

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

1:00 P.M.

MAY 20, 2003

PRESENT:

Jim Shaw, Vice Chairman
Jim Galloway, Commissioner
Pete Sferrazza, Commissioner
Bonnie Weber, Commissioner

Amy Harvey, County Clerk
Katy Singlaub, County Manager
Madelyn Shipman, Legal Counsel
Peter Simeoni, Deputy District Attorney

ABSENT:

David Humke, Chairman

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:

03-554 WORK CARD PERMIT APPEAL - ERIC BIGGS

The appeal by Eric Biggs of the Sheriff's denial of his work card permit application was considered on Monday, May 19, 2003, prior to the Caucus meeting.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, the Board convened in closed session to hear testimony as to why the work card should or should not be granted.

The appellant Eric Biggs was present to offer testimony during the closed session. Also present on appellant's behalf were Pastors Tony Slavin, Harvey Turner and Dave Reid of Grace Community Church, which operates The Lion and The Lamb Christian School.

Also present were Maureen Thomas, Chief Records Clerk, Washoe County Sheriff's Office, and Alice LeDesma, Washoe County Social Services, Child Care Licensing Division.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, the Board reconvened in open session and the following action was taken:

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, it was ordered that the work card permit be granted to Eric Biggs upon the condition that the permit is limited to the current employer, The Lion and The Lamb Christian School, and that Mr. Biggs not be alone with children at any time during his employment at the school.

03-555 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried with Chairman Humke absent, Vice Chairman Shaw ordered that the agenda for the May 20, 2003 meeting be approved with the following amendment: **Delete** Item 6, Introduction of new employees.

PUBLIC COMMENTS

Sam Dehne, local resident, stated something has to be done about the horrendous noise pollution. He also said that Secretary of State Dean Heller should be impeached.

MANAGER'S/COMMISSIONERS' COMMENTS

Vice Chairman Shaw congratulated Assistant District Attorney Madelyn Shipman on being inducted into the Lobbyist's Hall of Fame.

Commissioner Sferrazza stated he would be willing to write a letter to the Secretary of State on behalf of Mr. Dehne, if the other Board members agreed and if Mr. Dehne promised to never bring the issue up again.

03-556 ACCEPTANCE OF DONATION - RENO ARCH LIONS CLUB - SHERIFF'S HONOR GUARD

Upon recommendation of Sheriff Dennis Balaam, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried with Chairman Humke absent, Vice Chairman Shaw ordered that a donation totaling \$500 from the Reno Arch Lions Club Organization, designated to pay costs and expenses for the Sheriff's Office Honor Guard, be accepted with the Board's gratitude.

03-557 REJECT BIDS - BID NO. 2384-03 - INSTITUTIONAL BEDS - JAN EVANS JUVENILE JUSTICE CENTER - PURCHASING

Pursuant to discussion at Caucus, Katy Singlaub, County Manager, reported that Leonard Pugh, Juvenile Services Director, advised her that he has toured other juvenile facilities and believes the fiberglass beds would be much safer than the concrete beds originally proposed.

In response to Commissioner Galloway, Mike Sullens, Purchasing Department, stated that the vendor who had originally given Public Works the estimate for the cost of the fiberglass beds did not receive the actual Invitation to Bid; and the only other responsive bid exceeded the estimated budget by over \$20,000.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried with Chairman Humke absent, Vice Chairman Shaw ordered that all bids received for Bid No. 2384-03, Institutional Beds for the Jan Evans Juvenile Justice Center, be rejected and that the Purchasing and Contracts Administrator be authorized to re-bid the requirements.

**03-558 AWARD OF BID - UNDERWATER INSPECTION AND
CLEANING OF POTABLE AND RECLAIMED WATER
STORAGE TANKS - BID NO. 2380-03 - UTILITY SERVICES**

This was the time to consider award of bid for underwater inspection and cleaning of potable and reclaimed water storage tanks for the Utility Services Division of the Water Resources Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on March 6, 2003. Proof was made that due and legal Notice had been given.

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

- Aqua-Tech Company
- Extech, LLC
- LiquiVision Technology
- SWCA Environmental Consultants

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried with Chairman Humke absent, Vice Chairman Shaw ordered that Bid No. 2380-03 for underwater inspection and cleaning of potable and reclaimed water storage tanks for the Utility Services Division be awarded to the lowest bidders meeting requirements as follows:

| | |
|--------------------------------|---|
| LiquiVision Technologies | Bid Item # 1 through and including Bid Item # 10, underwater inspection, cleaning, and reports on various sizes of water storage tanks. |
| SWCA Environmental Consultants | Bid Items # 10A and 10B, underwater cleaning, inspection and cleaning of reclaimed water tanks. |

It was noted that this award shall be utilized on a requirements basis from the date of bid award through March 1, 2005 with Washoe County retaining an option for a one-year extension, provided there is no increase in cost of such service and service is

acceptable to Washoe County; and that the award is estimated to be in excess of \$25,000 per year.

