

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

JANUARY 28, 2003

PRESENT:

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

Amy Harvey, County Clerk
Katy Singlaub, County Manager
Madelyn Shipman, Assistant District Attorney

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:

03-85 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, with Commissioner Sferrazza temporarily absent, Chairman Humke ordered that the agenda for the January 28, 2003, meeting be approved with the following amendments: Delete – Item 14A, Refund of Taxes for Sierra Nevada Montessori School, Inc.

PUBLIC COMMENTS

Jerry Purdy, local resident, urged the Board to consider adopting a countywide groundwater management ordinance based on groundwater budgeting. He compared a water budget to a checkbook where the beginning balance is what is in the aquifer, withdrawals are the amount of water taken out through the wells, and deposits are the natural recharge or supplemental water. He stated the process would provide periodic statements showing how much water has been pulled out of the ground, the current water surface, the quality and quantity of water, and identify problems. Mr. Purdy stated such an ordinance would simplify land use decisions, growth management, and location and density of development.

Sam Dehne, local resident, expressed his satisfaction that the Reno-Sparks Convention and Visitors Authority decided not to tear down the Liberty Belle.

Gary Schmidt, Washoe County resident, strongly suggested the Board bring forward the pending resolution dealing with how the County handles requests for

public records. For the benefit of the new Commissioners, he again relayed the history of his experiences in trying to obtain records from various County departments and the lawsuits he filed against the County as a result of being denied public records.

* 2:25 p.m. **Commissioner Sferrazza arrived at the meeting.**

**03-86 APPEARANCE – TOM GADD, PUBLIC WORKS DIRECTOR –
PIONEER PROPERTY SITE**

Tom Gadd, Director, Public Works, displayed a presentation on the overhead screen concerning the Pioneer Inn property, which was placed on file with the County Clerk. He explained the property was purchased for the purpose of securing a site in close proximity to the Courthouse that would accommodate the construction of future justice facilities, including the District Court, Justice Court, District Attorney, Public Defender, County Clerk and any other justice related operations. The property totals approximately 2.8 acres, and the paved portion is currently being used for employee parking, but it does not begin to meet the parking needs. Because the site is located in the South Virginia transient corridor, the County would be required to provide lighting and landscaping, as well as some kind of pedestrian amenity, in order to develop the entire site for surface parking.

Mr. Gadd stated the proposed future use of the site would be to meet the needs of the downtown area, specifically the District Court, which is projected to need between 150,000 and 200,000 square feet of additional space by 2020. He further stated the County is currently leasing approximately 33,000 square feet in other downtown buildings for the Public Defender, Social Services and the County Clerk. Mr. Gadd explained that those lease payments could, at some point in time, be used for debt service for a structure to house those functions. He stated staff will be exploring opportunities for a public or public/private partnership to build some sort of a parking structure that would meet the needs of both employees as well as patrons of the court, noting that the County currently does not provide any parking for people going to court.

Chairman Humke asked if the County provides parking for victims and witnesses taking part in court proceedings. Mr. Gadd replied that the only parking the County provides is for jurors. The Chairman suggested staff explore the possibility of the City setting aside some metered spaces. Mr. Gadd stated that would be particularly helpful when construction of the new DA/Municipal Court building begins because parking will be an even bigger issue at that point. Mr. Gadd further stated he does not believe there are enough parking spaces around the Courthouse to resolve the issue; and, eventually, some type of on-site parking structure will have to be constructed. In response to Commissioner Galloway, Mr. Gadd said the total number of parking spaces on the Pioneer site would be 280. Commissioner Galloway suggested staff also pursue discussions with the City of Reno concerning a possible buy-out of the top two floors of the parking structure on Sierra Street. Commissioner Shaw noted that the only ingress/egress to the Pioneer lot is on South Sierra Street and asked if the parking lot

could be accessed off South Virginia Street. Mr. Gadd responded that issue still needs to be discussed.

In regard to a proposed 9-11 memorial on the site, Commissioner Galloway suggested a broader title might be more appropriate to recognize all victims of terror. He further stated the Board should consider establishing an evaluation committee with citizen input for the memorial and for future designs on the site. Noting the Oklahoma City bombing and other terrorist attacks on the World Trade Center towers, Commissioner Sferrazza agreed that limiting the memorial to one date would not be appropriate.

Commissioner Sferrazza asked if the possibility of doing a public/private partnership to construct a building on the Pioneer site and actually selling office space in the building had been explored. Katy Singlaub, County Manager, replied that there is a provision in federal law that, if the County retains ownership of a project that was constructed with tax-exempt bonds, it would be limited to only using 10 percent of the project for private purposes. She advised that any excess property could be sold and stated that staff would explore all the many innovative solutions being suggested. Commissioner Sferrazza stated it was his understanding that restriction would not apply if the County sold the air rights above a certain floor. Ms. Singlaub stated staff would pursue that suggestion with bond counsel. Commissioner Sferrazza said, if the top of the building was privatized and sold for enough to pay for the bottom, the taxpayers would be saved from paying for a new Courthouse.

Sam Dehne, local resident, expressed his displeasure that the County spent \$12 or \$13 million to buy the Pioneer.

Gary Schmidt, County resident, discussed the 7.5 acres between Sutro Street and Wells Avenue across the street from the County Administration Complex, two of which the County already owns. He suggested the County could buy the remaining 5.5 acres for much less and consolidate all the administrative and downtown functions into one location where there is great freeway access, surface street access, good visibility and the economics of consolidation.

Judge Hardesty, Second Judicial District Court, stressed the importance of addressing the downtown parking situation, noting the discussions so far seem focused on employee parking. He stated there is no parking provided for the thousands of citizens who use the courts everyday, and that problem is going to get much worse when Reno Municipal Court, the busiest court in the entire area, opens downtown. The Judge advised that Reno Municipal Court will infuse 100,000+ additional litigants, defendants and witnesses into downtown Reno each year. He requested this issue be discussed at a joint meeting with the Reno City Council and suggested the Board consider delaying the surface parking project on the Pioneer site and directing staff to issue a Request for Proposals with the City of Reno for a potential public/private parking garage facility.

Judge Hardesty stated his second request would be that a master plan committee be appointed to evaluate future usage of the Pioneer Inn site because he believes the site will be very valuable for the future. The Judge also requested the Board consider appointing a separate committee made up of users of the facility to evaluate the best utilization of the 17,000 square feet of space in the Courthouse the District Attorney will be vacating. Judge Hardesty complimented Mr. Gadd and his staff and thanked the Board on behalf of the District Court for the outstanding effort undertaken to remodel the Family Court Building for the new Department 12 Courtroom, and invited the Board members to tour the facility.

Richard Gammick, Washoe County District Attorney, also discussed the parking problems downtown echoing the urgent need for a solution since the decision has been made to keep the courts downtown. He reported his office brings about 36,000 witnesses and victims into the downtown area per year, and parking is not provided for those people. The District Attorney also addressed the idea of requesting the City of Reno to set aside a number of metered spaces for people going to court by explaining methods that have been tried and failed in the past. He stated he whole-heartedly agreed with Judge Hardesty's suggestion that the County explore a public/private parking garage and stated it should be done sooner than later.

Commissioner Galloway stated, if any of the Pioneer property is identified as excess, he would want staff to explore the possibility of a joint venture with a private party to provide a parking structure before any excess property is sold. Mr. Gadd agreed that all of these ideas and possibilities need to be explored and the site does need to be master planned. Commissioner Galloway recalled that the decision to keep the courts downtown was to help maintain the economic viability of the downtown core. Commissioner Sferrazza requested that any committee formed to look into court operations consider night court also. He stated that would be a better utilization of space, although it might require providing more security. Commissioner Shaw requested a timeline on the project.

MANAGER'S/COMMISSIONERS' COMMENTS

Chairman Humke stated downtown parking should be discussed at a joint meeting.

Commissioner Galloway requested staff prepare a succinct summary of the tax proposals that have been put forward at the legislature, specifically by the Governor. He noted one proposal includes a 15-cent property tax, which he is very concerned about.

03-87 MINUTES

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that the minutes of the regular meeting of November 19, 2002 be approved.

