

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

TUESDAY

1:00 P.M.

JANUARY 21, 2003

PRESENT:

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

**Nancy Parent, Chief Deputy Clerk**  
**Katy Singlaub, County Manager**  
**Paul Lipparelli, Deputy 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:

**03-66            AGENDA**

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Shaw temporarily absent, Chairman Humke ordered that the agenda for the January 21, 2003 meeting be approved with the following amendments: Delete – Item 8D(1) Interlocal Agreement between Washoe County and Washoe County School District (acting for the Sun Valley Resource Center), concerning use of space in the Sun Valley Neighborhood Center at Sun Valley Community Park for a 12-month period.

**PUBLIC COMMENTS**

Jerry Purdy, local resident and retired engineer, read a statement, which was placed on file with the County Clerk, urging the Board to consider adopting a countywide groundwater management ordinance.

Chairman Humke noted a comment card was received from Lori Burke, Coalition for Community Friendly Power Development, which stated she had spoken with the Bureau of Land Management (BLM) concerning the Coalition's issues regarding why alternatives for the proposed 120 kV line were not included for study in the Environmental Impact Statement. She said the Coalition had agreed to meet with the BLM to review the information acquired, in an attempt to develop a more inclusive process.

## **MANAGER'S/COMMISSIONERS' COMMENTS**

Commissioner Sferrazza requested staff schedule a workshop to determine whether the Board would consider adopting a countywide groundwater management ordinance.

## **INTRODUCTION OF NEW COUNTY EMPLOYEES**

Katy Singlaub, County Manager, invited approximately 29 new Washoe County employees to come forward and introduce themselves to the Board. She noted that a number of the new employees were transferees from the State of Nevada as a result of Child Welfare integration. The Board welcomed the new employees.

### **03-67      RESOLUTION – HONORING KAREN MABRY**

County Manager Katy Singlaub read the Resolution honoring Karen Mabry, former Washoe County Senior Services Director, and Chairman Humke thanked Ms. Mabry for her service to the County. Ms. Mabry said it had been an honor and privilege to work in public service for over 20 years, and noted efforts would not have been possible without the dedication of her team members. Commissioner Galloway stated Ms. Mabry would be greatly missed.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Shaw temporarily absent, it was ordered that the following Resolution be adopted and Chairman Humke be authorized to execute the Resolution on behalf of Washoe County:

### **RESOLUTION**

**WHEREAS**, Karen Mabry has retired from Washoe County after serving the public as Director of Senior Services since February 9, 1987; and

**WHEREAS**, The Senior Services Program replaced six antiquated meal delivery vehicles with ten state-of-the-art prototypes and privatized the Meal Program, resulting in \$125,000 in savings; and

**WHEREAS**, The Senior Services Program didn't ask for property tax increases and leveraged additional state monies for aging in-place programs, maintained annual grants for 48% of the budget and increased private donations; and

**WHEREAS**, The Senior Services Program received a 90% high satisfaction customer service rating, created many community partnerships for enhanced services and was the first State Senior Services Program to computerize case management; and

**WHEREAS**, Karen oversaw the 2,700-foot expansion of the main facility, opened the Sparks Senior Center and the Gerlach Senior Center and absorbed the Adult Day Care from the District Health Department; and

**WHEREAS**, Karen took a statewide leadership role with the Single Entry Point and Strategic Healthcare Plan, made improvements to the Public Guardian Program, gave Washoe County a national presence via the White House Conference on Aging, the National Council on Aging and as a State Delegate for National Institute of Senior Centers; and

**WHEREAS**, Karen co-produced and hosted the “Senior Scope” television program for eight years; now, therefore, be it

**RESOLVED**, By the Washoe County Board of Commissioners that it be known that Karen Mabry will be sorely missed by her colleagues and the many citizens who benefited from her untiring dedication to excellence in public service and that the Board expresses their respect and appreciation for her work on behalf of Washoe County and wishes her the best in her future endeavors.

**03-68            MINUTES**

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Shaw temporarily absent, Chairman Humke ordered that the minutes of the regular meetings of October 22 and November 12, 2002 be approved.

**03-69            APPOINTMENT – DESPINA HATTON, INTERIM SENIOR SERVICES DIRECTOR – COUNTY MANAGER**

Commissioner Sferrazza asked that the Senior Services Board be involved in the interview and selection process of a new permanent Senior Services Director, and the Senior Services Board have as much representation as citizens in the appointment process.

