

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

MARCH 23, 2004

PRESENT:

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

Amy Harvey, County Clerk
Katy Singlaub, County Manager
Madelyn Shipman, Legal Counsel

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

04-239 WORK CARD PERMIT APPEAL – TARJA LIISA MAAT

The appeal by Tarja Liisa Maat of the Sheriff's denial of her work card permit application was considered on Monday, March 22, 2004 prior to the Caucus meeting in the Commission Caucus Room, 1001 East Ninth Street, Second Floor, Reno, Nevada, with Commissioners Humke, Shaw, Sferrazza, and Weber present.

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

The appellant, Tarja Liisa Maat, as well as her supervisor Jackie Brown, Preschool Director from the YMCA, were present to offer testimony during the closed session. Also present was Maureene Thomas, Chief Records Clerk, Washoe County Sheriff's Office.

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

On motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried with Commissioner Galloway absent and Commissioner Sferrazza voting "no," the Board ordered the appeal be approved and the work card permit be granted to Tarja Liisa Maat subject to the conditions that the work card be

specific to the YMCA, and Jackie Brown, or her successor, be ordered to notify the County upon infraction or termination.

04-240 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the agenda for the March 23, 2004 meeting be approved.

04-241 PUBLIC COMMENTS

William Holmes, Reno resident, said he was concerned about the Washoe Health System Board. He stated the private health care system is not working for many citizens in Washoe County. He reported taxpayers in the County spend \$1.5 billion a year on hospital services. He proposed decent health care could be purchased for every person in Washoe County and suggested investigating the situation to have the County take back the hospital for its citizens.

Gerald Purdy, local resident, commented on water issues affecting the County and the recent approval of the Ground Water Resource Data Center. He urged the Board to revisit the domestic well testing issue, and he said the mandatory testing requirement of any well should be retained.

Sam Dehne, Reno resident, announced he has attended seven years of Board of County Commission meetings, but has had no recognition. He talked about the upcoming Wolf Pack basketball game and sang, "Happy Days Are Here Again."

Al Hesson, local resident, referred to an article in a San Francisco paper that spoke about soldiers killed in Iraq, and what their parents had to say. He stated their deaths were in vain.

COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS

Commissioner Humke said he attended a Southwest Truckee Meadows Citizen Advisory Board (CAB) meeting recently, and it was stated by one of the members that the Washoe County School District was not keeping pace with growth in their area. Commissioner Humke suggested staff open communication with the School District to monitor development as it occurs, and possibly have this Board meet with the School District Board to discuss such issues.

Commissioner Galloway announced the next Tahoe Regional Planning Agency meeting and said important public safety issues would be discussed.

Commissioner Weber stated it was time for a task force to be created to look to the future concerning building and construction of schools and developments. She said she has started a Town Hall Meeting the first Monday of every month at the

North Valleys Regional Sports Complex at 8:00 p.m. She explained a neighborhood watch program meeting would occur on the same day each month from 7:00 p.m.- 8:00 p.m. She requested a future workshop on community management plans.

Commissioner Sferrazza asked for an agenda item concerning Washoe Medical Center, their history and commitment to the citizens of Washoe County. He said he would like this Board to be able to appoint public representation to the Washoe Medical Board to ensure it fulfills its obligations to the community. He stated if this could not be done, he would like to explore restarting a public hospital to provide services to the community. He added the District Attorney has given the Board a report on the rights of the Board and the public regarding public comments, and he requested the item be a topic for a future workshop or agenda.

Chairman Shaw thanked those who attended the retreat at the Jan Evans Juvenile Justice Center earlier in the day. He commented on the Report to the Community that was given on March 22, 2004, and he stated it went very well. He announced the Town Hall Budget Hearing would be held on March 25, 2004 from 6:00 p.m.-8:00 p.m.

Commissioner Sferrazza requested a thorough inspection of the Jan Evans Juvenile Justice Center building be completed before it is accepted, noting the cracked floors and toilets flushing through the floors. County Manager Katy Singlaub stated the punch list has not been completed, staff has recorded the items mentioned by Commissioner Sferrazza and the grand opening would take place in six weeks.

04-242 RESOLUTION - REED HIGH SCHOOL AND INCLINE HIGH SCHOOL – "WE THE PEOPLE" COMPETITION – COMMUNITY RELATIONS

Upon recommendation of Kathy Carter, Community Relations Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that the following resolutions, which Chairman Shaw read and presented to Incline High School and Reed High School, respectively, be adopted and Chairman Shaw be authorized to execute the same:

RESOLUTION

WHEREAS, "We the People: The Citizen and the Constitution," is to promote civic competence and responsibility among the nation's elementary and secondary students; and

WHEREAS, "We the People" is an instructional program that enhances students' understanding of the institutions of American constitutional democracy; and

WHEREAS, "We the People" is an instructional program where students discover the contemporary relevance of the Constitution and the Bill of Rights; and

WHEREAS, "We the People" is a simulated congressional hearing in which students "testify" before a panel of judges; and

WHEREAS, "We the People" gives the students an opportunity to demonstrate their knowledge and understanding of constitutional principles and have opportunities to evaluate, take and defend positions on relevant historical and contemporary issues; and

WHEREAS, The Incline High School "We the People" participants under the direction of Milton Hyams, Congressional District Two, received first place in the State competition on February 7, 2004.

THEREFORE BE IT RESOLVED, The Board of County Commissioners hereby expresses their congratulations to Incline High School for their outstanding performance and hard work in the "We the People" competition.

RESOLUTION

WHEREAS, "We the People: The Citizen and the Constitution," is to promote civic competence and responsibility among the nation's elementary and secondary students; and

WHEREAS, "We the People" is an instructional program that enhances students' understanding of the institutions of American constitutional democracy; and

WHEREAS, "We the People" is an instructional program where students discover the contemporary relevance of the Constitution and the Bill of Rights; and

WHEREAS, "We the People" is a simulated congressional hearing in which students "testify" before a panel of judges; and

WHEREAS, "We the People" gives the students an opportunity to demonstrate their knowledge and understanding of constitutional principles and have opportunities to evaluate, take, and defend positions on relevant historical and contemporary issues; and

WHEREAS, The Reed High School "We the People" participants, under the direction of Mark Towell, Congressional District Two, received third place in the State competition on February 7, 2004.

THEREFORE BE IT RESOLVED, The Board of County Commissioners hereby expresses their congratulations to Reed High School for their outstanding performance in the "We the People" competition.