03-88 ACCEPTANCE OF DONATIONS – SHERIFF

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that a donation of 12 Hollywood Movie Money Gift Certificates valued at \$126.00 to be used for Incline Village DARE Program be accepted with the Board's gratitude.

**03-89 AGREEMENT OF PURCHASE AND SALE – GEORGE PEEK
ERGS, INC. – SWAN LAKE NATURE STUDY AREA – PARKS**

Upon recommendation of Karen Mullen, Director, Parks & Recreation, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Agreement of Purchase and Sale between Washoe County and George Peek ERGs, Inc., concerning acquisition of 40 acres adjacent to the Swan Lake Nature Study Area in Lemmon Valley for a purchase price of \$7,500 be approved and Chairman Humke be authorized to execute the same.

**03-90 RESOLUTION – WITHDRAWING REAL PROPERTY PARCEL
PREVIOUSLY DECLARED SURPLUS – PUBLIC WORKS**

Upon recommendation of Jean Ely, Director, General Services Division, through Tom Gadd, Public Works Director, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following resolution be adopted on behalf of Washoe County:

RESOLUTION

**AUTHORIZING WITHDRAWAL OF LAND DECLARED SURPLUS TO
WASHOE COUNTY NEEDS ON NOVEMBER 26, 2002**

WHEREAS, on November 26, 2002, the Board of County Commissioners declared two parcels of real property as surplus to Washoe County's needs and further authorized the sale of these two parcels of real property at auction; and

WHEREAS, after the November 26th Resolution, it was discovered that one of the parcels may have historical value and until the research is completed, staff recommends the withdrawal of the subject real property parcel identified as Assessor's parcel Number 552-131-02; and

NOW THEREFORE, be it resolved that the Board of Washoe County Commissioners declares the above referenced real property parcel as withdrawn as surplus to Washoe County needs.

03-91

**AWARD OF BID – GOLDEN VALLEY WATER RECHARGE
WELL #5 TRANSMISSION MAIN – WATER RESOURCES**

This was the time set to consider award of the bid for construction of the Golden Valley Water Recharge Well #5 Transmission Main for the Water Resources Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on December 18, 19, 20, and 27, 2002 and January 2, 3, and 8, 2003. Proof was made that due and legal Notice had been given.

Following is a summary of the bid results:

A&K Earth Movers	\$61,499.00
F W Carson	\$65,680.00
J B Enterprises	\$68,851.00
Mike's Trenching	\$77,281.00
Contri Construction	\$77,876.25
JDC Excavating	\$82,452.50
Construction Supply	\$85,000.00
ATB Enterprises	\$90,306.76
Interstate Utilities	\$90,567.00
West Coast Contractors	\$111,110.00
Engineer's Estimate	\$136,000.00

Upon recommendation of Paul Orphan, Engineering Manager and John Collins, Utility Services Division Manager, through Steve Bradhurst, Director, Water Resources, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, it was ordered that:

1. The Bid for Construction of the Golden Valley Water Recharge Well #5 Transmission Main be awarded to A&K Earth Movers, the lowest responsible, responsive bidder, in the amount of \$61,499.00;
2. The Chairman be authorized to execute the contract documents upon their receipt; and
3. The Water Resources Utility Services Division Manager be authorized to issue the Notice to Proceed.

03-92

**AWARD OF BID – GOLDEN VALLEY INJECTION WELL NO. 5 –
WATER RESOURCES**

This was the time set to consider award of the bid for construction of the Golden Valley Injection Well No. 5 for the Water Resources Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on December 27, 2002 and January 1, 3, and 9, 2003. Proof was made that due and legal Notice had been given.

Following is a summary of the bid results:

Beylik Drilling	\$74,895.00
Eklund Drilling	\$78,975.00
Humboldt Drilling	\$85,592.80
Walter Development Corp.	\$93,082.00
Engineer's Estimate	\$74,280.00

Upon recommendation of John Collins, Utility Services Division Manager and Randy Van Hoozer, Senior Hydrogeologist, through Steve Bradhurst, Director, Water Resources, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, it was ordered that:

1. The Bid for Construction of the Golden Valley Injection Well No. 5 be awarded to the lowest responsive, responsible bidder, Beylik Drilling, in the amount of \$74,895;
2. The Chairman be authorized to execute the contract documents upon their receipt; and
3. The Water Resources Utility Services Division Manager be authorized to issue the Notice to Proceed.

**03-93 AWARD OF BID – SULLIVAN LANE ORR BRIDGE
REPLACEMENT – PUBLIC WORKS**

This was the time set to consider award of the bid for the Sullivan Lane Orr Bridge Replacement project for the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on January 1 and 8, 2003. Proof was made that due and legal Notice had been given.

Following is a summary of the bid results:

F W Carson	\$57,950.00
A & K Earth Movers	\$74,775.00
Gradex	\$78,380.00
NSCI	\$89,953.00
Q & D	\$119,110.00

Upon recommendation of Janelle Thomas, Engineering Division, through Tom Gadd, Director, Public Works, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, it was ordered that:

1. The Bid for construction of the Sullivan Lane Orr Bridge Replacement project be awarded to F W Carson Company, the lowest responsible, responsive bidder, in the amount of \$7,950.00; and

2. The Chairman be authorized to execute the contract documents upon their receipt.

03-94 **INTERLOCAL AGREEMENT – WASHOE COUNTY SCHOOL DISTRICT – SUN VALLEY NEIGHBORHOOD CENTER - GENERAL SERVICES**

Upon recommendation of Jean Ely, General Services Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, it was ordered that an Interlocal Agreement between Washoe County and the Washoe County School District, acting for the Sun Valley Family Resource Center, a Nevada Local Education Agency (FRC), concerning use of space in the Sun Valley Neighborhood Center for a twelve month period, commencing upon execution of said agreement and automatically renewable annually thereafter unless terminated as specifically provided, and for such other terms and conditions as stated therein, be approved and Chairman Humke be authorized to execute the same.

03-95 **AUTHORIZATION TO JOIN ON TRUCKEE MEADOWS WATER AUTHORITY AGREEMENT FOR BULK CHEMICALS**

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Purchasing and Contracts Administrator be authorized to utilize the Truckee Meadows Water Authority Agreement for Bulk Chemicals for the duration of the contract period, July 18, 2000 through July 18, 2005, on behalf of the Washoe County Department of Water Resources, be approved.

It was further ordered that the Purchasing and Contracts Administrator be authorized to issue purchase orders for bulk chemicals that may exceed \$25,000.00 per order.

03-96 **AGREEMENT – CONSULTING ENGINEERING SERVICES – ECO:LOGIC, LLC – REGIONAL WATER PLANNING COMMISSION/WATER RESOURCES**

Upon recommendation of Jeanne Ruefer, Manager, Water Resources Planning Division, and Jim Smitherman, Water Management Planner Coordinator, through Steve Bradhurst, Director, Water Resources, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, it was ordered that a Professional Services Agreement, between Washoe County and ECO:LOGIC, LLC, concerning the update of the Regional Water Management Plan, including providing data

and input for the update of chapters on water quality and wastewater, population and demand projections and evaluation of alternatives, in the not-to-exceed amount of \$40,000, be approved and Chairman Humke execute the same.

03-97 ACCEPTANCE OF GRANT - NEVADA DEPARTMENT OF HUMAN SERVICES - DISTRICT COURT - AND INDEPENDENT CONTRACTOR AGREEMENT - C. DALE GRAY - MEDIATION SERVICES

Upon recommendation of Ron Longtin, District Court Administrator, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that a grant in the amount of \$32,333 from the Nevada Department of Human Services, Welfare Division, Child Support Enforcement Program be accepted and the following account transactions be authorized:

INCREASE REVENUE		INCREASE EXPENSE	
ACCOUNT	AMOUNT	ACCOUNT	AMOUNT
001-120331G-4301	\$32,333	120331G-7140	\$30,000
		120331G-7620	\$ 2,333

It was further ordered that the Independent Contractor Agreement between Washoe County and C. Dale Gray for mediation services for District Court retroactively from October 1, 2002 to September 30, 2003, in the amount of \$30,000 be approved.