03-559 BUDGET AMENDMENT - FY 2002/03 - PUBLIC HEALTH INFORMATION NETWORK - HEALTH

Upon recommendation of Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried with Chairman Humke absent, Vice Chairman Shaw ordered that an amendment to the District Health Department fiscal year 2002/03 budget in the amount of \$86,000 in federal funds to create a new grant project titled Public Health Information Network be approved and the following account transactions be authorized:

| ACCOUNT NUMBER | DESCRIPTION | AMOUNT OF INCREASE |
|--------------------------------|-----------------------------|---------------------------|
| 002-1700-1748-1728-1728G5-4301 | Federal Funds | \$86,000 |
| 002-1700-1748-1728-1728G5-7140 | Other Professional Services | \$86,000 |
| | Total Expenditures | \$86,000 |

03-560 AUTHORIZATION - UNBUDGETED CAPITAL OUTLAY - SOLE SOURCE PURCHASE - SURVEILLANCE EQUIPMENT - SHERIFF

Pursuant to discussion at Caucus, Katy Singlaub, County Manager, advised the Sheriff's Office does put a "bug" on a suspect's vehicle to follow them in criminal investigations. Commissioner Sferrazza asked if the Sheriff obtains warrants to do this. Detective Tom Green responded that they are not required to get a warrant on the "slap-on applications," and that is only done when they are investigating criminal activity.

Upon recommendation of Sheriff Dennis Balaam, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried with Chairman Humke absent, Vice Chairman Shaw ordered that \$29,970 of State Forfeiture funding, Account No. 15142D, be authorized for the sole source purchase from Datong Electronics, Inc., of surveillance equipment intended for use in criminal investigations.

03-561 ACCEPTANCE OF GRANT - STATE DIVISION OF CHILD AND FAMILY SERVICES - SOCIAL SERVICES

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried with Chairman Humke absent, Vice Chairman Shaw ordered that the Director of Social Services be authorized to accept a grant award in the amount of \$191,000 in federal funds from the State Division of Child and Family Services, to assist

youth in making the transition from foster care to economic self-sufficiency. It was noted the grant award requires a County match of \$47,811, which will be met by utilizing in-kind matching, as well as unmatched non-federal funds currently in the Department's budget. It was further ordered that the Comptroller be directed to make the following budget adjustments:

| Increase Revenues | Account Number | Amount |
|----------------------------------|-----------------------|---------------|
| Chaffee Independent Living Grant | 28093G1-4301 CHAF | \$191,244.00 |
| Increase Expenditures | | |
| Chaffee Independent Living Grant | 28093G1-7122 | \$191,244.00 |

03-562 ACCEPTANCE OF GRANT - SUPREME COURT OF NEVADA - SOCIAL SERVICES

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried with Chairman Humke absent, Vice Chairman Shaw ordered that the Director of Social Services be authorized to accept a grant award from the Supreme Court of Nevada, State Court Improvement Program, in the amount of \$25,000 to be utilized to hire temporary staff to assist the Department in completing a backlog of cases involving children with a permanency goal of adoption and to execute the Subgrant Agreement concerning the same. It was further ordered that the Comptroller be directed to make the following budget adjustments:

| Increase Revenues | Account Number | Amount |
|------------------------------|-----------------------|---------------|
| Court Improvement Grant | 28094G1-4301 | \$25,000.00 |
| Increase Expenditures | | |
| Court Improvement Grant | 28094G1-7002 | \$25,000.00 |

03-563 AGREEMENT - BROADCAST SERVICES COMPANY, LLC - 800 MHZ REGIONAL RADIO SYSTEM - GENERAL SERVICES

Upon recommendation of Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried with Chairman Humke absent, it was ordered that the Consulting Agreement between the County of Washoe and Broadcast Services Company, LLC, concerning assisting in the completion of the 800MHz Regional Radio System in the not-to-exceed amount of \$75,000, be approved and Vice Chairman Shaw be authorized to execute the same upon receipt.

03-564

INTERLOCAL AGREEMENT - CITY OF RENO - CITY OF SPARKS - REGIONAL EMERGENCY OPERATIONS CENTER - RENO COMMUNICATIONS CENTER - GENERAL SERVICES

Upon recommendation of Jean Ely, General Services Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried with Chairman Humke absent, it was ordered that the Interlocal and Occupancy Agreement between the County of Washoe, the City of Reno and the City of Sparks, concerning operation of the Regional Emergency Operations Center and the Reno Communications Center located adjacent to the Regional Public Safety Training Center at 5195 Spectrum Boulevard in Reno, be approved and Vice Chairman Shaw be authorized to execute the same. It was noted that the fiscal year 2003/04 estimated budget allocation is \$142,980; the City of Reno's obligation is \$100,086 (70%); the City of Sparks' obligation is \$12,868 (9%); and Washoe County's obligation is \$30,026 (21%).