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Later in the meeting Commissioner Galloway re-read and presented the Resolution concerning the "We the People" competition to Mr. Wallen and the students of Incline High School, and Chairman Shaw congratulated the group.

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**04-243 RESOLUTION – YOUTH VOLUNTEER CONTRIBUTIONS –
COMMUNITY RELATIONS**

Upon recommendation of Kathy Carter, Community Relations Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the following Resolution, which was read by Chairman Shaw and presented to Joel Zink, be adopted and Chairman Shaw be authorized to execute the same:

RESOLUTION

WHEREAS, The Prudential Spirit Community Awards was created by Prudential Financial in partnership with the National Association of Secondary School Principals (NASSP); and

WHEREAS, The Prudential Spirit of Community Award is a nationwide program honoring young people for outstanding acts of volunteerism; and

WHEREAS, The awards are designed to emphasize the importance our nation places on service to others, and to encourage young Americans of all backgrounds to contribute to their communities; and

WHEREAS, The awards program is in its ninth year and more than 20,000 high school and middle school students submitted applications for this year's program; and

WHEREAS, Joel Zink, a senior at Robert McQueen High School, was named as Nevada's top high school youth volunteer for 2004, in the ninth annual Prudential Spirit of Community Awards; and

WHEREAS, Joel developed a television broadcasting system at his school to replace outmodeled intercom equipment; and

WHEREAS, Joel has greatly improved the dissemination of information to students and teachers throughout the school; and

THEREFORE BE IT RESOLVED, The Board of County Commissioners hereby expresses their congratulations to Joel Zink for his outstanding volunteer contribution and dedication to his school and to his community.

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Later in the meeting Commissioner Humke read and presented the following Resolutions to Elyse Anderson and Breanden Beneschott, respectively. It was ordered that the Resolutions be adopted and Chairman Shaw be authorized to execute the same.

RESOLUTION

WHEREAS, The Prudential Spirit Community Awards was created by Prudential Financial in partnership with the National Association of Secondary School Principals (NASSP); and

WHEREAS, The Prudential Spirit of Community Award is a nationwide program honoring young people for outstanding acts of volunteerism; and

WHEREAS, The awards are designed to emphasize the importance our nation places on service to others, and to encourage young Americans of all backgrounds to contribute to their communities; and

WHEREAS, The award program is in its ninth year and more than 20,000 high school and middle school students submitted applications for this year's program; and

WHEREAS, Elyse Anderson, a senior at Galena High School, was named a top youth volunteer in Nevada for 2004, in the ninth annual Prudential Spirit of Community Awards; and

WHEREAS, Elyse created the "Comfort Quilt Project" to make and distribute blankets for sick children undergoing prolonged hospitalizations; and

WHEREAS, Elyse has recruited school and community volunteers, and have completed more than 70 handmade quilts to provide a sense of home and comfort to young patients; and

THEREFORE BE IT RESOLVED, The Board of County Commissioners hereby expresses their congratulations to Elyse Anderson for her outstanding volunteer contribution and dedication to her community.

RESOLUTION

WHEREAS, The Prudential Spirit Community Awards was created by Prudential Financial in partnership with the National Association of Secondary School Principals (NAASP); and

WHEREAS, The Prudential Spirit of Community Award is a nationwide program honoring young people for outstanding acts of volunteerism; and

WHEREAS, The awards are designed to emphasize the importance our nation places on service to others; and to encourage young Americans of all backgrounds to contribute to their communities; and

WHEREAS, The awards program is in its ninth year and more than 20,000 high school and middle school students submitted applications for this year's program; and

WHEREAS, Breanden Beneschott, a senior at Galena High School, was named as a top youth volunteer in Nevada for 2004, in the ninth annual Prudential Spirit of Community Awards; and

WHEREAS, Breanden co-founded a non-profit organization that provides free computers and technical support to students who do not have access to a computer in their homes; and

WHEREAS, Breanden's "Computers for Success" solicits businesses, organizations, and individuals for donations of used computers. Breanden and other volunteers then refurbish the computers and give them to students who need a home PC; and

THEREFORE BE IT RESOLVED, The Board of County Commissioners hereby expresses their congratulations to Breanden Beneschott for his outstanding volunteer contribution and dedication to his community.

04-244 PROCLAMATION – NATIONAL LIBRARY WEEK –
APRIL 18-24, 2004

Upon recommendation of Nancy Cummings, Library Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that following Proclamation be adopted:

PROCLAMATION

WHEREAS, On May 31, 1904, the first public library in Nevada opened its doors in Reno at the corners of South Virginia and Mill Streets bounded by the Truckee River; and

WHEREAS, The history and progress of Nevada and its many communities are marked by the contribution of libraries to the education, enlightenment and well-being of the people of Northern Nevada; and

WHEREAS, The value of libraries has been sustained and extended from the early days of books and in more recent decades, the benefits of electronic networks, interlibrary cooperation and multi-media resources; and

WHEREAS, In 2004, the Washoe County Library System celebrates its centennial year, therefore, be it

PROCLAIMED, By the Washoe County Board of Commissioners that April 18-24, 2004 National Library Week, is designated as the start of the Centennial Year Celebration for the Washoe County Library System. The Board encourages all residents of the Truckee Meadows to join in the celebration by attending the numerous library Centennial activities and to take advantage of the resources available to them at the Washoe County Library facilities.

Bud Fujii, Library Board of Trustee member, invited everyone to participate in the events of the Washoe County Library system in the coming year; and Nancy Cummings, Library Director, thanked the Board and others for their ongoing support for library services in Washoe County.

04-245 ACCEPTANCE OF CASH DONATION – HONORARY DEPUTY SHERIFF'S ASSOCIATION – SHERIFF

Commissioner Galloway acknowledged the donation to the Sheriff's Office from the Washoe County Honorary Deputy Sheriff's Association in the amount of \$7,500.

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the cash donation of \$7,500 by the Washoe County Honorary Deputy Sheriff's Association, to be used to defray the stipend cost for the attendance of one command staff officer from the Sheriff's office at the Harvard Senior Management School in the spring of 2004, be accepted with the Board's gratitude. It was further ordered that the following budget adjustments be made:

INCREASE REVENUES		INCREASE EXPENDITURES	
Account	Amount	Account	Amount
20174-484000	\$ 7,500.00	20174-710509	\$ 6,595.00
		20174-711210	\$ 905.00
Total	\$ 7,500.00	Total	\$ 7,500.00

04-246 ALCOHOL BEVERAGE WAIVER – SENIOR SERVICES

Upon recommendation of Marietta Bobba, Senior Services Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the request to waive the prohibition of serving alcoholic beverages for an annual smorgasbord event by the Daughter's of Norway on May 15, 2004 from 5:00 p.m. to 10:00 p.m. at the Reno Senior Center be approved.