03-98 RESIGNATION AND APPOINTMENT – INCLINE VILLAGE/CRYSTAL BAY CITIZEN ADVISORY BOARD

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that:

1. The resignation of Sandra Masters as an Incline Village at-large representative on the Incline Village/Crystal Bay Citizen Advisory Board (CAB) be accepted;
2. The position held by Ms. Masters be changed from an Incline Village at-large representative to a Crystal Bay at-large representative;
3. Rick Jones be appointed to fill the unexpired term of Ms. Masters to June 30, 2003; and
4. The representation of the at-large position currently held by Alan Tiras be changed to an Incline Village/Crystal Bay at-large representative.

03-99**REQUESTS FOR CLERICAL AND FACTUAL ERRORS**

Upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following Roll Change Requests correcting factual errors on tax bills and the Order directing the Treasurer to correct the error be approved and Chairman Humke be authorized to execute the same.

PROPERTY OWNER	PARCEL #	AMOUNT	ROLL
Gonzo Triangle LLC	011-076-01	[-\$339.60]	2002/2003 Secured
La Quinta Development Ptrs LP	013-334-02	[-\$1,121.76]	2002 Secured
R & E Development Inc,	013-453-01	[-\$598.42]	2002/2003 Secured
R & E Development Inc,	013-453-02	[-\$157.99]	2002/2003 Secured
R & E Development Inc,	013-453-03	[-\$145.23]	2002/2003 Secured
Joseph P. Geditz	018-351-12	[-\$512.81]	2001 Supplemental (Improvements Only)
Joseph P. Geditz	018-351-12	[-\$1,290.95]	2002 Secured
Donald & Carol Goin	020-313-09	[-\$236.45]	2002/2003 Secured
John W. Johnson Etal	028-244-02	[-\$107.02]	2001 Secured
John W. Johnson Etal	028-244-02	[-\$112.68]	2002 Secured
TMBGC Holdings 1	031-291-12	[-\$31.30]	2002/2003 Secured
TMBGC Holdings 1	031-291-31	[-\$575.86]	2002/2003 Secured
Gary L. & Charlaine C. Markesen	033-112-16	[-\$32.83]	2002 Secured
David L. & Marcella E. Pittenger	051-313-05	[-\$787.51]	2002 Secured
Robert J. & Sharen M. Kutnock	079-342-11	[-\$366.19]	2002 Supplemental (Improvements Only)
Holly Bacon	089-212-08	[-\$17.12]	2000 Secured
Holly Bacon	089-212-08	[-\$17.23]	2001 Secured
Holly Bacon	089-212-08	[-\$17.66]	2002 Secured
Betty J. Zimmerman Tr	123-142-02	[-\$60.52]	2000 Secured
Betty J. Zimmerman Tr	123-142-02	[-\$61.19]	2001 Secured
Betty J. Zimmerman Tr	123-142-02	[-\$63.67]	2002 Secured
David D. & Linda M. Spitzer Tr	214-212-02	[-\$43.56]	2002 Secured
George J. Capurro Trustee Etal	510-080-19	[-\$223.61]	2002 Secured

03-100**RESOLUTION - ADOPTION OF FINANCIAL POLICIES –
BUDGET**

Pursuant to a request at Caucus, John Sherman, Finance Director, provided a copy of the previous financial policies and procedures with notations by each section as to what has been incorporated into the County Code and what is being deleted.

Commissioner Galloway stated this is a huge amount of information that has just been distributed and he needs time to study it. Commissioner Shaw agreed.

Commissioner Sferrazza stated he would like to see employee travel and reimbursement for other expenses included in the policy.

Sam Dehne, Reno citizen, commented on the differences between the recent reports of the County's \$18-million shortfall and the Comprehensive Annual Financial Report (CAFR) presented two months ago where the County's huge "rainy-day fund" was clearly displayed on the overhead screen. Katy Singlaub, County Manager, explained those funds are not just "sitting there;" and the County is processing tax payments to the other entities. Commissioner Galloway recalled that the Board has previously levied special fees on certain items to pay for special projects, such as a fee on utilities to pay for future undergrounding of utility lines, and requested a listing and accounting of those special funds.

Commissioner Sferrazza requested the Board receive a quarterly report showing the breakdown of the committed funds.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that approval and execution of the Resolution adopting financial policies for Washoe County be continued.

03-101 APPEARANCE – ROGER VAN ALYNE, CAPITAL PROJECTS
DIVISION DIRECTOR – STATUS OF CAPITAL PROJECTS
DIVISION PROGRAM

Roger Van Alyne, Capital Projects Division Director, stated his Division has two architects, two engineers, a technician, support staff and himself. He displayed a list on the overhead of over 40 capital projects in varying stages of design, construction and planning worth over \$105-million. A copy of the list was placed on file with the County Clerk. He discussed some of the projects and their current status, stating that the Parks Department and the Library are their biggest "customers."

Nancy Cummings, Library Director, responded to questions concerning the status of the downtown Reno Library rehabilitation project stating the first phase of the design work has been completed, but the project has been delayed.

When discussing the Incline Village Library, Mr. Van Alyne indicated a funding source had not yet been identified for the project. Commissioner Galloway corrected him advising those funds were allocated by a voter approved bond issue. Ms. Cummings stated the Incline Library was included in the 1994 WC1 bond proposal approved by the voters. Katy Singlaub, County Manager, concurred and said she would be sure the correct information was relayed to Mr. Van Alyne.

Commissioner Sferrazza asked if Camp We-Ch-Me would be available to everyone. Karen Mullen, Parks and Recreation Director, replied it will be open to everyone on a facility rental basis.

Commissioner Shaw complimented Mr. Van Alyne on the timeline chart stating that information was very helpful. Noting the chart goes out to December, 2004, he asked if the Incline Village Library, District Attorney/Municipal Court Building and the Incline Village Maintenance Facility would be done by that time. Mr. Van Alyne stated those three projects would probably go into 2005.

**03-102 APPEARANCE – DAN DRAGAN, SUPERVISING
HYDROGEOLOGIST, AND RON MCHENRY, SENIOR
LICENSED ENGINEER – WATER RESOURCES**

Dan Dragan, Supervising Hydrogeologist, Department of Water Resources, presented a PowerPoint demonstration providing background information concerning the Heppner Subdivision in north Lemmon Valley, which was designed in 1957. He stated the project is 640 one-acre lots, is a little over one square mile in total area, and consists of over 500 parcels on individual domestic wells and septic tanks. He stated that back in 1957 no one knew the impacts of pumping from that many wells in a concentrated area or the impacts of the septic discharge into the groundwater; and records were not kept, so data is not available prior to the mid-1980's. Mr. Dragan stated there are several other domestic wells in the vicinity, and the County also has a production well pumping from that same aquifer. He estimated that the total pumpage from this aquifer is 2,000 acre-feet per year, and over 125 domestic wells have been deepened or redrilled since 1984. Mr. Dragan stated he gets dozens of calls every year from people whose wells are drying up, and there are between five and ten well failures per year. He said once property owners pay to have their wells deepened, they are not very interested in doing anything else. Mr. Dragan stated he believes this area would be an excellent location for a recharge project.

Commissioner Galloway asked what staff would propose for the recharge source and if the water table would drop even faster if the residents went off their septic systems. Mr. Dragan responded that the best situation would be to get grant funding to move Truckee River water out to the valley, and part of the facilities to do that are already in place.

In response to Chairman Humke, Mr. Dragan described how staff monitors groundwater levels Countywide.

Ron McHenry, Senior Licensed Engineer, explained that the infrastructure cost of the proposed recharge project would be approximately \$660,000, which would include attaching to an existing Truckee Meadows Water Authority line, a booster pump station and three recharge wells. He further stated preliminary estimates to expand the community water system and eliminate all the domestic wells are \$4,500,000 for the infrastructure alone.

A technical discussion ensued between Commissioner Galloway and Mr. Dragan concerning whether 100 acre-feet of recharge would be enough to curtail the drop in the water table and whether the municipal well is too much of a drain on the basin.

Commissioner Shaw asked if obtaining grant funds is a real, viable possibility. Steve Bradhurst, Water Resources Director, advised he has been in contact with the County's Washington, D.C. lobbyist and he believes it is possible.