03-565

AMEND ARCHITECTURAL AGREEMENT - CIVIL PROTECTIVE CUSTODY EXPANSION PROJECT - PUBLIC WORKS

Rod Savini, Deputy Public Works Director, explained the agreement amendment is necessary because the construction period was exceeded by 145 days, during which time Ganthner Melby provided additional construction administration services. He further stated there were some issues between the County and the contractor regarding the delivery time frame, which went into a mediation-type process; and Ganthner Melby also assisted the County in that matter.

In response to Commissioner Galloway, Mr. Savini stated the dispute is now resolved and explained how the dollar amount was calculated.

In response to Commissioner Sferrazza, Paul Lipparelli, Deputy District Attorney, stated the mediation process is not the same as an arbitration process, and the product of the mediation was the agreed-upon payment to the contractor and settlement of all claims relating to the project. Commissioner Sferrazza expressed that he will abstain from voting on this item because he did not have an opportunity to review the mediation.

Upon recommendation of Mr. Savini, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Chairman Humke absent and Commissioner Sferrazza abstaining, it was ordered that an amendment to the Architectural Agreement between the County of Washoe and Ganthner Melby LLC, concerning increased services for the Civil Protective Custody Expansion Project, in the amount of \$15,790.74, be approved.

03-566

LEASE AGREEMENT - RESOURCES ACCRUED MORTGAGE INVESTORS 2, L.P. - SOUTH RENO WIC CLINIC - GENERAL SERVICES

Upon recommendation of Jean Ely, General Services Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried with Chairman Humke absent, it was ordered that the Lease Agreement between the County of Washoe and Resources Accrued Mortgage Investors 2, L.P., concerning extending the term of the lease for storefront office space for the District Health Department's South Reno Women, Infants and Children's (WIC) Clinic, commencing retroactive to February 1, 2003 through January 31, 2006, and for such other terms and conditions as stated therein, be approved and Vice Chairman Shaw be authorized to execute the same.

03-567

PUBLIC HEARING - FINAL BUDGET - FY 2003/04

1:30 p.m. This was the time set to continue the public hearing on the tentative and final budgets for Washoe County for fiscal year 2003/04.

Vice Chairman Shaw noted the public hearing was open and called on anyone wishing to speak.

Katy Singlaub, County Manager, stated the budget was approved on May 19, 2003, with the exception of the mosquito abatement/vector control/public health emergency one-half cent of property tax proposed by Commissioner Galloway.

John Sherman, Finance Director, distributed a memorandum detailing the deferral of the cost-of-living adjustment (COLA) for management positions. He suggested the Board request the Chief Judges of the Second Judicial District Court and Reno and Sparks Justice Courts treat their management positions in the same manner.

Commissioner Sferrazza thanked staff for offering to defer their COLA and said the Board members should do the same if they get a raise for this year. Commissioner Galloway agreed.

Commissioner Galloway stated he feels very strongly that vector control is the most likely public health threat. He further stated he does not believe that broadening the category to additional public health services will change Chairman Humke's or Commissioner Weber's votes to support a half penny tax increase.

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

Commissioner Galloway moved that one-half cent of property tax be levied for the purpose of vector control, which funds would remain in the County General Fund until drawn upon by the Board of County Commissioners. Vice Chairman Shaw

concurrent. Commissioner Sferrazza asked if the category could be expanded to "public health emergency" noting the threats of biological terrorism. Vice Chairman Shaw stated he would not like to open the umbrella too broad. Commissioner Sferrazza seconded the motion.

Commissioner Weber stated vector control is an issue of great concern, but she cannot support increasing property taxes. Commissioner Galloway stated he understood her position because he has also worked very hard on tax restraint, but the motion will not pass without her vote. He further explained the situation with the few cents left in the tax cap and advised that, if the County does not levy this half-cent now, it may not be able to in the future.

Vice Chairman Shaw reminded everyone that according to the Board's rules, a property tax increase requires a super majority, or four affirmative votes. He stated he does feel very strongly about this issue and asked if the Board could suspend its rules for this issue. Commissioner Galloway stated it is not an emergency, but it is a way to deal with a foreseeable potential emergency. Commissioner Weber suggested the item be postponed rather than suspending the rules. She was advised that postponement is not possible because the Board has to submit the final budget to the State.

Commissioner Galloway withdrew his previous motion and moved to suspend the rules for the purpose of considering the property tax increase. Commissioner Sferrazza stated he would second the motion with the understanding that West Nile Virus is a serious threat to public health. Vice Chairman Shaw concurred. Upon call for the question, the motion carried on a three to one vote with Commissioner Weber voting "no" and Chairman Humke absent.

Commissioner Galloway resubmitted his previous motion to increase the property tax rate one-half cent for vector control. The motion was seconded by Commissioner Sferrazza. On call for the question, the motion carried on a three to one vote with Commissioner Weber voting "no" and Chairman Humke absent.