Upon recommendation of Katy Singlaub, County Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Shaw temporarily absent, Chairman Humke ordered that Despina Hatton be appointed as Interim Senior Services Director to be retroactively effective to January 1, 2003.

**03-70            ACCEPTANCE OF DONATION – WAL-MART – SHERIFF**

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Shaw temporarily absent, Chairman Humke ordered that a donation of

\$1,000 from Wal-Mart, to be used to offset costs associated with providing stress management training, be accepted with the Board's gratitude.

It was further ordered that the following budget adjustments be authorized:

Increase Revenues:	
15238D-5802	\$1,000.00
Increase Expenditures:	
15238D-7105	\$1,000.00

**03-71            ACCEPTANCE OF DONATION – AMES/TRUE TEMPER LAWN AND GARDEN – SHERIFF**

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Shaw temporarily absent, Chairman Humke ordered that a donation of landscape tools and equipment, with an estimated value of \$30,150, from Ames/True Temper Lawn and Garden Distribution Center, to assist with operation and funding of the Sheriff's Community Work Program with the understanding the Program will also share some of the tools with Washoe County Parks Department work crews, be accepted with the Board's gratitude.

**03-72            LEASE AGREEMENT – EDWARD & CAROL JEAN NEWMAN – OFFICE SPACE – DISTRICT HEALTH DEPARTMENT – INCLINE VILLAGE COMMUNITY HEALTH CLINIC – PUBLIC WORKS**

Upon recommendation of Jean Ely, Director, General Services, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Shaw temporarily absent, Chairman Humke ordered that the Agreement between Edward and Carol Jean Newman, Lessor, and Washoe County, Lessee, for lease of office space for operation of the Washoe County District Health Department's Incline Village Community Health Clinic, commencing February 1, 2003 through January 31, 2008 and for such other terms and conditions as stated therein, be approved and Chairman Humke be authorized to execute the same.

It was further ordered that the Comptroller be directed to initiate a transfer from the District Health Department (1730G1-74231) to Public Works (1611-7340) in the total amount of \$9,837, which includes \$1,500 for relocation expenses and \$8,337 to cover the lease costs for the remainder of this fiscal year.

03-73

**CORRECTION OF CLERICAL AND FACTUAL ERRORS –  
ASSESSOR**

Upon recommendation of Thomas Sokol, Personal Property Supervisor, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Shaw temporarily absent, 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.

<b>PROPERTY OWNER</b>	<b>I.D. #</b>	<b>AMOUNT</b>	<b>ROLL</b>
Thomas G. Komadina, M.D. LTD	2/160-875	[-\$935.08]	2000 Unsecured
Network Investor Communications	2/102-732	[-\$126.17]	2001 Unsecured
Diamond India Restaurant	2/210-059	[-\$349.19]	2001 Unsecured
Oak Tree Apartments	2/031-019	[-\$222.85]	2002 Unsecured
Studebaker Worthington Leasing	2/190-670	[-\$35.19]	2002 Unsecured
Fifth Third Leasing Co.	2/191-841	[-\$496.08]	2002 Unsecured
Manufacturers Leasing Services	2/191-980	[-\$160.56]	2002 Unsecured
Family Florist	2/202-583	[-\$72.84]	2002 Unsecured
Comstock Air Freight	2/431-008	[-\$2,246.89]	2002 Unsecured
GL Construction Inc.	2/463-610	[-\$2,461.87]	2002 Unsecured
Eulalio Hipolito	32/00-181	[-\$540.68]	2002 Unsecured
David G. Beaver	51/00-449	[-\$2,111.85]	2002 Unsecured
Jensen and Associates, Inc.	51/00-548	[-\$2,225.80]	2002 Unsecured
E T Enterprises	51/00-557	[-\$129.09]	2002 Unsecured
Kurt E. Driskill	51/00-565	[-\$1,571.01]	2002 Unsecured

**\*1:45 p.m. Commissioner Shaw arrived at the meeting when the Board was convened as the Board of Fire Commissioners, Truckee Meadows Fire Protection District.**

03-74

**APPEARANCE – HILARY LOPEZ, PROGRAMS MANAGER,  
WASHOE COUNTY HOME CONSORTIUM**

Hilary Lopez, Community Resources Program Manager, City of Reno, showed a power point presentation concerning the Affordable Housing Municipal Loan Program on the overhead, which presentation was placed on file with the County Clerk. In response to Commissioner Galloway, Ms. Lopez said the Washoe County staff representative is Eric Young and Mr. Young is currently working to fill the vacant Washoe County citizen position on the Technical Review Committee.