04-247 GRANT ACCEPTANCE – DIVISION FOR AGING SERVICES – SENIOR SERVICES

Commissioner Humke disclosed that he serves on the Nevada State Division of Aging Services Committee.

Upon recommendation by Marietta Bobba, Senior Services Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the grant from the Division for Aging Services and the U.S. Department of Housing and Urban Development for fiscal year 2004 in the combined amount of \$67,662 be accepted and that the Budget Division be authorized to make the following account changes:

TOTAL FISCAL YEAR 2004 REVENUES				
Grant Title	Grant Amount	Order No.	Account No.	Budget
Division for Aging Services – NSIP	\$ 27,662	10165	431100	\$ 27,662
U.S. Department of Housing and Urban Development	\$ 40,000	10226	431100	\$ 40,000
TOTAL FISCAL YEAR 2004 EXPENDITURES				
Division for Aging Services - NSIP	\$ 27,662	10165	710592	\$ 27,662
U.S. Department of Housing and Urban Development	\$ 40,000	10226	701110	\$ 40,000

It was noted the grant funds awarded to the Division for Aging Services NSIP Program would be applied to Nutrition Program services and supply costs, and the U.S. Department of Housing and Urban Development funds would be applied to personnel costs.

04-248 GRANT ACCEPTANCE – NEVADA STATE JUVENILE JUSTICE COMMISSION - SHERIFF

Commissioner Humke disclosed that he serves on the Nevada State Juvenile Justice Commission.

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried,

Chairman Shaw ordered that grant monies in the amount of \$49,000 from the Nevada State Juvenile Justice Commission to be utilized for the 2004 Project Walkabout Program be accepted and the following budget adjustments be authorized:

INCREASE REVENUES		INCREASE EXPENDITURES	
Account	Amount	Account	Amount
10058-431100	\$ 49,000	10058-710400	\$ 49,000

04-249 GRANT DEED ACCEPTANCE – AMERICAN LAND CONSERVANCY – HUNTER CREEK CANYON - PARKS

Upon recommendation of Karen Mullen, Parks and Recreation Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Grant Deed from the American Land Conservancy for approximately 32 acres located in Hunter Creek Canyon (APN No. 09-030-43) be accepted and Chairman Shaw be authorized to execute the same upon presentation.

04-250 APPLICATION APPROVAL – NEVADA BOARD FOR FINANCING WATER PROJECTS – AB 198 GRANT – WATER RESOURCES

Upon recommendation of Jeanne Ruefer, Water Resources Planning Manager, and John Collins, Utility Services Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the Application to the Nevada Board for Financing Water Projects for an AB 198 Grant for water system improvements in the Heppner Subdivision be approved and the Water Resources Director be authorized to execute the same.

04-251 RESOLUTION – DEVELOPMENT CODE AMENDMENT – OFF-ROAD VEHICLE COURSES – COMMUNITY DEVELOPMENT

Upon recommendation of Don Young, Community Development, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the following resolution, initiating an amendment to the Washoe County Development Code relating to the approval process and permissible locations for off-road vehicle courses, be adopted and Chairman Shaw be authorized to execute the same:

RESOLUTION

INITIATING AN AMENDMENT TO THE WASHOE COUNTY DEVELOPMENT CODE, RELATING TO THE APPROVAL PROCESS AND PERMISSIBLE LOCATIONS FOR OFF-ROAD VEHICLE COURSES

WHEREAS, Chapter 50 of the Washoe County Code has been modified to define "off-road vehicle courses," and to note that they may be permitted only as authorized by Chapter 110; and

WHEREAS, the intent of Washoe County is to identify the conditions required to protect the public welfare, the process necessary to ensure adequate public review, and the locations within the unincorporated county upon which these uses may be established; and

WHEREAS, there is no one person, group or entity that might appropriately file a WASHOE COUNTY DEVELOPMENT CODE amendment application on this subject;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE IN THE STATE OF NEVADA that amendments to Article 302, Allowed Uses, Article 304, Use Classification System, and Article 902, Definitions, of the Washoe County Development Code are hereby initiated without prejudice to the final disposition of the proposed amendment.

04-252 RESOLUTION - SAD NO. 38 – NORTH STATELINE AREA
MAINTENANCE - PRELIMINARY PLANS AND
ASSESSMENT PLAT

Commissioner Galloway acknowledged the hard work of citizens and businesses involved in this beautification project.

Upon recommendation of Mike Harper, Planning Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following resolution concerning Special Assessment District No. 38 (North Stateline Area Maintenance) be adopted and Chairman Shaw be authorized to execute the same:

RESOLUTION NO. 04-252
(of Washoe County, Nevada)

A RESOLUTION DIRECTING THE ENGINEERS ON BEHALF OF THE COUNTY TO PREPARE AND FILE WITH THE COUNTY CLERK PRELIMINARY PLANS AND AN ASSESSMEN PLAT IN CONNECTION WITH A PROPOSED STREET BEAUTIFICATION PROJECT IN SPECIAL ASSESSMENT DISTRICT NO. 38 (NORTH STATELINE AREA MAINTENANCE) FOR THE BEAUTIFICATION OF A STREET PROJECT IN WASHOE COUNTY PURSUANT TO THE CONSOLIDATED LOCAL

**IMPROVEMENT LAW, AND ALL LAWS AMENDATORY
THEREOF AND SUPPLEMENTAL THERETO; AND
PROVING THE EFFECTIVE DATE HEREOF.**

WHEREAS, the Board of County Commissioners (the "Board") of the County of Washoe (the "County") in the State of Nevada (the "State") is of the opinion and has determined and does hereby declare that the interest of the County of Washoe requires the acquisition and improvement of a street beautification project as defined in NRS §271.223 (the "Project"); and

WHEREAS, for the purpose of designation and identification it is desirable that the hereinafter described Project be known and identified as "Washoe County, Nevada, Special Assessment District No. 38 (North Stateline Area Maintenance)" (the "Improvement District" or "District").

