised that the University Ridge Park issue is currently pending a decision by the court. On motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Sferrazza ordered that the update concerning University Ridge Park be continued to next month.

02-1027 PUBLIC INFORMATION ON COUNTY BALLOT QUESTIONS

Commissioner Galloway stated he would like to discuss how the public could be offered an explanation on ballot questions that have complicated wording, such as the train trench issue, without influencing how they vote. Katy Singlaub, County Manager, stated that staff explains the wording during their presentations to people. Commissioner Galloway suggested the questions might be read on Washoe Works, the County's community information television program.

Kathy Carter, Community Relations Director, advised that staff has been very conscious of their role set forth under State statute, which is to present pure public information and not interpret or promote any advocacy. She said their presentations have been very well received in the community, and staff's major message is to get people out to vote. Ms. Carter provided the Board with a handout of the communication vehicles the County is using and noted that discussions have been held about conducting a Town Hall type of meeting on ballot questions. Commissioner Galloway stated he would like to know the Board's limits relative to discussions and requested that staff get back to the Board on the Town Hall meeting issue.

Eddie Anderson, County resident, stated that the train trench advisory question is null and void, and the Judge's decision should have been the end of the issue. He said the train trench question is nothing more than a front to embarrass the Mayor and the City Council.

02-1028 PROCLAMATION – "GOOD NEIGHBOR DAY"

Chairman Sferrazza read the Proclamation declaring September 25, 2002 as "Good Neighbor Day," on which day Sparks Florist, Inc. will give away 30,000 roses. He then presented the Proclamation to Tony Fiannaca, Owner and President of Sparks Florist, Inc.

Mr. Fiannaca thanked the Board and said "Good Neighbor Day" is an enjoyable event for their family, employees and partners, and it spreads goodwill throughout the community.

Commissioner Shaw advised that he would be passing out roses tomorrow beginning at 6 a.m.

On motion by Commissioner Shaw, seconded by Commissioner Short, which motion duly carried, it was ordered that the following Proclamation be adopted and Chairman Sferrazza be authorized to execute it on behalf of the Board:

PROCLAMATION

WHEREAS, Actions are needed to bring our community back together again; and

WHEREAS, Acts of neighborly kindness and friendliness often seems obsolete; and

WHEREAS, Tony Fiannaca, Owner and President of Sparks Florist, Inc., wants to continue to help restore a feeling of community unity and neighborly hospitality; and

WHEREAS, With the help of U.S. Bank, Sparks Florist, Inc. wants to again celebrate a day in which all citizens are requested to be good neighbors; and

WHEREAS, On this 8th Good Neighbor Day, Sparks Florist, Inc. will give away 30,000 roses absolutely free; and

WHEREAS, The only condition imposed on the individual receiving a dozen roses is that they keep one rose for themselves and give the other 11 roses away to neighbors, co-workers and/or strangers as a gesture of goodwill; now, therefore, be it

PROCLAIMED, By the Washoe County Board of Commissioners that September 25, 2002 is designated as the 8th annual "Good Neighbor Day" and the Board encourages all citizens to participate in this exchange of appreciation for our fellow human beings.

02-1029

TIME EXTENSION - CONSIDERATION OF SPHERE OF INFLUENCE/TRUCKEE MEADOWS SERVICE AREA STUDIES – 2002 REGIONAL PLAN

Adrian Freund, Director, Community Development, advised that this matter is closely related to the current Regional Plan litigation, and staff would be working with the City of Sparks on some of the study areas identified in the 2002 Regional Plan within the proposed Sphere of Influence. He said that, because both parties were aware that the outcome of the litigation could change the landscape somewhat in terms of these study areas, the staff members of Washoe County and the City of Sparks have reached a joint agreement that this work should be delayed for a while so their efforts would not be duplicated or need to be redone.

On motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Sferrazza ordered that the time for consideration of the Sphere of Influence/Truckee Meadows Service Area studies, which are required by the currently adopted 2002 Regional Plan, be extended until after the Regional Plan litigation is concluded.

UPDATE – 2002 REGIONAL PLAN, REGIONAL PLAN LITIGATION AND ASSOCIATED ISSUES

Katy Singlaub, County Manager, advised that the District Attorney's Office has requested this item be continued.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that the update and possible direction regarding the 2002 Regional Plan litigation and associated issues be continued.