Commissioner Weber stated she would like staff to present this information to the affected homeowners. She also asked about the nitrate levels since those have not been studied since 1994. Mr. Dragan stated there are no regulations on nitrate monitoring of private, domestic wells; and a source of funding would have to be identified to conduct such a study.

Scott Smith, Lemmon Valley resident, stated this is his first time to have his own well and he is very nervous and concerned about this situation.

Lori Bushey, Lemmon Valley resident, stated she has lived there since 1978 and her well has gone dry three times. The last time they had the well re-drilled it cost \$21,300. She further stated that after the County brought Well No. 9 on line, her water level dropped 100 feet.

Greg Kunde, Lemmon Valley resident, stated prior to 1984 his well was at 250 feet; in 1995 it was deepened to 350 feet; and the static water level was at 290 feet. Then in September 2002, all of a sudden, there was no water. He stated his well was completely dry, and that occurred not long after the County turned on another well.

Diana Langs, Regional Water Planning Commission (RWPC), stated the Groundwater Task Force has been meeting for two years looking at ways to remedy these situations and to provide educational information to the well owners. She stated they are aware of the Heppner Subdivision problems and plan to work with those property owners. She further stated other valleys and other domestic well owners are also experiencing problems with the water table, and she is hoping the RWPC will be able to secure funding to have a consultant work on all of the problems.

Katy Singlaub, County Manager, acknowledged the Board's desire that staff provide this information to the residents of the Heppner Subdivision. She further requested staff discuss possible alternative solutions with Commissioner Galloway. Commissioner Galloway asked for that discussion to occur before going out to the community so that all possible alternatives could be presented to the homeowners. Ms. Singlaub asked that staff present an update on this issue in 90 days.

COMMISSIONER COMMENTS

Commissioner Galloway congratulated Katy Singlaub, County Manager, for receiving an Outstanding Community Service Award from the Incline Village-Crystal Bay Chamber of Commerce.

03-103

**APPEARANCE – KATHERINE COLE, PRESIDENT, MARKETEC
– COMMUNITY DEVELOPMENT**

Katherine Cole, Marketec, presented the results of the 2003 Biennial Citizen Satisfaction Survey, the fifth such survey conducted since 1995, via a PowerPoint presentation displaying numerous graphs and charts depicting the citizens' responses. She explained the methodology used and compared the 2003 results with the results of previous years. Ms. Cole stated the objective was to look at attitudes toward important issues facing the County, and a series of questions regarding attitudes toward consolidation of services with other governmental entities was added this year. Growth and water issues were the most important concerns expressed by the citizens, as well as fire protection, law enforcement and crime prevention. Ms. Cole stated the responses to consolidation of governments and consolidating governmental services were very favorable; and a majority of respondents indicated Washoe County should be the regional government responsible for administering the services. She then responded to several questions from Board members.

Commissioner Sferrazza asked if the survey included questions regarding where people felt the County budget should be cut. Ms. Cole stated they did not ask that.

Noting that the City of Sparks has indicated their citizens are not interested in consolidation, Commissioner Shaw asked Ms. Cole if she could identify where the negative responses for the consolidation questions came from. Ms. Cole stated the majority of those responses were from residents of Sparks. Commissioner Galloway pointed out that 51 percent of the Sparks responses were in favor of consolidation. Commissioner Weber stated when she was campaigning and going door-to-door, she got a very different response to consolidation and asked if there was a breakdown of the responses for Commission District 5. Ms. Cole directed Commissioner Weber to pages 71-77 of the report, and further explained that the first consolidation question was very generalized; i.e., for or against; but the questions concerning consolidation of services included, "Would you be for consolidation of, if it saved money?"

5:25 p.m. Commissioner Galloway temporarily left the meeting.

Upon recommendation of Kathy Carter, Community Relations Director, on motion by Commissioner Shaw, seconded by Commissioner Weber, which motion duly carried with Commissioner Galloway absent, Chairman Humke ordered that the 2003 Biennial Citizen Satisfaction Survey be accepted.

03-104

**STATUS REPORT AND DIRECTION – FUTURE ISSUANCE OF
GAMING WORK PERMITS – SHERIFF**

Debi Campbell, Records Manager, Washoe County Sheriff's Office, said gaming represents 13 percent of the Sheriff's Office total permit activity, but is only two percent of the entire workload in the permit registrations unit. She stated it would be detrimental to lose an employee due to the elimination of the gaming work permit

function, because of back logged work. Ms. Campbell said the City of Reno met earlier and decided to remain status quo, although they would lower their fee from \$35 to \$30 to remain within the new \$75 statutory cap. She further said the City of Reno would re-address the issue after the legislative session. In response to Commissioner Shaw, Ms. Campbell said the City of Sparks discussed raising their fee for gaming work permits, but it was her understanding they had no intention of discontinuing the gaming work permit process. Commissioner Sferrazza stated if the Cities of Reno and Sparks are not going to discontinue issuing the permits, he would support the County continuing to issue gaming work permits based on the fact the fiscal impact is marginal and it does provide a convenience to citizens.

On motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried with Commissioner Galloway absent, Chairman Humke ordered that the Washoe County Sheriff's Office continue to process gaming work permits. It was further ordered that staff be directed to modify the Ordinance to make it "permissive" rather than "directive".

**03-105 AWARD OF BID – 600 kW TRAILER MOUNTED (GENSET)
GENERATOR – BID NO. ITB-2357-03/RW – WATER
RESOURCES**

This was the time to consider award of the bid for a 600 kW Trailer Mounted (Genset) Generator for the Water Resources Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno-Gazette Journal* on November 20, 2002 and made available through the online services of Demandstar.com. Proof was made that due and legal Notice had been given.

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

Cashman Equipment Company
Cummins Intermountain Inc.
Nevada Energy Systems, Inc.
Nevada Generator Systems
Smith Detroit Diesel Allison
Pacific Utility Equipment Co.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried with Commissioner Galloway absent, Chairman Humke ordered that Bid No. ITB-2357-03/RW to purchase one 600 kW Trailer Mounted (Genset) Generator on behalf of the Department of Water Resources, be awarded to the bidder meeting specifications, terms and conditions of the Invitation to Bid, Nevada Generator Systems, for a Katolight D600FRY4 Genset Generator, in the amount of \$103,900. It was acknowledged that the County has an option to procure up to two additional Genset units from the successful bidder, subject to configuration and size of

the equipment approved, through January of 2004, provided the purchase of any such additional Genset units are approved by the Finance Department.

It was noted that a lower bid was received from Pacific Utility, but the unit bid, a Terex Power Pack Model No. TD500SQ, was a 500 kW Genset Generator and did not meet the specifications as stated in the Invitation to Bid.

03-106 **ACCEPTANCE OF GRANTS – FEMA/U.S. FIRE
ADMINISTRATION – RED ROCK AND GERLACH VOLUNTEER
FIRE DEPARTMENTS – RENO FIRE DEPARTMENT**

Upon recommendation of Roy Slate, Division Chief, Reno Fire Department, on motion by Commissioner Shaw, seconded by Commissioner Weber, which motion duly carried with Commissioner Galloway absent, Chairman Humke ordered that two grants, in the total amount of \$62,620, from the Federal Emergency Management Agency's (FEMA) fiscal year 2002 Assistance to Firefighters Grant Program (Fire Act Grant), for the Red Rock Volunteer Fire Department (VFD) and the Gerlach VFD be acknowledged and accepted. It was further ordered that the Comptroller be directed to increase the appropriate budget in the total amount of \$62,620.

It was noted that the total grant application for the Red Rock VFD was in the amount of \$34,788, which requires matching funding from the applicant of ten percent. The approved funding for this grant is \$31,310, which requires a match by Washoe County of \$3,478. It was further noted the total grant application for the Gerlach VFD was in the amount of \$34,788, which requires matching funding from the applicant of ten percent. The approved funding for this grant is \$31,310, which requires a match by Washoe County of \$3,478.