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE, IN THE STATE OF NEVADA:

Section 1. The County Engineer (the "Engineer") is hereby directed to prepare, and file with the County Clerk preliminary plans for the Project, which is described as follows:

The North Stateline area Maintenance District is intended to provide a mechanism to maintain the investment of the four contributing properties, the County and the state that resulted in the beautification of the S.R. 28 corridor in Crystal Bay, NV. That investment consisted of replacing the existing sidewalk adjacent to S.R. 28 with new concrete, decorative pavers and asphalt pathway. The investment also consisted of the installation of landscaping and a watering system for that landscaping. New street furniture (benches and trash receptacles) was purchased and installed. New decorative streetlights were purchased and installed. A new bus shelter was constructed.

Specifically, the Project consists of the following Maintenance activities along S.R. 28 from Stateline Road to Reservoir Drive:

- Maintenance (cleaning, sweeping and snow removal) of the sidewalk and asphalt pedestrian pathway system adjacent to, or paralleling, S.R. 28, except for driveway aprons.
- Purchase and replacement of the sidewalk colored pavers when the pavers are damaged, worn or missing. Repair of the asphalt pathway where it exists.
- Maintenance (pruning) of landscaping material and drip water system (flushing system, shut down in fall and start up in spring)
- Replacement of landscaping material when removed or dead and replacement of watering system when damaged or worn (automatic controllers and drip lines)

- Maintenance and replacement of any retaining structures (primarily railroad ties) where it serves to provide for a landscaped area.
- Maintenance (cleaning, resurfacing, re-painting) of all street furniture (benches and trash receptacles).
- Repair or replacement of all street furniture when damaged, removed or worn.
- Emptying of trash receptacles.
- Maintenance (replacement of light bulbs, painting of poles) of decorative street light fixtures.
- Repair and replacement of decorative street light fixtures when damaged, removed or worn.
- Payment of water service for the landscaping, and of electrical service for the streetlights.

Section 3. Except as shown on the preliminary plans to be filed by the Engineer in the office of the County Clerk, the character and location of the Project shall be as described in Section 1 hereof.

Section 4. The Engineer is hereby directed to estimate the cost of each type of work in a lump sum or by unit prices, as to such Engineer may seem most desirable. Such preliminary estimate of costs shall also include, without limiting the generality of the foregoing, the advertising, appraising, engineering, legal, printing and such other expenses as in the judgment of such Engineer are necessary or essential to the completion of such work or to the costs in the improvement district and the payment of the cost thereof. The entire cost of the Project is of special benefit and shall be paid by special assessment against the tracts benefitted.

Section 5. The Engineer is hereby directed to prepare and file with the County Clerk an assessment plat showing the area to be assessed, the market value and a description of each tract, the name and address of each owner, and the amount of estimated maximum benefits to be assessed against each tract as a front foot basis, i.e., assessments are to be levied against each tract or parcel of land within the boundaries of the District on a frontage or front foot basis. Such estimated benefits may be shown by an attached addendum to the plat which may be designated as the preliminary assessments roll or tabulation of parcels. An equitable adjustment will be made for assessments to be levied against wedge or V or other irregularly shaped lots or lands, if any, and for any tract or parcel not specifically benefitted by the improvements so that assessments according to benefits are to be equal and uniform. In any event, the assessments shall be against all lots benefitted by the Project proportionally to benefits received. Such basis of assessments is hereby designated by the Board.

Section 6. The boundaries of the District shall be the portion of S.R. 28 along which the improvements described in Section 1 will be maintained and the properties fronting on such highway identified by Assessor Parcel numbers as follows:

ASSESSOR PARCEL NO.

123-042-07
123-042-15
123-042-12
123-042-02
123-042-01
123-052-04
123-052-02
123-052-03

Section 7. The officers of the County are directed to effectuate the provisions of this resolution.

Section 8. All resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of such inconsistency.

Section 9. The invalidity of any provisions of its resolution shall not affect any remaining provisions hereof.

Section 10. The Board of County Commissioners has determined, and does hereby declare, that this resolution shall be in effect after its passage in accordance with law.

**04-253 ENDORSEMENT – 2004 DESIGN AWARDS PROGRAM –
COMMUNITY DEVELOPMENT**

Upon recommendation of Trevor Lloyd, Community Development, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the proposed enhancements to the 2004 Design Awards Program be endorsed as follows:

- Expanding into the Cities: This year the awards program will include projects, which are located within the cities of Reno and Sparks as well as those within the unincorporated county.
- Expanding the categories: This year the awards program will expand the number of categories to include Community Art, Redevelopment and Historic Preservation/Rehabilitation.
- Seeking Sponsors: The Department of Community Development will be seeking sponsors to ensure that the program completely pays for itself. The \$2,000 budget is necessary for the purchase of materials and other up front costs, however, it is staff's goal for all costs of the program to be recouped by application fees and sponsorships.

- Artown: The Department of Community Development wishes to incorporate the awards ceremony as a part of the Artown Celebration in July.

04-254 AWARD OF BID – HERBICIDE PRODUCTS - BID NO. 2419-04 – PUBLIC WORKS

This was the time to consider award of bid for Herbicide Products (weed abatement products) for the Roads Division of the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on February 25, 2004. 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:

Helena Chemical Co.
Target Specialty Products

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that Bid No. 2419-04 for Herbicide Products (weed abatement products) for the Public Works Department be awarded to Helena Chemical Co., in the estimated amount between \$23,000 and \$30,000.

It was noted that herbicides (weed abatement products) shall be procured on a requirements basis during the term of the agreement. The agreement period shall run from the date of Bid Award through March 1, 2005, with the County retaining the option for a one-year extension.

04-255 AGREEMENT – SIERRA OFFICE SOLUTIONS - PURCHASING

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that a revenue generating rental agreement for 60 months for 12 public coin-operated copy systems provided by Sierra Office Solutions be approved and that the Purchasing and Contracts Administrator be authorized to execute the same.

It was noted the revenue generated from the agreement, after expenses, would be approximately \$18,548.16 annually with total revenue of approximately \$92,740.80 over the duration of the Agreement period.

It was further ordered that the Purchasing and Contracts Administrator be allowed to utilize the current University and Community College System of Nevada (UCCSN) RFP-7142, Cost per Copy Copier Program, awarded to Sierra Office Solutions, valid through 6/30/06 with two possible year renewals, to enter into other copier rental Agreements countywide, some of which will be in excess of \$25,000. With the

understanding that any copier rental for a department would be contingent on the confirmation of that department's approved budget prior to Purchasing entering into any agreement.