Commissioner Sferrazza stated he would like to see the Commissioner District funds restored and suggested the amount of \$2,000 per District for the purpose of assisting non-profit organizations and activities throughout the year. He further proposed that these be the only available funds for groups that normally come to the Board seeking funds, other than what is already budgeted.

Commissioner Galloway suggested, if the Board members can come to an agreement on the amount, the funds could be transferred out of contingency; and it would not be necessary to hold up adoption of the budget. Vice Chairman Shaw stated the budget was approved on Monday, May 19, 2003, and he felt it would be appropriate to discuss this issue under Items 15, establishing procedures/rules regarding donations to non-profit organizations, and 16, purchase of a table at the National Association for the Advancement of Colored People (NAACP) Banquet.

Vice Chairman Shaw noted there are two separate staff reports and recommendations for which staff is seeking direction concerning the 2002 Regional Plan Settlements and Associated Issues.

Adrian Freund, Director, Department of Community Development, reported that staffs of Reno, Sparks, Washoe County and the Sun Valley General Improvement District felt that an extraordinary amount of time could be consumed in the formal dispute resolution process at a time when everyone is very short on resources. He stated the idea of doing joint cooperative area plans in order to lay a framework for areas in the newly expanded spheres of influence was explored; however, it was felt that would be a piecemeal process, and the Citizen Advisory Boards (CAB's) did not like the idea. Staffs have developed an alternative dispute resolution process, which focuses more on cooperative planning, with a six-month review. Mr. Freund stated if, at the end of the six months, one of the parties is dissatisfied with the optional approach, they would move back into formal dispute resolution. He also said Commissioner Sferrazza has suggested the Commissioner for a particular District be involved in developing the cooperative area-wide plans in his or her District.

Mr. Freund noted the other item of importance is joint acceptance from all parties that all of the staffs have valid input into the process, are to be treated as equals, and each jurisdiction involved in a cooperative plan be given equal time for presentations at any public meeting or hearing.

Commissioner Galloway asked if a developer could still develop an approved project while two entities are involved in the dispute resolution process. Mr. Freund stated if that situation occurred, staff would initiate the alternative dispute resolution process. Madelyn Shipman, Assistant District Attorney, further stated, if a proposed development also required a land use change, staff would initiate the dispute resolution process on both applications. She further stated whether the development could proceed would depend on where the application was in the process.

On motion by Commissioner Sferrazza, seconded by Vice Chairman Shaw, which motion duly carried with Chairman Humke absent, it was ordered that the alternative dispute resolution process outlined in the agenda memorandum be endorsed and that each Commissioner be involved in the development of area plans in his/her District.

Mike Harper, Planner, distributed maps showing proposed development applications and stated staff is concerned because they are beginning to see proposed increased intensification around the edges of the Cities' Spheres of Influence (SOI's) instead of within the Emerging Employment Centers (EEC's) and the Transit Oriented Development Corridors (TOD's). He stated another concern is that staff is starting to feel they might soon be doing planning by application rather than by plan. Mr. Harper said

staff is proposing the County take the position that it is not in favor of intensification in areas that already have a baseline with the exception of TOD's and EEC's.

Commissioner Galloway said his first reaction is that the County should oppose intensification in any area where there is no plan, but he does understand exempting TOD's. He further stated EEC's are very ambiguous; and, until they are better defined, they should not be exempted.

Mr. Freund stated staff is also concerned that the intensification they are starting to see on the fringe has the potential to drive infrastructure demands for the County in an unforeseen, unplanned and unpredictable manner inconsistent with the Capital Improvement Program because, in many cases, those developments are coming to the County for water and sewer.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Humke absent, Vice Chairman Shaw ordered that staff be directed to oppose intensification of land for projects located in areas subject to cooperative planning within the SOI's where there is no plan with the exception of TOD's only. It was further ordered that the proposed approach for individual applications and cooperative planning outlined in the agenda memorandum, without exempting EEC's, be the policy of Washoe County during the period that the plans are being developed.

03-569 AWARD OF BID - LAW ENFORCEMENT UNIFORMS & ACCESSORIES - BID NO. 2381-03 - SHERIFF

This was the time to consider award of bid for law enforcement uniforms and accessories for the Sheriff's Office. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on April 4, 2003. Proof was made that due and legal Notice had been given.

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

Dick Bruhn, Inc. dba Butler's Uniforms
Don Hume Leathersgoods, Inc.
Miller's School Jackets

Pursuant to questions at Caucus, Katy Singlaub, County Manager, advised that, in accordance with the bargaining agreement, the County does provide new and replacement uniforms, as well as an allowance for cleaning and keeping uniforms maintained.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Humke absent, Vice Chairman

Shaw ordered that Bid No. 2381-03 for law enforcement uniforms and accessories for the Sheriff's Office be awarded to the lowest qualified bidder, Miller's School Jackets, on a requirements basis, in the approximate amount over a two-year period of \$240,000.00.