03-107 **BUDGET INCREASE – WASHOE COUNTY FIRE SUPPRESSION
FUND – RENO FIRE DEPARTMENT**

Upon recommendation of Roy Slate, Division Chief, Reno Fire Department, on motion by Commissioner Shaw, seconded by Commissioner Weber, which motion duly carried with Commissioner Galloway absent, Chairman Humke ordered that the Comptroller be directed to increase the appropriate accounts of the Washoe County Fire Suppression Budget (General Fund Department 1875) in the amount of \$20,902, pursuant to the Board's acceptance of a Fire Act Grant for the Sutcliffe Volunteer Fire Department on August 20, 2002.

03-108 **EXPENDITURE AUTHORIZATION – FIRE ACT GRANT
(FEMA/U.S. FIRE ADMINISTRATION) FUNDS – SELF-
CONTAINED BREATHING APPARATUS – VOLUNTEER FIRE
DEPARTMENTS – RENO FIRE DEPARTMENT**

Upon recommendation of Roy Slate, Division Chief, Reno Fire Department, on motion by Commissioner Shaw, seconded by Commissioner Weber,

which motion duly carried with Commissioner Galloway absent, Chairman Humke ordered that an expenditure in the amount of \$92,800 for the purchase of self-contained breathing apparatus for the Gerlach, Sutcliffe and Red Rock Volunteer Fire Departments (VFD) be approved. It was noted the Sutcliffe VFD grant in the amount of \$20,902 requires matching funds of \$2,322 from Washoe County and the Red Rock VFD and Gerlach VFD grants in the total amount of \$62,620 require total matching funds of \$6,956 from Washoe County.

5:30 p.m. Commissioner Galloway returned to the meeting.

03-109 INTERLOCAL AGREEMENT – CITY OF RENO – EXTRA-TERRITORIAL JURISDICTION WITHIN SPHERE OF INFLUENCE – COMMUNITY DEVELOPMENT

Commissioner Galloway said he would support this Agreement, as it was probably the best that could be drafted under the current climate. In response to Commissioner Galloway, Bob Webb, Planning Manager, Community Development, said there is a provision in the Agreement whereby when the City of Reno exercises extra-territorial jurisdiction due to a staff initiated comprehensive plan amendment, the County would turn processing of the amendment over to Reno. Amendments initiated by an advisory board, citizen, Planning Commission or other entity would continue to process with the County. Commissioner Galloway stated the original Agreement would have required joint approval to make changes to specified areas, and asked if that was found unacceptable in the current Agreement. Mr. Webb said that item was never discussed at the staff table and is not a part of this Agreement. Commissioner Galloway further said the idea of joint planning in sphere areas brought up in the court settlement process was rejected. He further said he believed that technically did not rule out some kind of interlocal agreement concerning joint planning in sphere areas.

Upon recommendation of Mr. Webb, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that Chairman Humke be authorized to execute the Interlocal Agreement between the County of Washoe and the City of Reno governing the exercise of extra-territorial jurisdiction by the City of Reno within a sphere of influence (SOI). It was noted this Interlocal Agreement would improve customer service to property owners within an SOI, clearly designate duties and responsibilities for the City of Reno and Washoe County within an SOI, and provide for an orderly transition for properties within an SOI toward eventual annexation by the City of Reno.

03-110 AGREEMENT – MARCUS G. FAUST, P.C. – REGIONAL WATER AND NATURAL RESOURCES PROJECTS AND ISSUES – LOBBYING SERVICES – WATER RESOURCES

Katy Singlaub, County Manager, said the majority of funding for Marcus Faust's lobbying services comes from flood control monies, but there are items Mr. Faust has been working on that are not related to flood control, such as the Spanish Springs

Valley Nitrate Occurrence Project and public land acquisitions. She said the request is to share the funding between the General Fund and the Truckee River Flood Management Project as outlined in the staff report dated January 21, 2003, which was placed on file with the County Clerk.

Commissioner Sferrazza stated he did not think any of this should be paid from the General Fund unless it would be reimbursed if grants are awarded. He said he would support the expense being paid from the specific utility. Ms. Singlaub said there is no sewer service provided to the Spanish Springs Valley Nitrate Occurrence Project beneficiaries at this point and the work is not related to water utility issues. Commissioner Shaw said he concurred.

Steve Bradhurst, Director, Water Resources, said the Spanish Springs Valley Nitrate Occurrence Project was essentially a State directive to the County to clean up the groundwater problem. He stated Mr. Faust is also working on securing funding for the Lawton-Verdi Interceptor and North Spanish Springs Flood Detention Facility to reduce the amount of money people would have to pay for the flood detention assessment district. Commissioner Sferrazza said he strongly opposed the Lawton-Verdi Interceptor being paid for out of the General Fund because it was his understanding the project would be funded by its hook-up fees.

Commissioner Shaw moved to approve the Agreement as presented by staff and Commissioner Weber seconded the motion.

Mr. Bradhurst said Mr. Faust has been very successful in appropriating funds relating to the Lawton-Verdi Wastewater Project and it would be difficult for Mr. Faust to track the amount of time spent on each project individually. In response to Commissioner Sferrazza, Madelyn Shipman, Assistant District Attorney, said she has not reviewed the specific proposed grants, but most federal grants prohibit the use of the grant money for lobbying purposes.

Commissioner Galloway stated the funding is probably imperfect, but he would support the motion. Commissioner Sferrazza said his vote in favor of this item would not preclude him from asking for a refund in the future, for instance, once the utility has been established. Commissioner Galloway agreed that would be worthy of consideration because the project would then have operating revenues.

On call for the question, the motion passed unanimously to approve an Agreement between the County of Washoe and Marcus G. Faust, P.C., concerning Congressional and federal agency lobbying services to address regional water and natural resources projects and issues, including the Truckee River Flood Management Project, Spanish Springs Valley Nitrate Occurrence Project, Lawton-Verdi Wastewater Project and public land transfers, in the amount of \$90,000 over a 12-month period, plus travel expenses and Chairman Humke be authorized to execute the Agreement. It was noted at this time the estimate is two-thirds of his time would be spent on the Truckee River Flood Management Project and one-third of his time would be spent on other water and natural

resources issues. Therefore, the Truckee River Flood Management Project (1/8 cent sales tax) would be responsible for \$60,000 and two-thirds of his travel expenses, and monies to support Mr. Faust's work on other County water and natural resources issues (estimated to cost \$30,000 plus one-third of his travel expenses) would come from the General Fund.

03-111 ORDINANCE NO. 1188, BILL NO. 1367 – AMENDING WCC
CHAPTER 50 – OFF-ROAD VEHICLES

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on January 17, 2003 to consider the second reading and adoption of Bill No. 1367. 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.

Neal Cobb, Golden Valley resident, spoke in support of the Ordinance and using signs to communicate the Ordinance to the public.

Legal Counsel Madelyn Shipman stated this Ordinance would broaden the definition of an off-road vehicle to include all terrain vehicles and other recreational vehicles.

The Chairman closed the public hearing.

Commissioner Galloway said there would be another phase of study that would include a distance of 1,000 feet, opposed to the 500 feet. He stated he was in favor of the Ordinance.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that Ordinance No. 1188, Bill No. 1367, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY AMENDING CERTAIN PROVISIONS RELATING TO THE RIDING OF MOTORCYCLES ON MOTORCYCLE COURSES AND BY ADDING PROVISIONS PROHIBITING THE OPERATION OF OFF-ROAD VEHICLES WITHIN 500 FEET OF RESIDENCES OR IN SUCH A MANNER AS TO DISTURB THE PEACE,**" be approved, adopted and published in accordance with NRS 244.100.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that staff be directed to provide options concerning signage to enforce the Ordinance. Commissioner Weber stated she had received phone calls from the public suggesting wording and posting locations for the signs.

03-112

**DISCUSSION/ALLOCATION OF ADDITIONAL ALTURAS
POWER LINE MITIGATION FUND INTEREST – GOLDEN
VALLEY PAVING ROADS AND ARTIFICIAL WATER
RECHARGE SYSTEM – COMMUNITY DEVELOPMENT**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on January 17, 2003 to discuss and possibly allocate additional money from unallocated Alturas power line mitigation fund interest to the previously approved Golden Valley Paving Roads project and the Artificial Water Recharge System project. These projects were approved by the Washoe County Commission on October 10, 2002.

The Chairman opened the public hearing by calling on anyone wishing to speak.