04-256 COOPERATIVE AGREEMENT – CITY OF FERNLEY – GLOBAL POSITIONING SYSTEM BASE STATION – PUBLIC WORKS

Upon recommendation of Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Cooperative Agreement between Washoe County, the State of Nevada Department of Transportation and the City of Fernley, for building and maintaining a regional global positioning system base station network, be approved and Chairman Shaw be authorized to execute the same.

04-257 PURCHASE OF REGIONAL GLOBAL POSITIONING SYSTEM SOFTWARE – PUBLIC WORKS

Upon recommendation of Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the purchase of software needed for operation of the Regional Global Positioning System be approved in the amount of \$68,500.

04-258 CORRECTION OF FACTUAL ERRORS - ASSESSOR

Upon recommendation of Tom Sokol, Personal Property Supervisor, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following Roll Change Requests correcting factual errors on tax bills and the Order directing the County Treasurer to correct the errors be approved and Chairman Shaw be authorized to execute the same.

PROPERTY OWNER	ID #	AMOUNT	UNSECURED ROLL
Dover Excavation	2/465-046	[-\$313.42]	2002
Skyline Apartments Reno LTD PTSP	2/038-008	[-\$188.18]	2003
P C Smith	2/100-422	[-\$20.32]	2003
Karen D. Hobel	2/102-491	[-\$53.34]	2003
Shear Fusion Beauty Salon	2/103-574	[-\$199.35]	2003
Bright Way Bobcat Services	2/107-543	[-\$62.19]	2003
Taylorred Consulting	2/109-664	[-\$611.45]	2003
Comdisco, Inc.	2/190-218	[-\$28.50]	2003
C I T Group Equipment Financing Inc.	2/191-350	[-\$2,379.89]	2003
Virginia City Jerky Co. Inc.	2/202-097	[-\$81.38]	2003
Steals and Deals	2/202-613	[-\$15.01]	2003
Rockin Roll Sandwich Factory	2/210-071	[-\$42.14]	2003
Dover Excavation	2/465-046	[-\$257.62]	2003
Spectrum Resources Towers	2/472-109	[-\$68.50]	2003

The Warner Company	2/506-001	[-\$112.38]	2003
Reno Tahoe Job Training Academy	2/600-156	[-\$181.82]	2003
Steve Brown	31/06-625	[-\$15.06]	2003
Walter Stopyra	31/11-770	[-\$15.10]	2003
Linda Johnston	31/18-210	[-\$18.50]	2003
Business Air Management	51/00-494	[-\$346.46]	2003

04-259 RETROACTIVE EXPENDITURE – FINANCIAL ISSUES SURVEY
– MARKETEC, INC. – COMMUNITY RELATIONS

Commissioner Sferrazza stated he would not support this item because of the expenses involved, and he failed to see the necessity of the survey.

Katy Singlaub, County Manager, explained the Financial Issues Survey is completed by the County on a regular basis to determine the public's priorities for County service funding, and the section on the Public Priorities is a replication of the survey completed in 2001 providing the avenue for changes to be tracked over time. She said the survey cost is high because there are additional questions being asked of the public, and gathering the survey information has been complicated by the Federal Do Not Call list.

Commissioner Sferrazza commented that with previous Commission District funds, he was able to poll 100 percent of the people in his District, and he had over 500 responses at a cost of approximately \$4,000.

Sam Dehne, Reno resident, asked if the survey had already been completed and said the community has done too many surveys, and priorities need to be put in a different direction.

Ms. Singlaub explained that in order to meet County budget timelines and to respond to the Charting Our Course (COC) committee the survey had to be initiated; but if the Board voted against the survey, the work would be stopped and the company paid for the work that has been completed. It is a statistically significant representative sample on behalf of age, gender, length of time living in the community, political party, income and geographic area of the community. She said the public is invited to participate in the online budget survey and/or a written budget survey that is available throughout County government offices.

Commissioner Humke stated he would vote for the survey because it is important for the COC committee. He said he was concerned about the impact of Caller ID and the Federal Do Not Call list on the survey, and he inquired if there was an exemption for political surveys.

Kathy Carter, Community Relations Director, confirmed that political surveys are allowed under the Federal Do Not Call list, but many citizens believe they should not receive calls from a marketing research firm. She noted it takes time for the

surveyor to explain the situation to each caller, which adds time to each call, in addition to the existing length of the survey.

Commissioner Humke requested a survey be completed through the U.S. mail, and Ms. Carter explained a randomly statistical valid survey could not be done with a mail-in. It has to be done through telephone surveying. She further explained that a survey is only as good as the sample that is derived.

Upon recommendation of Ms. Carter, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza voting "no," Chairman Shaw ordered that an expenditure not to exceed \$27,500 for a Financial Issues Survey conducted by Marketec, Inc., be retroactively approved.

It was further ordered that staff examine using the U.S. mail for additional surveys, and Ms. Singlaub confirmed staff would discuss this option when they bring the survey results back to the Board.

04-260 REJECTION OF BIDS – 63,000# GVWR TRANSFER TRUCKS -
BID NO. 2415-04 – PUBLIC WORKS

This was the time to consider rejections of bids for 63,000# GVWR Transfer Trucks for the Equipment Services Division of the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on December 18, 2003. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

Silver State International
Worthen Kenworth
Sierra Freightliner

County Manager Katy Singlaub explained the recommendation to reject the bids comes as a result of a bid process in which it was identified that some of the requirements requested had to do with maintenance, standardization of specifications across the entire vehicle fleet that help with worker efficiency, and reduced costs of inventory were not adequately specified. She said to reject the bids would give everyone a chance to start over with a level playing field and that has been the past direction from the Board if there were any questions about the clarity of specifications.

John Balentine, Purchasing and Contracts Administrator, stated there is an appeal process available through the contract, but an award has to be made in order to follow that process. He said it is requested that all bids be cancelled.