It was further ordered that the Purchasing and Contracts Administrator be authorized to enter into an approximate two-year requirements agreement with Miller's School Jackets, commencing July 1, 2003 through June 30, 2005, with the option for two one-year extensions. It was noted that prices shall not increase for the duration of the agreement and that prices may be negotiated for the extension options.

**03-570 AWARD OF BID - 2003/2004 PAVING OF SELECTED PAVED
STREETS IN WASHOE COUNTY, NEVADA - PUBLIC WORKS**

This was the time to consider award of the bid for the 2003/2004 Paving of Selected Paved Streets in Washoe County, Nevada (PWP-WA-2003-151) on behalf of the Public Works Department. The Notice to Contractors for receipt of sealed bids was published in the *Reno Gazette-Journal* on April 16 and 23, 2003. Proof was made that due and legal Notice had been given.

Bids were received from:

Sierra Nevada Construction
Granite Construction
Q & D Construction
Atlas Construction
Frehner Construction

Commissioner Sferrazza asked what the funding source would be for this project. Katy Singlaub, County Manager, responded the funding source is a combination of various fuel taxes payable only to Washoe County and some general fund resources. Commissioner Sferrazza stated he would not support the use of general funds for this project.

Upon recommendation of Greg Belancio, Engineering Division, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza voting "no" and Chairman Humke absent, it was ordered that the contract for the 2003/2004 Paving of Selected Paved Streets in Washoe County, Nevada, be awarded to the low, responsive and responsible bidder, Sierra Nevada Construction, Inc., for the base bid and alternates one and two, in the amount of \$1,262,021.00. It was further ordered that Vice Chairman Shaw be authorized to execute the contract documents for the same upon presentation.

**BILL NO. 1386 -AMENDING WCC CHAPTER 25 - BUSINESS
LICENSE FEES AND MOTION PICTURE FILM PERMITS -
COMMUNITY DEVELOPMENT**

Bob Webb, Planning Manager, responded to questions raised at Caucus, stating the City of Sparks does not currently require a license for outdoor filming; the City of Reno recently waived its \$78 license fee for outdoor filming and is only charging a \$15 application processing fee plus any fees imposed by the City of Reno Fire Department. He further stated Nevada Revised Statute 354.5989 limits the total amount of revenue the County is allowed to collect on business license fees annually, but there is a provision whereby the County can apply to the State Tax Commission for allowable fees beyond the law under certain circumstances. Mr. Webb said that the County's business license fees are substantially below those charged by the Cities of Reno and Sparks.

Mr. Webb advised staff is recommending: 1) the effective date of the ordinance change be the date upon which the Nevada Tax Commission approves the request; 2) the effective date of the resolution adopting the new business license fees be tied to that same date; and 3) the resolution should include a stipulation that staff will return annually to the Board to determine if business license fees should be increased. He also explained the formula to be used to increase the fees.

Commissioner Galloway stated with that formula, the County business license fees would never be in parity with the Cities' fees, which is what he would want. He said he would like staff to bring back a different schedule that either brings the County's fees up to the Cities' fees immediately, or at least a phase-in of the fees.

Madelyn Shipman, Assistant District Attorney, stated the action before the Board at this time is to introduce the ordinance and/or provide direction to staff. If introduced, the ordinance would remove the fee schedule from the County Code. Then at the second reading staff could bring back a resolution that would contain a new fee schedule bringing the County's fees into parity with the Cities' fees. She further advised that, if staff wants to change the effective date of the ordinance, that date will need to be included in the ordinance and the ordinance should be introduced "as amended."

Commissioner Galloway stated he would like staff to contact the State Department of Taxation and determine if they would approve fees higher than those allowed or a phased-in approach to bring the fees up.

Commissioner Sferrazza requested, when the ordinance comes back for second reading, there be a new fee schedule within the statutory limitations that can be implemented immediately and a second fee schedule to take to the Tax Commission. He further stated he would like to see annual CPI increases.

Bill No. 1386, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE TO REMOVE BUSINESS LICENSE FEES FROM**

THE WASHOE COUNTY CODE; TO ENABLE THE DEPARTMENT OF COMMUNITY DEVELOPMENT TO ADOPT BUSINESS LICENSE FEES BY RESOLUTION; TO ADOPT BUSINESS LICENSE FEES BY RESOLUTION; TO PROVIDE FOR THE PROCESSING OF MOTION PICTURE FILM PERMITS AND THE WAIVER OF FEES THEREFOR; AND PROVIDING OTHER MATTERS RELATING THERETO" was introduced by Commissioner Sferrazza as amended, the title read to the Board and legal notice for final action of adoption directed.

Gary Schmidt, Washoe County resident, stated his first business license in Washoe County cost him \$6.00. He said he is opposed to increasing business license fees and to changing fees by resolution rather than by ordinance.

Commissioner Sferrazza clarified that the resolution changing fees would need to be adopted by the Board of County Commissioners and that staff would not be changing the fees.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Humke absent, Vice Chairman Shaw ordered that the Business Impact Statement be adopted.