5:25 p.m. **The Board recessed.**

5:40 p.m. **The Board reconvened with all Commissioners present.**

02-1030 **ORDINANCE NO. 1173 - BILL NO. 1348 - AMENDING CHAPTER 100 - ADOPTING 1997 EDITION OF THE UNIFORM CODE FOR BUILDING CONSERVATION**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on September 13, 2002, to consider second reading and adoption of Bill No. 1348. Proof was made that due and legal Notice had been given.

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

On motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Sferrazza ordered that Ordinance No. 1173, Bill No. 1348, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING THE ADOPTION OF THE 1997 EDITION OF THE UNIFORM CODE FOR BUILDING CONSERVATION**," be approved, adopted and published in accordance with NRS 244.100.

**02-1031 ALLOCATION OF ADDITIONAL ALTURAS POWER LINE
MITIGATION FUND INTEREST - ANDERSON ACRES
COMMUNITY BUILDING/FIRE STATION - COMMUNITY
DEVELOPMENT**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on September 13, 2002 to discuss and possibly allocate additional money from unallocated Alturas power line mitigation fund interest to complete the Anderson Acres Community Building/Fire Station. This project was approved by the Washoe County Commission on September 14, 1999 with funding of \$79,600 from the Alturas power line mitigation funds. The Peavine Volunteer Fire Department is requesting \$16,859.50 to complete the project as designed. Staff was also seeking direction from the Commission on the use of some or all of the money remaining in the fund or earned as interest from the fund.

Commissioner Galloway asked if this allocation would finalize the original list of projects funded through these mitigation funds. Bob Webb, Planning Manager, Department of Community Development, advised there is still \$78,000 in unallocated funds in the Lemmon Valley area and staff is seeking guidance from the Board regarding that as well as the remaining interest earned. He stated some of the other larger projects have also had cost overruns, and that is why staff is asking the Board to provide direction concerning a simpler process whereby staff would bring additional expenditures from approved projects to the Board as consent items, rather than conducting formal public hearings. Mr. Webb suggested that any funds remaining, after the projects are completed, could go to the Swan Lake Nature Study Area.

Commissioner Shaw asked if there have been specific requests from the various communities for more funding for their projects. Mr. Webb stated the only other project he is aware of is the Black Springs community building, and he has scheduled a meeting with that community next month.

Commissioner Bond suggested waiting until all of the approved projects are completed before allocating the remaining funds. Mr. Webb stated that also would be his recommendation.

Chairman Sferrazza stated he supports allocating the interest to the same community as the original funds were initially allocated. He requested staff meet with the Golden Valley Homeowners Association to get their input and ideas for using their remaining funds.

Chairman Sferrazza opened the public hearing by calling on those wishing to speak concerning this matter. He read a comment card into the record from Nancy and Jack Mertz, Anderson Acres residents, urging the Board to approve allocation of additional funds for the community building/fire station.

Michael Barry, Peavine Volunteer Fire Department, described the problems the project experienced involved drilling the well and having to replace the pressure tank and pump from the old well. Commissioner Short asked if they have a good well now. Chief Barry stated they do not yet know about the water quality and pressure.

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

Upon recommendation of Mr. Webb, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that the allocation of \$16,859.50 from account number 9960012-0182 (Stead/Anderson Acres community area Alturas power line mitigation fund) to the Peavine Volunteer Fire Department to complete the Anderson Acres Community Building/Fire Station be approved, and that the Department of Public Works be appointed as project manager for this additional funding.

It was further ordered that the following guidelines be established for future allocations of accrued interest from the Alturas power line mitigation fund:

1. Appointed project managers (e.g. Parks, Public Works) are authorized to request accrued interest money to complete approved projects.
2. Accrued interest money is to remain in the designated community area and may be used only for projects approved by the Commission for each community area.
3. The project manager must request approval from the Commission for additional interest money. The request may be scheduled as a regular agenda item (including being placed on the agenda as a consent item) and shall detail the status of the project, the amount of interest money requested, and the use of the interest money.
4. The Commission will review the request and may determine that the request should be heard by a local citizen group(s) in the community area for additional input.

* * * * *

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

PETER J. SFERRAZZA, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Barbara Trow and Sharon Gotchy
Deputy County Clerks*