Brett Scolari, attorney representing Silver State International, stated Silver State International is frustrated over the events surrounding Bid No. 2415-04 and the staff recommendation to reject all bids. He explained Silver State International came in as the low bidder, and with the exception of a couple of items that have been addressed, the company met all the specifications and requirements as originally set forth. As such, the company believes it was the lowest, responsive, responsible bidder and deserving of a bid pursuant to the State and Local Purchasing Act. He acknowledged none of the issues in the staff report were issues at the pre-bid conference or raised prior to bids being received, and it was only after the pre-bid conference that Purchasing raised the issues now being used to reject the bids. Mr. Scolari said he was aware that Washoe County does have the power, under the Purchasing Act, to reject all bids when no bidders are responsive or responsible, the equipment does not conform to requirements, or the public interest would be served by such a rejection. He clarified Silver State International sees no justification in this case to reject the bids because the company attempted to address all issues from Purchasing, and they do not believe the public would be best served by rejecting the bid. Mr. Scolari further stated that, in addition to the cost of the re-bid, revised specifications may prevent or discourage certain vendors from participating and that could produce higher prices. He expressed that the company believes revised specifications would produce trucks that are less durable in harsh winter conditions and have a shorter life expectancy. Rejecting all bids at this time is also unfair because it exposes Silver State International's lower pricing and circumvents the fundamental objective of the Local Purchasing Act. Mr. Scolari requested the Board not consent to rejection of all bids at this time, and Silver State International be given an opportunity to work with Purchasing to address any remaining issues on the original bid.

Chairman Shaw disclosed that he had met with two representatives from Silver State International, and the representatives explained to him their concerns about this issue.

In response to Commissioner Sferrazza, Chet Johnson, truck salesman from Silver State International, said no one could build the exact same truck because it is something of the past. He suggested another pre-bid occur to clean up the specifications. He stated the company did meet the concerns and their truck could do the job.

In response to Commissioner Galloway, Mike Sullens, Purchasing Department, said discussions with Silver State International over the past couple of weeks have centered on the configuration and how the County wanted it to be standard with the current "Washoe-type" trucks, but unfortunately Silver State International would not be able to do this. He said he was confident that on a re-bid there would be more bidders and they would receive bids back that would meet the specifications.

Chairman Shaw inquired if Silver State International would be able to re-bid, and Mr. Sullens said they would be able to meet specifications if they put a different engine in the truck. He stated the County has asked to change the cab specification to an aluminum cab and that might require Silver State International bid a higher level of truck,

which may or may not put them at a competitive disadvantage, but they would be able to offer a truck that would meet specifications.

In response to Commissioner Humke, Brad Block, Equipment Services, explained the trucks are built from scratch, and steel prices have already increased the prices.

In response to Commissioner Sferrazza, Mr. Block said the C-13 requires a different configuration because of the catalytic converter arrangement, and the reconfiguration of all the tanks and toolboxes that typically hang on these trucks is the heart of the issue. He explained if there was a re-bid it would allow Silver State International and other bidders to specify a different engine that would allow the configuration to remain a lot closer to the way it is now. Commissioner Sferrazza stated he had concerns about not allowing Silver State International to try and meet the specs within their bid price because they were the low bidder and the County is the one changing the specifications after the fact.

Jean Ely, General Services Division Director, stated Equipment Services has identified a number of critical design omissions that were not included in the original bid that are important for issues of standardization and maintenance. Ms. Ely said the fairest thing to do would be to reject the bids, so the type of vehicle and equipment Washoe County is looking for would be brought forth.

Mr. Johnson clarified that Silver State International did have a number of exceptions to the bid because they completed the exceptions list thoroughly. He said the other company had exceptions also, but they did not complete the list.

Commissioner Humke inquired of Mr. Sullens the cost a company incurs to complete a bid of this scope, and Mr. Sullens said he did not know the cost.

In response to Commissioner Weber, Mr. Sullens confirmed that what the County needed was not what was on the original bid specifications.

Commissioner Sferrazza asked why the bids were being rejected, and Mr. Sullens stated it was in the best public interest to re-bid these trucks based on revised specifications.

Upon recommendation of Mr. Balentine, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioners Shaw and Sferrazza voting "no," it was ordered that all bids received for Bid No. 2415-04 for the four new 63,000# GVWR Transfer Trucks, on behalf of the Equipment Services Division of the Public Works Department, be rejected and the Purchasing and Contracts Administrator be authorized to rebid requirements based on revised specifications.

It was noted Chairman Shaw voted "no," because he said Silver State International had a legitimate cause and the bids should have been stopped earlier in the process. Commissioner Sferrazza commented that rejecting the bids could bring about higher bids in the future.

**04-261 LEASE AGREEMENT – LIBERTY CENTER, LLC –
COLLECTIONS DIVISION – PUBLIC WORKS**

County Manager Katy Singlaub explained that the action was coming before the Board due to the sale of the 1205 and 1255 Mill Street properties.

Commissioner Sferrazza stated he was concerned that an appraisal is taking place for possible purchase of 350 S. Center by the County; and if the County leases space, it would actually be pushing up the value of the building when there exists in Washoe County a surplus of vacant office space. He said he was not in favor of this and would only support it if there was written provision that the lease would not be used to value the building at 350 S. Center Street.

Tom Gadd, Public Works Director, stated he did not know the affect 1,700 square feet would have on the value of a building that is 85,000 square feet. He said the tenants have to be relocated from 1205 Mill Street and this building would place them downtown and near the courts. He explained the County is in a due diligence period in regard to purchasing the building, and he confirmed that no commitments have been made to purchase the building.

Sam Dehne, Reno resident, stated his concerns about the County leasing more space at 350 S. Center and noted the bottomless pit of money the County draws from whenever needed.

Upon recommendation of Jean Ely, General Services Division Director, through Mr. Gadd, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza voting "no," it was ordered that a lease agreement between Washoe County (Lessee) and Liberty Center, LLC (Lessor) concerning occupancy by the Washoe County Collections Division for a nine-month term commencing April 1, 2004 and terminating December 31, 2004 be approved and Chairman Shaw be authorized to execute the same.

3:52 p.m. The Board recessed.

4:12 p.m. The Board reconvened with all members present.

04-262 LIBRARY SYSTEM PROGRESS REPORT – FY2002/03

Bud Fujii, Chairman of the Library Board of Trustees, said he hoped future reports would be as positive as this report.

Katy Singlaub, County Manager, commented the Library Director and the Library Board of Trustees are evaluating the hours of library operations.

Commissioner Galloway said he receives many compliments on the library system, and he requested that the library stay open until 6:00 p.m. on Fridays.

In response to Chairman Shaw, Nancy Cummings, Library Director, explained the report is available on the library website and printed copies would be available throughout the library branches.

Commissioner Sferrazza requested the downtown library be opened on Saturdays. He inquired about the plans to restore the downtown library; and Mr. Fujii explained the project is still in the works, as it was put on hold during budget shortfalls. Ms. Cummings confirmed work is currently being done in that library to give it a facelift while it awaits remodeling.