**2002 REGIONAL PLAN SETTLEMENT AND ASSOCIATED ISSUES**

Commissioner Galloway said he felt the Board of County Commissioners was not aware of the large differences concerning the actual development of meaningful, specific, and objective criteria, which are required by the Settlement Agreement (Agreement), between the staffs of the Cities of Reno and Sparks and Washoe County until last week when a workshop was presented to the Board. He stated he recalled criteria being specified in three areas; adjacency and development standards, land use changes within cooperative planning areas, and annexations; however, only adjacency and development standards and land use changes within cooperative planning areas were presented at the workshop. Commissioner Galloway further stated the Board had intended the criteria to have more specificity. He said the adjacency and development standards did not address the fast food/convenience store issue mentioned in the courtroom, and it was his understanding there had been objections from citizen groups when the issue was brought to the Citizen Advisory Boards (CAB). He also said what was presented to the Board at the workshop last week, in some ways, was not consistent with the Board's previous positions. He stated it was his understanding that might be due to the impossibility of agreement between staffs.

Sharon Kvas, Planning Manager, Community Development, stated it was her understanding annexation criteria was to be developed by the Cities. She said Mike Harper, Planning Manager, Community Development, and Adrian Freund, Director, Community Development, had met with the City of Reno to discuss the County's issues concerning criteria developed by the City. Commissioner Galloway responded that it was not his understanding this criteria was to be established unilaterally by the City, but regardless of who originates the criteria, it must be acceptable to the County. He said the County's provision all along in supporting the Agreement was that in areas where the entities could not agree, Judge Hardesty might be contacted for resolution. He further said he did not think a distinction had been drawn on annexation criteria. Ms. Kvas said she would confirm that issue with Mr. Freund, as well as let Mr. Freund know the Board would like as many meetings as possible to be brought up to date. She told the Board Mr. Freund would like the Commissioners to bring to him as many concrete examples as possible of items they would like staff to pursue.

Katy Singlaub, County Manager, said staff wants to ensure the Commissioners have all the information. Commissioner Shaw said it would be helpful to have as much information as possible, especially at joint meetings when annexation is discussed.

Ms. Singlaub stated it has been a very difficult process to meet the February 14 deadline. Chairman Humke suggested the Board consider asking the Court for clarification. Ms. Singlaub stated Madelyn Shipman, Assistant District Attorney, had been involved in discussions with legal counsels from the two Cities concerning when and how to approach the Judge.

Commissioner Galloway stated, contrary to anything said at the joint meeting, the County never agreed that some areas in the expanded spheres should be in the City. He further said the County wanted smaller spheres and the Agreement sets forth how disagreements would be handled.

Commissioner Galloway said another issue that surfaced was concerning water criteria, and that criteria was clearly delegated to the Water Planning Commission, however, the County Commission could provide input. He stated he thought there was disagreement between the Cities as to whether that input would simply be advisory, and whether the Regional Planning Commission would approve the work, or whether the Water Planning Commission is the final determining entity. He then said he felt there had been clarification concerning that issue, but he did not have documentation to that effect.

Concerning land use changes, Ms. Singlaub said because those changes cannot be conditioned, Mr. Freund has struggled with articulating findings that are not conditions. Commissioner Galloway noted that conditions could be placed on what items need to be satisfied before an entity agrees to a land use change. Ms. Kvas said staff has suggested that any up-zoning would require a project accompany the up-zone request the same as a Planned Unit Development (PUD) and the Cities have acknowledged that would be more difficult for them to work with.

Commissioner Sferrazza said core criteria important to the County had been identified and he asked that Commissioner Galloway furnish to the Board his notes from the settlement process. He stated the County's acceptance of the Agreement was with the understanding those core criteria would be incorporated and he does not feel the process is moving in that direction. He further stated he felt the Board should insist on those core criteria and, if there is a definitive answer from the Cities that they are not going to agree to those criteria, the Board should take the situation to the Judge. Commissioner Sferrazza asked that areas of disagreement be quickly identified and the Judge be consulted for direction. Chairman Humke stated he had a side conversation with Mayor Cashell at the joint meeting and the Mayor said the Reno City Council would direct staff, and hoped the County would direct its staff, to sit down soon and resolve all issues. Commissioner Galloway said he would pull together his notes from the settlement process and provide a summary to staff by Thursday to be conveyed to the other Commissioners.