03-572 BUDGETS AND SPECIAL ASSESSMENTS - GROUNDWATER
BASINS - STATE ENGINEER - FINANCE

Mary Kingland, area resident, submitted a Request to Speak card with written comments, which were read by Vice Chairman Shaw.

Upon recommendation of Anna Heenan, Senior Fiscal Analyst, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Humke absent, Vice Chairman Shaw ordered that:

1. The following budgets and special assessments, as requested by the State of Nevada Department of Conservation and Natural Resources, be approved:

| | |
|--|-------------|
| Pleasant Valley Groundwater Basin | \$ 1,500.00 |
| Cold Springs Valley Groundwater Basin | \$ 3,000.00 |
| Lemmon Valley Groundwater Basin | \$12,000.00 |
| Truckee Meadows/Sun Valley Groundwater Basin | \$30,000.00 |
| Warm Springs Valley Groundwater Basin | \$ 5,019.40 |

2. The County Clerk be directed to attest the certificates and submit the same to the State Engineer with copies to the Treasurer, Assessor, Comptroller and Budget.

3. The Assessor be directed to enter the amount of the charge or charges on the assessment roll against claimants and property or acreage served.

4. The Treasurer be directed to bill and collect the special tax rates and/or assessments requested by the State Engineer.

5. The Comptroller be directed to pay the approved amount of \$12,000 to the Department of Conservation and Natural Resources for Lemmon Valley from the Lemmon Valley Underground Water Basin Fund (9900121).

6. The Comptroller be directed to pay the approved amounts to the Department of Conservation and Natural Resources for Pleasant Valley [\$1,500] and Cold Springs [\$3,000] from the Water Resources Fund Regional Water Planning Account (66112-7181).

**03-573 RESOLUTIONS AND AGREEMENTS - OBRA DEFERRED
COMPENSATION PLAN - HUMAN RESOURCES**

The Board was advised that the employees affected by this action were surveyed and are in support of the plan.

Upon recommendation of Joanne Ray, Human Resources Director, and Darrell Craig, Chairman, Deferred Compensation Committee, through Katy Singlaub, County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried with Chairman Humke absent, it was ordered that:

1. The Resolution, set forth below, establishing the Washoe County OBRA Deferred Compensation Plan, which provides for the implementation of a FICA alternative retirement plan for any part-time, seasonal or temporary employee of the Employer within the meaning of OBRA who receives compensation not subject to PERS contributions be adopted and Vice Chairman Shaw be authorized to execute the same.

2. The OBRA Plan be adopted, the Administrative Services Agreement with Hartford Life Insurance Company and Amendments thereto be approved, and the Group Annuity Contract and Master Application for that contract be approved and Vice Chairman Shaw be authorized to execute all related documents to implement the Plan. It was noted the Plan effective date is June 2, 2003, and it is to be implemented beginning with the pay period starting on that date.

3. The Resolution, set forth below, providing for contributions into a retirement fund on behalf of certain elected Washoe County Officers ineligible for participation in the Public Employees Retirement System and repealing the June 22, 1999 Resolution relating thereto be adopted and Vice Chairman Shaw be authorized to execute the same.

**RESOLUTION ESTABLISHING THE WASHOE COUNTY
OBRA DEFERRED COMPENSATION PLAN**

WHEREAS, Washoe County is a political subdivision of the State of Nevada, and is an eligible governmental employer and desires to establish an OBRA Deferred Compensation Plan, to be called the Washoe County OBRA Deferred Compensation Plan or Washoe County OBRA Plan; and

WHEREAS, the primary purpose of the Plan is to provide a retirement plan alternative to Social Security for all part-time, seasonal and temporary employees as set forth in the Omnibus Budget Reconciliation Act of 1990 ("OBRA") to cover employees not eligible to participate in the Nevada Public Employees Retirement System (PERS); and

WHEREAS, Washoe County has selected Hartford Life Insurance Company to provide certain investment management, and nondiscretionary recordkeeping, reporting and processing services to the Washoe County OBRA Plan; and

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Washoe County hereby establishes the Washoe County OBRA Deferred Compensation Plan with an effective date of June 2, 2003, to be implemented with the pay period beginning on that date;

BE IT FURTHER RESOLVED that Washoe County will begin using Hartford Life Insurance Company for investment management, and nondiscretionary recordkeeping, reporting and processing services to the Washoe County OBRA Plan.