Bob Webb, Planning Manager, Community Development, stated a letter was received from Edwin Schenk, City of Reno, Park Planning Manager, asking that the Board consider allocating \$9,500 to the Panther Valley Neighborhood Park. Legal Counsel Madelyn Shipman advised the Board they could determine whether they want to withhold any unallocated interest money for the Panther Valley area, but at this time, the Board could not allocate the money to a specific project because it was not agendized. Mr. Webb said if \$9,500 is withheld for Panther Valley, the amount to each Golden Valley project would be \$32,389.60 and he would return to the Board with an item for the money set aside for Panther Valley. In response to Commissioner Sferrazza, Mr. Webb said the Comptroller's Office calculated \$9,500 to be the amount of interest earned on \$250,000 from October 10, 2000 to April 18, 2001.

Ed Griffith, Golden Valley resident, stated he was involved in the committee that determined the original distribution of the Alturas funds several years ago. He noted that the preliminary road assessment had increased from \$3,600 to \$4,485. In response to Mr. Griffith, Ms. Shipman said the Panther Valley Neighborhood Park was a previously approved Alturas Mitigation Fund project. Edwin Schenk, Park Planning Manager, City of Reno, stated the money would be used for capital improvements to the park, and not for maintenance. Mr. Griffith said he would not object to the funds being used for capital improvements to the Panther Valley Neighborhood Park.

Opal Adams, Golden Valley resident, stated she would support all of the money going to the two Golden Valley projects.

Chairman Humke read comment cards from Carole Smith, in support of utilizing the interest funds for the roads project, and from Ronald Johnson, requesting that Spearhead be paved.

Neal Cobb, Golden Valley property owner, said he supported the use of the interest funds for the Golden Valley projects.

Richard Schoot, Panther Valley resident, stated if a portion of the interest belongs to Panther Valley, he would support the money being used for the Panther Valley Neighborhood Park. In response to Commissioner Galloway, Mr. Schoot said approximately one-third of the Park is complete, but there is nothing for older children. He noted there is an interactive water fountain and washroom, but they are trying to complete the turf area to give older children a place to play baseball and soccer.

The Chairman closed the public hearing.

Commissioner Sferrazza disclosed that a representative from Panther Valley contacted him requesting the \$9,500 be used to acquire property for a community center. Commissioner Sferrazza asked if Panther Valley residents could be surveyed to determine how the money should be used. Commissioner Shaw stated he did not want to prevent the Panther Valley Neighborhood Park from receiving the money in a timely manner. Mr. Webb responded that the Board's previous direction was to use the interest money on already approved projects. Mr. Webb further said the Board determined any new project would be heard on a case-by-case basis and would have to be discussed in the community. Commissioner Galloway stated his understanding was that, regardless of the amount of interest money split between the two Golden Valley projects, it was not enough to complete either project and Mr. Webb agreed. Commissioner Sferrazza said he did not feel the North Valley Neighborhood Advisory Board should determine how the Panther Valley interest money is used, and that it should be decided by the Panther Valley residents.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, Chairman Humke ordered that:

1. \$9,500 of unallocated interest money remaining in the Golden Valley/Panther Valley community area be set aside for potential use in the Panther Valley area;
2. Allocate \$32,389.60 in unallocated interest money of the Alturas power line mitigation fund from the Golden Valley/Panther Valley community area to the Golden Valley Paving Roads project and appoint the Department of Public Works as project manager for this additional funding; and
3. Allocate \$32,389.60 in unallocated interest money of the Alturas power line mitigation fund from the Golden Valley/Panther Valley community area to the Artificial Water Recharge System project and appoint the Department of Water Resources as project manager for this additional funding.

**APPEAL CASE NO. AX02-005 – APPEAL OF TENTATIVE MAP
CASE NO. TM01-008 – HARRY FRY – COMMUNITY
DEVELOPMENT**

5:30 p.m. This was the time set in a Notice of Public Hearing dated January 16, 2003 mailed to the affected property owners by the Department of Community Development to consider an appeal to reverse the Washoe County Planning Commission action to deny a 27-lot single-family subdivision on two parcels with common open space, as authorized in Article 608, Tentative Subdivision Maps, of the Washoe County Development Code. All lot sizes are in excess of one acre. The project is located south and west of the intersection of Ravazza Road and Ramona Road. The two subject parcels, totaling ±39.40 acres, are designated Low Density Suburban (LDS) and General Rural (GR) in the South Valley Area Plan, and are situated in a portion of Section 3, T17N, R20E, MDM, Washoe County, Nevada. The property is located in the Galena/Steamboat Citizen Advisory Board boundary and Washoe County Commission District No. 2. (APN: 017-410-40 & 017-410-41)

The Chairman opened the public hearing by calling on anyone wishing to speak.

Paul Kelly, Planner, Community Development, reviewed his staff report dated January 16, 2003, which was placed on file with the County Clerk.

Harry Fry, Appellant, said he lives at the proposed project site. He stated he had received tentative approval from the Nevada Department of Environmental Protection (NDEP), but Washoe County Water Resources submitted a list of conditions of approval. The conditions of approval consisted of on- and off-site sewer requirements, including payment of all hook up fees. He further stated there is no sewer line within a mile of the proposed project and it is not cost effective for this project to be connected to sewer. Mr. Fry said it was not his intention to elevate nitrate levels beyond legal limits or harm the water in any way. He stated he was asking the Board to grant an extension so his hydrologist could complete the second phase of a study, which would include monitoring wells, recommended by the Environmental Commission. Mr. Fry said he is down gradient from his neighbors, and the proposed project imports water from the South Truckee Meadows General Improvement District.

Carole Pope, attorney for Mr. Fry, read into the record a letter dated January 27 from the NDEP, which stated denial of the original study did not preclude Mr. Fry from completing and submitting a more comprehensive study to NDEP. The letter also stated Mr. Fry could provide a different method of sewage disposal to receive consideration for approval. Ms. Pope said she and her client would like an extension of time to complete the study. She stated they would like to have the scientific data be the determining factor concerning the proposed project and not fears, such as have been raised over the Spanish Springs nitrate problem. Ms. Pope said septic tanks are still considered a viable method for sewage in this area.

Dr. Watkins Miller, Ph.D. in soil science, Soil and Water Resources Consulting, said NDEP requested the specific characterization of groundwater gradients which influence the direction of water flow. He said they also inquired if the wells within the existing subdivision Mr. Fry was granted access to accurately represented the top ten feet of that aquifer, or if nitrate concentrations came from some greater depth. In response to Commissioner Galloway, Dr. Miller said they do not believe, after approximately 25 years of operation in the existing subdivision, there is a groundwater contamination plume. He said the proposed project is a less dense subdivision, and from a modeling context, their information determined there would be no groundwater contamination from septic tanks. Sharon Kvas, Planning Manager, Community Development, said on October 25, 2001 the District Health Department limited the division of lands on septic systems to five acres. She further said Mr. Fry's application came in on the last cycle prior to that District Health Department change. Ms. Kvas stated the new Regional Plan adopted in May of 2002 also requires the five-acre minimum. Mr. Fry made reference to an NDEP mass density study whereby there can only be 174 septic tanks in a mile radius. Commissioner Shaw asked Mr. Fry what he would be able to achieve with an extension that he has not been able to achieve with his other extensions. Mr. Fry responded the only reason the proposed project did not pass the first time was because he rejected Washoe County's conditions of approval. In response to Commissioner Galloway, Mr. Fry said in each denial, he felt the door had been left open. Legal Counsel Shipman made a clarification that conditions of approval could not be legally imposed, but the project does not have to be approved. She also said NDEP approval does not guarantee approval by the Department of Water Resources. Mr. Fry said he did not feel the Department of Water Resources ever acted in good faith. In response to Commissioner Shaw, Mr. Fry stated he was aware of his neighbors signing a survey against the proposed project.

Discussion ensued concerning the parcel map process and the District Health Department Ordinance. Doug Coulter, District Health Department, said it had originally been suggested to Mr. Fry to drill monitoring wells because the existing individual wells perforate at different elevations.

In response to Commissioner Sferrazza, Legal Counsel Shipman explained a denial without prejudice would not allow this project to come back due to the regulations. She said the Board has the right to continue any matter for any reason they feel appropriate.