Commissioner Galloway stated if it was discovered the City of Reno had been taking the position that only the City drafts criteria relating to annexation and the County does not have a right to offer counter proposals, he would consider that a disagreement and felt it should go to the Judge. Commissioner Galloway stated he did not recall anything in the court proceeding that would indicate some criteria was not going to be mutually agreed upon and asked staff to provide that information by Thursday. He further stated he thought the County Commissioners and the two City Councils were all required to agree on the criteria and any disputes would go to the Judge.

Commissioner Weber commended Commissioners Galloway and Sferrazza for their work and time commitment during the settlement process. She suggested, since there are new Commissioners and Reno City Councilmembers, a meeting be arranged with Judge Hardesty so he could reiterate exactly what needs to be done and also ask him for an extension of time.

Chairman Humke said all parties agreed not to seek State Legislative changes to the regional planning legislation that would be contrary to the Settlement Agreement, but CAB members and other experts in regional planning who have opinions are free to approach the Legislature. He further said he felt there was a good understanding with the Cities that this was a three-way situation, and a good example of that would be whether the County has an ability to comment on annexation policies. Commissioner Sferrazza said the County did prepare a statement of principles identifying the County's position, should those principles come before the Legislature. He gave one example, which indicated no two entities should have the ability to completely overrule a third entity, but he said that principle may need to be changed.

In summary, Ms. Singlaub confirmed staff would work with Commissioner Galloway to create a summary of principles the County had identified during the Regional Plan settlement and Commissioner Galloway could add to, subtract from, change and correct that summary as needed. She said the summary would be provided to all Commissioners. She stated she would speak with Legal Counsel in order to understand a process for quickly requesting a clarifying meeting with Judge Hardesty regarding the principles the County identified in supporting the Agreement and possibly to request additional time. Ms. Singlaub further said it was her understanding Dave Ziegler, Regional Planning Agency Director, had, in some fashion, notified the Judge that the County may not be able to meet the February 14 deadline, and County staff would follow up on that. She advised staff would make sure all of the Commissioners are involved in providing input.

Ms. Singlaub then informed the Board she had met with Shaun Carey, City of Sparks Manager, and Ralph Jaeck, City of Reno, Assistant City Manager, as well as the entities' planning directors and legal counsels last week and summarized for them the fact that the County had major concerns with items drafted so far and the document, as drafted, would not be approved by the County Commissioners. She said the parties were further advised the County was working to identify the discrepancies between what the County insists upon and what is acceptable to the Cities. Chairman Humke stated, due to what he has heard, he would vote "no" on anything before the Board. Ms. Singlaub stated staff would provide to the Legislators the positions the County Commission has taken with regard to Regional Planning. She confirmed the County had agreed not to submit BDR's or request legislation that would contradict the provisions of the Agreement.

Ms. Kvas said there was a Planning Commission meeting scheduled for January 27 at 5:00 p.m. and all the CAB members had been notified of the meeting.

Commissioner Galloway asked staff to provide a summary of alternatives suggested by the CAB's concerning adjacency standards and Ms. Kvas said she would provide comment cards and minutes from CAB meetings to the Commissioners.

Commissioner Sferrazza noted the Judge basically rejected the County's final position.

Michelle Poché, Assistant County Manager, said when the Agreement was received by the County, as dictated by the Judge, there were a couple of areas that were unclear to staff. She stated Ms. Shipman had a couple of conversations with the Judge and other attorneys prior to the Board voting on the Agreement. Ms. Poché further said her recollection was that the Judge did draw distinction concerning annexation criteria and did not include that as part of what the County would be working on in the staff level committee that has been constructing language. She stated the Judge did specify it was his expectation that the City would work on annexation criteria independently, although the County would, of course, have an opportunity to comment. She continued by saying the County would provide feedback to the City, but it would not be drafted jointly in the same fashion as other areas designated as joint products. Ms. Poché stated she would confirm her understanding with Ms. Shipman. Commissioner Galloway asked staff to report back concerning whether the County has the ability to adopt its own approved set of criteria for annexations.