* * * * *

**RESOLUTION PROVIDING FOR CONTRIBUTIONS INTO A RETIREMENT
FUND ON BEHALF OF CERTAIN ELECTED WASHOE COUNTY OFFICERS
INELIGIBLE FOR PARTICIPATION IN THE PUBLIC EMPLOYEES
RETIREMENT SYSTEM AND REPEATING THE JUNE 22, 1999 RESOLUTION
RELATING THERETO**

WHEREAS, NRS 286.293 requires elected officials and persons appointed to elective positions to participate in the Public Employees Retirement System (hereinafter "PERS" or "system"); and

WHEREAS, NRS 286.297 excludes from participation in PERS persons receiving retirement benefits from the system; and

WHEREAS, participation in PERS constitutes a benefit of elective office that has a monetary value; and

WHEREAS, in 1999 A.B. 189 amended NRS 286.520(5) to provide that a local government employer may equalize retirement benefits to its elected officers, otherwise ineligible for participation in PERS, by way of a monetary contribution to a retirement fund which is not a part of the system in an amount not to exceed the amount of the contributions that the public employer would pay to the system on behalf of a participating public employee who serves in the same office; and

WHEREAS, pursuant to NRS 286.520(5) the Board of County Commissioners adopted a resolution authorizing elected county officers ineligible for participation in PERS to be provided dollar amounts equivalent to the difference between any amounts paid on behalf of said officer to Social Security and the amount that would have been contributed to PERS were said officer eligible for participation in PERS; and

WHEREAS, the County is not required to make the 6.2% Social Security contribution for elected officers who have retired and are drawing from the PERS system; and

WHEREAS, the Board of County Commissioners desires to exercise its authority under NRS 286.520(5) to make contributions to a retirement fund on behalf of such elected county officers ineligible to participate in PERS in an amount not to exceed the contribution rate for other non-police, nonfire elected officials who are members of the system, which rate currently is 18.750;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Washoe County that the Resolution adopted June 22, 1999 titled "A Resolution Providing for Payments to Elected Washoe County Officers Ineligible for Participation in the Public Employees Retirement System in an Amount Equivalent to the Difference between Contributions to Social Security and the Amount of Contributions Paid Into the Public Employees Retirement System for an Elected Officer Eligible for Participation" is hereby repealed.

BE IT FURTHER RESOLVED that the Board desires that all elected County officers ineligible to participate in PERS be provided retirement contributions equivalent in dollar amounts to the amount of contributions required to be paid by the County to PERS on behalf of other non-police, non-fire participating elected officers.

BE IT FINALLY RESOLVED that commencing with the pay period following adoption of this Resolution, that the Comptroller deposit in a retirement fund as the same is designated by an elected officer who is otherwise ineligible for participation in PERS, a contribution in an amount not to exceed the contribution rate for other non-police, non-fire elected officials who are members of the system, which rate at the time of adoption of this Resolution is 18.750, provided the rate is to be adjusted for mandated increases or decreases in contribution amounts for other participating elected officials.

03-574

**ESTABLISH PROCEDURES/RULES - DONATIONS FROM
WASHOE COUNTY TO NON-PROFIT ELEEMOSYNARY
ORGANIZATIONS**

Katy Singlaub, County Manager, advised that the Board was provided a list of community event sponsorship requests dating back to April, 1999, as well as what is proposed in the 2003/2004 budget.

Commissioner Galloway stated he requested this discussion so the Board could re-evaluate their policy regarding donations in light of the current budget situation. He put forth the idea of requiring all eleemosynary organizations to make their requests for funding through the Consortium.

Commissioner Sferrazza stated he believes the District funds the Board members previously had should be restored, even in a decreased amount, to be used at the Commissioner's discretion, for funding these activities in their Districts.

Ms. Singlaub clarified that when those District funds were established, the resolution adopted by the Board included the language that said, if there were reductions, these funds would be eliminated. Staff has not said these events should not be funded; what they said was there is no budget for these funds.

Commissioner Weber suggested Board members could attend these types of functions using their own funds.

Commissioner Galloway moved that for next fiscal year, starting July 1, 2003, the County not donate County funds to eleemosynary organizations, except as already included in the budget or funded through the Consortium due to the difficult economic situation of the County. Commissioner Sferrazza seconded the motion. Upon call for the question, the motion carried unanimously with Chairman Humke absent.

03-575

**PURCHASE OF TABLE - NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE - NAACP BANQUET**

Commissioner Sferrazza moved to approve the purchase of a table for the National Association for the Advancement of Colored People (NAACP) Banquet, to be held May 31, 2003, at a cost of \$600 for this one time only. He further stated he would advise the group the County will not be able to do this next year. Commissioner Weber stated since this expenditure is from this year's budget (FY 02/03), she would second the motion. Upon call for the question, the motion carried unanimously with Chairman Humke absent.

COMMUNICATIONS AND REPORTS

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

03-576 COMMUNICATIONS

- A. Copy of fully executed Notice of Completion between Washoe County Department of Water Resources and Resource Development Company for water system improvements for the Desert Springs 2B, Water Storage Tank Schedules A&B. (BCC Item No. 02-217)

- B. Copy of the letter dated April 17, 2003 from NDOT to Sierra Nevada Construction, Inc. returning their bid bond and advising them that Contract No. 3147, Project No. SP-000M(076), on Frontage Road WA-22, Old US 40, from 1.33 miles west of the Gilpin Grade Separation to I-80 and SR 427, Old US 40, from I-80 to the Washoe/Lyon County Line, Washoe and Lyon Counties, Sierra Nevada Construction, Inc., Contractor, has been completely executed and a satisfactory bond furnished and approved.