Ms. Kvas said the applicant owns two parcels and under the new rules he could create one parcel map for each parcel. The would allow a maximum of eight parcels on septic tanks, opposed to 27 in the current proposal, and NDEP approval would not be required.

Mr. Fry said it had never been brought to his attention that monitoring wells were needed on the first groundwater study. He stated he was prepared to drill monitoring wells and offer a scientific evaluation that would extend to additional parcels in the area. He also said he would discuss with County staff and the Health Department

the results produced through the monitoring wells and what those results should represent.

Brad Hicks, Ravazza Road resident, said he wants responsible decisions made for the neighborhood and asked the Board to deny the extension.

Bill Micklish, Ravazza Road resident, stated he is opposed to another extension. In response to Commissioner Galloway, Mr. Micklish said he would not object to a project that would not exceed current zoning, which is approximately one-acre lots, and if the project were connected to sewer.

The Chairman closed the public hearing.

Chairman Humke disclosed that he had a phone conversation with Jeff Monaghan, who lives in the area, and is opposed to the applicant's position.

In response to Commissioner Galloway, Ms. Shipman said if the dispute was between the applicant and the Utility Division, the Board of County Commissioners would have the final decision on the project. She also said there is concurrent jurisdiction between the County and the State, and both approvals would be required to move forward. Commissioner Shaw stated five entities have denied this request and there have been extensions to resolve the issues, which have not been resolved.

Commissioner Shaw made a motion to deny the appeal and reaffirm the findings made by the Washoe County Planning Commission. Commissioner Sferrazza seconded the motion.

Commissioner Sferrazza said the applicant is not being denied the ability to develop his property because he could develop eight units without coming before the Board, and he does not think it is unreasonable to require the project be connected to sewer. Commissioner Galloway stated he could not support the motion because Mr. Fry would be proceeding entirely at his own risk, and he did not feel the NDEP had closed the door on the project.

On call for the motion, the motion duly carried with Commissioner Galloway voting "no", and Chairman Humke ordered that Appeal Case No. AX02-005 be denied. This action is based on the following findings by the Washoe County Planning Commission:

1. Plan Consistency. That the proposed tentative subdivision map is not consistent with the goals, policies and action programs of the South Valleys Area Plan and the Washoe County Comprehensive Plan in that the proposed septic systems would exacerbate the groundwater nitrate levels;

2. Design or Improvement. That the design or improvements of the proposed subdivision is not consistent with the Washoe County Comprehensive Plan in

that the proposed septic systems would not promote the health and safety of the occupants and surrounding neighborhoods;

3. Type of Development. That without an approved method of sewage treatment, the site is not physically suited for a 27-lot development as proposed;

4. Availability of Services. That the Department of Water Resources (DWR) does not have a Capital Improvement Project in the Department's five year Capital Improvement Program to provide sanitary sewer service to the project area;

5. Public Health. That the proposed method of waste disposal by septic systems has the potential to cause public health problems as determined by the Department of Water Resources and the Nevada Department of Environmental Protection.

6. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report, the analysis by the affected water quality regulatory agencies, and information received during the meeting; and

7. The Washoe County Commission gave reasoned consideration to the information contained within the reports transmitted to the Board from the Washoe County Planning Commission and the information received during the Washoe County Commission public hearing.

7:20 p.m. **The Board recessed.**

7:45 p.m. **The Board reconvened.**

03-114 RESOLUTION – REFUND OF TAXES – SPARKS CHRISTIAN FELLOWSHIP (APN 028-361-04)

Legal Counsel Madelyn Shipman suggested the Board continue this item.

Commissioner Sferrazza said he was concerned that requests for refunds of taxes were being treated inconsistently. He stated he would support using the date of application for refund in this case. Ms. Shipman advised the Board tax refunds require a unanimous vote. She said if this were brought back with other options, those options would be inconsistent with the Board's policy concerning tax refunds, but that could be done. In response to Commissioner Shaw, Commissioner Sferrazza said he does feel a partial refund is acceptable, but he would like to treat all refunds consistently. He further said it was his understanding in the past, the Board's policy was based on the date the property was purchased. Ms. Shipman stated the Board's past precedence had been to refund taxes applied for in the same tax year as the application for tax exempt status, but in this case, Sparks Christian Fellowship has been tax exempt for 15 years, but purchased the property in November, 2001.

Commissioner Sferrazza moved to continue this matter to the next meeting and include an option that the exemption be retroactive to the date of filing the application for refund. Commissioner Galloway seconded the motion.

Commissioner Weber said since the partial refund was clearly set forth in the staff report, Blaine Cartlidge from the District Attorney's Office was not present, and there was no representative from Sparks Christian Fellowship, she could not support the motion to continue, and Commissioner Shaw agreed.

On call for the question, the motion to continue was defeated with Chairman Humke and Commissioners Shaw and Weber voting "no".

Upon recommendation of Blaine Cartlidge, Deputy District Attorney, as stated in D.A. Opinion No. 6412, on motion by Commissioner Shaw, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Humke be authorized to execute the Resolution 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, Sparks Christian Fellowship ("Taxpayer") made application for refund of real property taxes for the 1999-2000, 2000-2001 and 2001-2002 tax years on APN 028-361-04; and

WHEREAS, the Taxpayer has overpaid taxes for the 2001-2002 fiscal year in the amount of \$7,701.11 but is not entitled to a refund for the 1999-2000 and 2000-2001 tax years, as set forth in the Washoe County District Attorney Opinion No. 6412; and

WHEREAS, it is the opinion of the Board of Commissioners of Washoe County that the Taxpayer has just cause for making such application for the 2001-2002 tax year 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 Sparks Christian Fellowship a total of \$7,701.11, which is the amount of the prorated taxes overpaid for the 2001-2002 tax year on APN 028-361-04.

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.

**03-115 DIRECT STAFF – POSSIBLE PARKS AND RECREATION
DEPARTMENT PROGRAM CONSOLIDATION – PARKS**

Karen Mullen, Director, Parks and Recreation Department, stated she had previous discussions with the City of Reno Director. She said she would provide the Board a draft action plan with time sensitive dates. Commissioner Galloway said he felt option one would address the three County owned properties in annexed areas and adoption of conforming resolutions. He also said if the County conforms its resolution to the City of Reno's, there should be no further action required. Ms. Mullen said they were working to produce overlays to maps to show the different issues.

Upon recommendation of Ms. Mullen, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, Chairman Humke ordered that staff be directed to look at full consolidation by establishing a time sensitive work plan looking at the feasibility of full consolidation with direction to immediately implement high value opportunities during the feasibility study.

**03-116 BILL NO. 1369 ABOLISHING ORDINANCE 1038 – REVISING A
SCHEDULE OF RATES AND CHARGES FOR RECLAIMED
WATER SERVICE**

Bill No. 1369 entitled, "AN ORDINANCE ADOPTING REQUIREMENTS AND A SCHEDULE OF RATES AND CHARGES FOR PROVISION OF RECLAIMED WATER SERVICE BY WASHOE COUNTY; REQUIRING THE DEPARTMENT OF WATER RESOURCES, UTILITY SERVICES DIVISION, TO SUBMIT BILLINGS TO ALL RECLAIMED WATER USERS WITHIN CERTAIN AREAS OF WASHOE COUNTY; REQUIRING PAYMENT THEREOF; AND PROVIDING PROCEDURES FOR ITS ENFORCEMENT. THIS ORDINANCE ABOLISHES ORDINANCE 1038 AND ALL AMENDMENTS THEREOF" was introduced by Commissioner Shaw; the title was read to the Board; and direction was given to publish legal notice for final action of adoption.

03-117 UPDATE – UNIVERSITY RIDGE PARK

Commissioner Sferrazza said the City of Reno representative had provided him with a written report, the land had been cleared and the consultant was working on basic design issues. He said it was anticipated title to the land would be transferred in the near future. Legal Counsel Madelyn Shipman advised the transfer deed is in the hands of the developer's attorney for review and then it would go to the City.