Commissioner Weber complimented the work of the Mobile Library and thanked Mr. Fujii and Ms. Cummings for looking into the library hours as she receives many calls from her constituents about the hours of operation, specifically the North Valleys, Sierra View and Verdi Community libraries.

Ms. Singlaub acknowledged that Mr. Fujii was named the 2004 Library Trustee of the Year for the State of Nevada.

Upon recommendation of Ms. Cummings, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Washoe County Library System Progress Report for fiscal year 2002/03 be accepted.

04-263 RECONSIDERATION OF TAX REFUND DECISION – DERMODY FAMILY LIMITED PARTNERSHIP

Blaine Cartlidge, Deputy District Attorney, reviewed his Opinion 6426 dated February 9, 2004, giving background on a reconsideration of the Board's decision denying the tax refund for fiscal year 2001/02 for the Dermody Family Limited Partnership. He distributed additional handouts reflecting the chronology of the tax refund, which was placed on file with the Clerk; and he said the refund needed to be granted to remain consistent with the law. He noted the refund request concerns office buildings owned by the Taxpayer, and these buildings are partially occupied under written lease agreements by a charter school named Sierra Nevada Academy.

Commissioner Humke inquired if this statute came about in a different fashion than most of the exempt organization statutes or other exemptions for real property tax. Mr. Cartlidge said he did not know of the beginnings of the statute at the legislative level. Commissioner Humke explained that it came in a charter school piece

of legislation, not in a piece of tax legislation, so he said he could make a case for the Taxpayer that there was good cause to miss it based on the work of the legislature.

David Ligon, attorney representing the Dermody Family Limited Partnership, pointed out the refund request is for money that would go back to school. He said there is a misstatement of facts in the chronology and also in the District Attorney's Opinion letter. He stated the application for the exemption took place in September 2001, not in October of 2002. Mr. Ligon explained he and Mr. Dermody met with Robert McGowan, the Assessor, and John Faulkner, Chief Deputy Assessor, and requested the exemption and were subsequently granted the exemption shortly after that meeting, but because they were already into the 2001/02 property tax year, having paid their first installment, they were directed to apply for a refund through the County Commission. He was informed by the Commissioner's office that the applicant must be an exempt organization, and because it was clear to Mr. Ligon that the Dermody Family Limited Partnership was not an exempted organization, he directed the school to submit the application. Mr. Ligon acknowledged the school submitted the application only to find out later the property owner must submit the application. The process was still new, procedures were unclear, and there was no mention of any deadlines at that time.

Mr. Ligon said it is important to draw a distinction between a property tax exemption application, which goes to the Assessor, and a property tax refund request, which goes before the Board of County Commissioners. The only reason for this denial is that the application for the refund request was late according to a statute that the District Attorney's opinion letter cites as NRS 361.155. He explained the statute applies to exemption applications and not to refund requests. There is another statute that applies to refund requests and that is NRS 354.230. This statute states the limitation for the time for claims. Mr. Ligon further explained the claim for a refund of money before the County Commission must be presented to the Board within three years of the time the claim was incurred. He acknowledged the request was within the three-year timeframe. He stated Sierra Nevada Academy was the State's first charter elementary school, and it has already paid its fair share of property taxes. Mr. Ligon affirmed the denial of the \$9,227 refund for being late according to statutes that are not being applied correctly is wrong and unfair.

Tonya Karlowicz, Support Services Director for Sierra Nevada Academy Charter School, said she had a petition with her today that included 81 signatures from the parents of students attending the school, and another petition from the 31 out of 35 staff of the school. Both of the petitions request that the decision to deny the property tax refund of \$9,227.69 be reversed. She read the petition form that the parents had signed, and it urged the Board to refund the amount in full, stating a denial of the refund would hurt the students as the property taxes have been paid by the Academy through the Dermody Family Limited Partnership.

Jeff Feuer, father of two children at the school, said he believes this is a case of double taxation. He noted the school is small and has quality teachers and students. He stated no one is looking for a handout, but rather to receive what rightfully

belongs to the school. He explained the money would go back into the school for the students to provide quality lunches and adequate supply of textbooks.

Betty Jo Brown, 7th grade student at Sierra Nevada Academy, said the tax refund could provide money for a bigger library, and better lunches, textbooks, and learning programs. She stated the tax refund money could also allow the school to hire a physical education teacher, provide more and better computers, special education and after-school programs. She explained her parents told her it would be right for the Board to refund the money because the school had already paid the taxes. She confirmed the money could assist in making a bigger school, which would lead to increased student enrollment.

Francis Marsala, parent of a student at the school, stated the money the Board is considering would be equal to twelve fundraisers that could provide textbooks, computers and much more for the school. He said \$9,000 would make a significant impact on the budget for this school of 300 students.

Kimberly Regan, Executive Director of the Sierra Nevada Academy, said this Commission has approved refunds for other charter schools, as well as a partial refund to the Academy. She noted the school does not get bond money like the public schools; and it has to pay lease fees and on-site utilities. She explained the impact financial stress has on charter schools and requested the Board approve the refund request instead of placing financial constraints upon the school.

Sam Dehne, Reno resident, said it was a bookkeeping technicality. He stated the school knew what to do, it followed the directions and they should receive the tax refund.

Maurice Washington, Nevada State Senator, spoke in support of the case stating that the school did nothing wrong, and the refund should be returned to the school.

Commissioner Sferrazza requested documentation of when the application was filed. Mr. Cartlidge restated his chronology concerning the tax refund to answer Commissioner Sferrazza. He said the Taxpayer followed all the appropriate steps and the correct timeline, but their request was missed. He confirmed the tax records show that exemption was first applied in 2002, not in 2001 and that is why the refund request is being considered. He addressed the statutes Mr. Ligon had referred to, and he explained that the argument being presented to the Board is that the two statutes and the two processes are completely separate when it comes to identifying the timeline. He argued that it is two different processes by County policy, but they go hand in hand.

Mr. Faulkner explained that he and Mr. McGowan did meet with Mr. Dermody and his representative regarding the issue of the newly enacted statute, which took effect July 1, 2001, regarding charter schools and leased properties. He said they met in September of 2001 in regard to that statute and what needed to be done. He confirmed the Assessor applied the exemption for the coming year of July 2002. He

advised them at that time to apply to the Board for a refund of the 2001/02 fiscal year. He said he could not attest to a written application.