- C. Notice of Intent to Annex Land into the City of Sparks dated May 2, 2003 to annex 2.93 acres of land located at the southeast corner of Sullivan Lane and Wedekind Road, Washoe County, into the City of Sparks, and a copy of Bill No. 2338 introducing the proposed Ordinance.

- D. Management letter from Kafoury, Armstrong & Co. dated October 9, 2002 to the Reno-Sparks Joint Coordinating Committee (the "Committee") of the Truckee Meadows Water Reclamation Facility advising the Committee of certain conditions the Committee should be aware of and discussing recommendations concerning those conditions. It was noted the items do not constitute reportable conditions as defined by auditing standards generally accepted in the United States of America and are not included in the audit report.

- E. Letter from the State of Nevada, Department of Taxation, dated April 24, 2003 with a yearly estimate of 2003 Net Proceeds of Mineral Projections for all seventeen Nevada Counties and these estimates were reported to the Counties. The letter also advised the Department of Taxation would be hosting a question and answer session with government officials and representatives of the mining industry on May 21, 2003 in Winnemucca at the Winnemucca Convention Center-West Hall at 10:00 a.m.

03-577 TAX DELINQUENT PROPERTY SALES

Treasurer – Return of Sale of Real Estate held on April 10, 2003

| Name | Parcel No. | Price |
|---|-------------------|--------------|
| Tom Madden | 066-220-01 | \$ 2,200.00 |
| Fish Springs Ranch, LLC & Dorothy Timian-Palmer | 074-040-48 | \$ 953.77 |
| Robert A. Thomsen | 074-062-02 | \$ 1,365.00 |

| | | |
|--------------------------------------|------------|-------------|
| Baljit Saini | 074-062-07 | \$ 1,703.79 |
| Dan Gardella & Rhoda Cummings | 074-062-48 | \$ 3,665.00 |
| Eloy Castro | 074-161-14 | \$ 3,740.00 |
| Sofia Castro & Robert Jay Brander | 074-161-36 | \$ 1,085.00 |
| Eloy Castro | 074-161-67 | \$ 1,085.00 |
| Sofia Castro & Robert Jay Brander | 074-162-06 | \$ 1,085.00 |
| G S C Holding LLC | 074-182-31 | \$ 1,190.00 |
| G S C Holding | 074-182-38 | \$ 1,190.00 |
| NRLL, Inc. a California Corporation | 074-190-17 | \$ 5,060.00 |
| Eloy Castro | 074-201-11 | \$ 1,260.24 |
| Sofia Castro & Robert Jay Brander | 074-202-18 | \$ 931.53 |
| Eloy Castro | 074-222-23 | \$ 980.00 |
| Sofia Castro & Robert Jay Brander | 074-231-44 | \$ 3,875.00 |
| Porfirio & Donna L. Medina | 074-380-07 | \$ 4,965.00 |
| Tom Madden | 074-441-59 | \$ 1,260.00 |
| Bradley Paul Elley | 074-442-39 | \$ 3,470.00 |
| Steven Ray Speck & Edward Paul Speck | 074-500-09 | \$ 1,365.00 |
| Steven Ray Speck & Edward Paul Speck | 074-500-10 | \$ 2,565.00 |
| John Roberts | 074-500-11 | \$ 3,565.00 |
| John Roberts | 074-500-15 | \$ 2,200.00 |
| Joanna & Trinidad Dominguez | 085-050-03 | \$56,000.00 |

03-578 REPORTS – Monthly (February 2003)

- A. Washoe County Treasurer

03-579 REPORTS – Monthly (March 2003)

- A. Grand View Terrace General Improvement District (nine months 7/1/02 – 3/31/03)
- B. Washoe County Clerk
- C. Washoe County Treasurer

03-580 REPORTS – Quarterly (March 2003)

- A. Constable – Incline Village/Crystal Bay Township
- B. Justice Court – Incline Village-Crystal Bay Township
- C. Justice Court – Sparks Township
- D. Justice Court – Verdi Township
- E. Washoe County Clerk
- F. Washoe County Sheriff

03-581 REPORTS – Monthly (April 2003)

- A. Court Clerk
- B. Washoe County Clerk

BUDGETS – 2003-2004

- 03-582** Carson-Truckee Water Conservancy District – Tentative
- 03-583** Gerlach General Improvement District – Tentative
- 03-584** Sparks, City of – Tentative
- 03-585** Verdi Television District – Tentative & Final
- 03-586** Washoe County School District – Tentative

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There being no further business to come before the Board, the meeting adjourned at 2:55 p.m.

JAMES M. SHAW, Vice Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Sharon Gotchy
Deputy County Clerk*