Chairman Humke read into the record a comment from Jerry Newcomer, University Ridge homeowner, asking if Alturas Power Line Mitigation funds could be used to fill the shortfall that exists to fully complete the park. Commissioner Galloway commented the problem goes back to the collection of the Residential Construction Park Tax (RCT) and Edwin Schenk, Park Planning Manager, City of Reno, said all the money collected from the development went to other City projects and those funds would have made up the shortfall. Commissioner Sferrazza stated, originally the Developer was to develop the park and transfer it to the City in lieu of paying the RCT, but instead, paid the RCT and is now giving the land to the City. In response to Commissioner Galloway, Commissioner Sferrazza said the RCT funds go toward the district, and under state law, the money must be spent within that park district, but not necessarily on the immediate park.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that this item be continued to February 25, 2003, by which time the land should be transferred.

03-118 LEGISLATIVE COMMUNICATION POLICY – STRATEGIC PLANNING

In response to Commissioner Galloway, Katy Singlaub, County Manager, said, with the wording change to the Policy under "Lobbyist Authority", there would be a prompt report to the Board, if necessary. Commissioner Galloway stated he did not agree that outside the venue of the Legislature a Commissioner could not communicate with a Legislator. He said if there was an issue he deemed compelling, his responsibility to the voters and his constituents would take precedence, but he would use good judgment in communicating at the Legislature, and it had not caused a problem in the past.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that the Legislative Communication Policy, which was placed on file with the County Clerk, be approved.

03-119 CONFIRM 2003 LEGISLATIVE PROGRAM – STRATEGIC PLANNING

Katy Singlaub, County Manager, stated this was a starting point and not the County's entire legislative program. She said they were requesting confirmation by the Board concerning positions that had been taken by the 2002 Board. She suggested the Nevada Association of Counties (NACO) BDR, concerning Non-Partisan Elections, be removed from this current list until she is able to have more discussions with NACO.

On motion by Commissioner Shaw, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that Washoe County's 2003 Legislative Program, placed on file with the County Clerk, be approved with the removal of Non-Partisan Elections. It was also ordered that staff be directed to bring the Non-Partisan Election issue back with more information.

2002 REGIONAL PLAN SETTLEMENTS – COMMUNITY DEVELOPMENT

Adrian Freund, Director, Community Development, said he had previously reported the Sparks Planning Commission adopted the site compatibility and adjacency standards and the cooperative planning criteria last week. He stated the Washoe County Planning Commission adopted the adjacency and compatibility criteria on a vote of 4 to 3 and adopted the cooperative planning criteria on a unanimous vote, both of which were unexpected. He also said the Sparks City Council's second reading and final action was scheduled for February 10 and the Board of County Commissioners and Reno City Council were scheduled for first readings on February 11, with final action on February 25.

In response to Commissioner Galloway, Madelyn Shipman, Assistant District Attorney, said there was no provision in the Settlement Agreement (Agreement) allowing the parties to return to Judge Hardesty, except for a breach of the Agreement. Ms. Shipman said it was her feeling the Board needed to proceed with a presentation from the Planning Commission. She further said if the Board was not satisfied with the Planning Commission's recommendation, the next step would be to request an extension to avoid initiating the alternative dispute resolution process.

Ms. Shipman stated it was her understanding the annexation issues were not intended to be included in the cooperative planning process that the Cities were directed to adopt. Mr. Freund said he thought the Regional Planning Commission wanted to make conformance reviews with respect to the baseline issue February 14 or 15, and approve the amended Master Plan for conformance in April. In response to Commissioner Galloway, Ms. Shipman stated it was her opinion, as the Agreement was written, that Sun Valley was not required to agree to the criteria and standards. Commissioner Galloway said the Sun Valley spokesman did make points at the Planning Commission presentation, but no changes were made. Mr. Freund said the Planning Commission had the opportunity to carry the issue forward, and had been made aware the County Commission had concerns. He stated the presentation clearly indicated the criteria document did not fully capture the intent of the staff steering group as to how the criteria would be applied, and there was a question concerning whether there were real findings. Mr. Freund further stated the Planning Commissioners' packets included the side-by-side document that compared the old draft option two and the current language, without advocating one version over the other.

In response to Commissioner Weber, Ms. Shipman said if the Board wanted to meet with the Judge, the request should come from the County Manager on behalf of the Board. She reiterated it is not Judge Hardesty's responsibility to educate the Board on the terms of the Agreement. Ms. Shipman further said it was not judicial behavior for a Judge to discuss a case with the parties afterward. Ms. Shipman stated she would be happy to discuss the terms of the Agreement with the Board at any time.

Commissioner Galloway pointed out that regional centers require plans, but the plans are not required to show certain things, such as tax payback. He also said regional centers should not be developed piecemeal. Ms. Singlaub said it was her understanding those kinds of issues were discussed, as well as the lack of objective sources of data to meet the test of the findings being proposed. She then stated staff discussed, prior to this meeting, that the Commission does not have an ability to articulate its understanding of how the articles for adjacency standards and cooperative planning criteria would be applied. Ms. Singlaub said this might be accomplished through a memorandum of understanding. Mr. Freund stated staff has already discussed developing a standard application that would request information of the applicant that fulfills the assessment required by the criteria, including the idea of full disclosure. He further suggested the Commissioners give direction on the types of things to be included in the application. Mr. Freund said there is an issue concerning the difference between the County single map plan approach and the way the Cities operate, because the Cities do not always have a tangible project in their hand when they get a request for a zone change. Commissioner Sferrazza said it was his understanding that the Board would support adjacency which has equal types of lots on both sides, with the exception of lots above one acre, but what has been proposed does not have that equivalency. He further said a compromise was discussed, which included a 200-foot buffer zone. Mr. Freund stated an amendment that did come forward at the Planning Commission was the buffer zone issue and that there needs to be appropriate legal restrictions to ensure the buffer zone is clear, open and maintained.

Diana Langs, Sun Valley General Improvement District, said, having been at the Planning Commission meeting, it was clear there were still individuals who do not understand the Agreement. She said she noted the word "require" had been removed and replaced with the word "desire", but she prefers "require". She stated there is no criteria for emerging employment centers. Ms. Langs further stated all entities agree job-housing balance, reverse commute and the growth table have problems. In response, Mr. Freund said the growth table is not included in the criteria documents, but is in the Regional Plan, and is almost the sole growth form and pattern shaping policy in the Regional Plan. Commissioner Galloway stated there could be some criterion that tracks the growth table, and if an area is out of line, up zoning could not be approved until the table is back in line.

Ms. Singlaub said it appeared the County Commissioners would not accept the criteria and adjacency standards as proposed, and that would be a basis to notify the Judge and other parties that the February 14 deadline would probably not be met. Ms. Langs said she had the feeling the Planning Commission did not want to hold up any of the entities, and that was why they approved the adjacency and compatibility criteria and cooperative planning criteria. Commissioner Galloway asked that staff include development standards in areas of conflict, which is allowed in the Agreement. He said he would like assurance from the Judge concerning the term of the Agreement and if the spheres can be changed, because it is his feeling the spheres are fixed for the entire term of the Agreement. Commissioner Galloway also requested a report as to whether the Cities have brought forth anything concerning annexation criteria for the

Board of County Commissioners' February 11 agenda. Ms. Shipman said the Agreement is intended to continue until a new Regional Plan update is adopted, either four or five years from now. She further said there is nothing in the Agreement that would not allow certain amendments of any criteria or standards developed. Discussion ensued concerning water policy issues, and Ms. Shipman said it was her opinion the Regional Planning Commission is not prohibited from adopting water policy, but it can not be inconsistent with any policies, either interim or incorporated, in the Regional Water Plan Update, adopted by the Regional Water Planning Commission. She also said she felt criteria needed to be developed concerning cooperative planning.

Commissioner Weber said she would like certain terminology to be defined and determine whether the other entities agree with the definitions. Chairman Humke confirmed staff would prepare a memorandum of understanding. In response to Ms. Singlaub, the Board responded in favor of staff preparing a notification that it is not expected they would meet the first reading deadline on February 11 because of disagreement concerning adjacency standards, development standards and criteria for cooperative planning. Ms. Singlaub confirmed there would be an agenda item on February 11 concerning actions taken by any entity that might be in violation of the Agreement.

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

DAVID E. HUMKE, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Sharon Gotchy and Melissa Ayrault
Deputy County Clerks*