Ms. Poché said she would cross-reference her notes with those of Commissioner Galloway's. She further said there would be a number of issues in the notes that were important principles to the County that were not a part of the final package. Commissioner Sferrazza stated his understanding was the Judge directed the parties to negotiate the criteria and that would allow the County to negotiate its position. Ms. Poché confirmed that to be a correct statement and said she would pull the County's core criteria together for the Board.

**2:40 p.m.**      **The Board recessed.**

**3:00 p.m.**      **The Board reconvened with all members present.**

**03-76**            **ORAL BIDS – WATER RIGHTS – SIERRA SAGE GOLF COURSE**

Karen Mullen, Director, Parks & Recreation, reported all seven bidders from the January 14, 2003 water rights auction had completed their due diligence by signing their purchase agreements and providing cashier's checks to the County. She noted in February there would be an update on other opportunities and alternatives for possible future sales.

Commissioner Galloway made a motion to approve the finalization of the water rights sold at the January 14, 2003 auction, and Commissioner Shaw seconded the motion. Commissioner Shaw complimented Ms. Mullen and her staff on a job well done.

Commissioner Sferrazza said he felt the quantity offered for sale was too large and requested the quantity be smaller at any future sales, if that is feasible. Ms. Mullen said she would be working with the District Attorney's Office concerning alternatives that would be suggested to the Board in February. She noted there are 196.03 acre-feet remaining to sell. In response to Commissioner Sferrazza, Ms. Mullen said there is no urgency at this time to sell all of the water rights.

Chairman Humke asked if there was a possibility for interbasin transfers of the water rights. Vahid Behmaram, Water Rights Supervisor, Water Resources, replied that these water rights could only be utilized within the West Lemmon Valley hydrographic basin and the portion of the East Lemmon Valley hydrographic basin where TMWA's (Truckee Meadows Water Authority) water system exists. Katy Singlaub, County Manager, encouraged the Commissioners to express any ideas they might have to staff concerning the sale of water rights that would increase or maximize the proceeds.

On call for the question, the motion passed unanimously.

### **COMMUNICATIONS AND REPORTS**

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

#### **03-77      COMMUNICATIONS**

A. Original executed Independent Contractor Agreement for Services between Camp Dresser & McKee, Inc. (Contractor), to perform facilitation of the Regional Water Planning Commission, Regional Planning Governing Board, Regional Planning Commission Joint Workshop in Reno, Nevada on December 7, 2002, and Washoe County Department of Water Resources, in the amount of \$3,600.

B. Notice of Intent to Annex Land into the City of Sparks dated December 27, 2002 to annex 21.242 acres of land generally described as La Posada Drive, Washoe County, into the City of Sparks and a copy of Bill No. 2327 introducing the proposed Ordinance.

C. Original executed Agreement for Consulting Services between Washoe County and Social Entrepreneurs, Inc. in an amount less than \$25,000 and therefore does not require Washoe Board of County Commission action.

D. Copy of the letter dated December 23, 2002 from the City of Sparks to Dr. Denis Humphreys confirming his appointment to the Washoe County District Board of Health with term to expire December 31, 2006.

**REPORTS – ANNUAL FINANCIAL STATEMENTS FOR FISCAL YEAR ENDED JUNE 30, 2002**

- 03-78**      A.     Airport Authority of Washoe County
- 03-79**      B.     North Lake Tahoe Fire Protection District
- 03-80**      C.     Regional Transportation Commission

**03-81**      **REPORTS – QUARTERLY (DECEMBER 31, 2002)**

- A.     Justice Court – Verdi Township

**03-82**      **REPORTS – MONTHLY (NOVEMBER 2002)**

- A.     Washoe County Animal Control
- B.     Washoe County Clerk
- C.     Washoe County Treasurer

**BUDGETS**

- 03-83**      A.     Regional Transportation Commission – Fiscal Year 2003
- 03-84**      B.     Washoe County School district – Resolution to Augment 2002-03 Budget

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There being no further business to come before the Board, the meeting adjourned at 3:20 p.m.

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**DAVID E. HUMKE**, Chairman  
Washoe County Commission

**ATTEST:**

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

*Minutes Prepared by  
Jocelyn Gearheart and Melissa Ayrault  
Deputy County Clerks*