Commissioner Galloway inquired if an application needs to be in writing or if a lease showing a person has a charter school on their property would be adequate documentation for the exemption. Mr. Faulkner said an application would need to be completed, it would need to be processed with the required information, and then the information would be forwarded from the Assessor's office to the District Attorney's office to ensure that they did meet the statutory requirements for the exemption. Discussion followed between Commissioner Galloway and Mr. Faulkner, and it was concluded that the Taxpayer was informed that the property owner, and not the school, would need to apply for the refund.

Commissioner Weber said documentation should be produced concerning the application process because, without the documentation, it is only hearsay from the property owner and the school. Chairman Shaw concurred with Commissioner Weber's comments.

Mr. Ligon clarified that the meeting with Mr. McGowan and Mr. Faulkner was to get direction from the Assessor. He said they did bring in documentation of the lease to show that the school was responsible for payment of the taxes. The Dermody Family Limited Partnership also provided documentation at the time to show how they arrived at the amount of tax the school paid versus how much the other tax paying tenants paid. He confirmed there was no formal application completed at that time. The Dermody Family Limited Partnership was directed to give the Assessor all the information, the Assessor said a representative would contact them concerning the issue, and this occurred. He said he does not have a document that proves the application was filed, but he guaranteed that in the Assessor's Office there would be documentation before June 15, 2002 that there was an exemption application applied for and received for the Taxpayer for the charter school. Mr. Ligon explained when the property tax bills came out for the 2002/03 year, the exemption was on them; and the exemption was granted in time.

Madelyn Shipman, Legal Counsel, stated the Board judges the evidence and determines if the request is equitable under the statute. In the past the Board has set the rules about timing of that exemption application as being one of the critical points and making sure that all taxpayers receive the same treatment. Mr. Faulkner stated there is no record in the Assessor's Office to indicate any documentation of application in 2001.

Mr. Ligon clarified the exemption was granted and he is here to talk about the refund. He said the Taxpayer is working under a three-year time limit to apply for the refund. He inquired if a property tax refund request does have a three-year time limit according to NRS 354.230. Ms. Shipman confirmed that to be true. She qualified that historically this Board has not provided refunds to an entity that has not applied for the exemption. She informed the Board that it is a matter of consistency on how to apply the

relationship between the exemption and the refund because an entity cannot gain a refund if they do not have the exemption.

In response to Commissioner Galloway, Mr. Ligon verified that the Assessor's Office did not have any applications for exemption at the September 2001 meeting because they were one of the first groups to discuss exemption application with the Assessor's Office. He said the 2002/03 exemption was granted as a result of the September 2001 meeting. Mr. Faulkner confirmed Mr. Ligon's statements to be correct, and copies of the leases were obtained at that time. Commissioner Galloway said that it may not be a fact that there is a letter requesting exemption, but it is agreed by all parties that there was documentation on file to show that the Taxpayer had leased to an organization that was exempt as a charter school.

Gary Schmidt, Washoe County resident, commented he supports granting the refund to the school because there was much due diligence involved, it was a new law, and the Taxpayer applied for the exemption for the current year of September 2001.

Commissioner Humke made a motion to approve the refund for 2001. Commissioner Galloway seconded the motion saying there was documentation in the file. It was noted that the motion, if successful, ought not to set a precedent, unless a charter school similarly situated could show similar facts as was presented to the Board.

Commissioner Sferrazza said there were inconsistent statements and not adequate documentation presented for him to support granting the refund. He said he would be willing to reconsider if documentation was provided.

Commissioner Weber stated this school is in her district, she understands the families concerns, but this is about having documentation in order to grant the refund, and the school does have a responsibility to provide the documentation.

On call for the motion, Commissioners Sferrazza and Weber voted "no," and the motion to grant a refund of taxes to the Dermody Family Limited Partnership for fiscal year 2001/02 failed.

**04-264 RESOLUTION – REFUND OF TAXES - NORTHERN NEVADA
ELECTRICAL JOINT APPRENTICESHIP AND TRAINING
COMMITTEE**

Commissioner Sferrazza inquired if there was a form completed to apply for an exemption.

Blaine Cartlidge, Deputy District Attorney, explained the documentation that comes to his office is a date receipt stamp on a letter that the taxpayer has sent in describing why they believe they are entitled to an exemption. He said he was not familiar with a form, but he is familiar with the Assessor's and Treasurer's cover sheets that break out all of the facts, along with the taxpayer's documents. He directed the

Board to Opinion 6419, dated March 11, 2004, and pointed out the letter in the packet from the Taxpayer requesting a tax refund.

Commissioner Weber said there needs to be a process that the Board can follow in these cases and this process needs to be developed as soon as possible.

Commissioner Sferrazza noted he would like proof of the 2003 request in the Board information.

Chairman Shaw requested staff to have all appropriate documentation in the Board's packets the next time a refund of taxes case comes before them, and Katy Singlaub, County Manager, concurred.

Pursuant to D.A. Opinion No. 6419, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following Resolution be adopted and that Chairman Shaw be authorized to execute the same.

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, Northern Nevada Electrical Joint Apprenticeship and Training Committee (also referred to as "Taxpayer"), made application for a prorated refund of real property taxes for the 2002-2003 tax year on APN 021-860-02; and

WHEREAS, the Taxpayer has overpaid taxes for the 2002-2003 fiscal year in the amount of \$12,581.26; and

WHEREAS, it is the opinion of the Board of Commissioners of Washoe County that the Taxpayer has just cause for making such application for the 2002-2003 tax year and that the granting of the prorated 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 Northern Nevada Electrical Joint Apprenticeship and Training Committee a total of \$12,581.26, which is the amount of the taxes overpaid for the 2002-2003 tax year on APN 021-860-02.

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 prorata share of the refund.

04-265 UPDATE ON JAIL EXPANSION – PUBLIC WORKS

Dianne Nicholson, Undersheriff, presented a PowerPoint presentation on the jail expansion project, which was placed on file with the Clerk. She noted the importance of moving up the dates to begin the expansion project as soon as possible.

Commissioner Sferrazza inquired about the 500 percent increase in felonies in the past 10 years. Ms. Nicholson stated the FBI crime reports do not accurately address all felony crimes. She said what has been noticed, over the last several years with the inmate population, is that felonies have been on the rise. She explained part of it is due to the types of laws that are being passed, such as the third DUI felony, domestic battery, and repeat offenders. Ten years ago when these laws were not on the books those crimes were considered misdemeanors. She stated society is more violent and more felonies are being committed by more people because of the increase in the general population in the community.

In response to Commissioner Galloway, Ms. Nicholson stated less serious offenders are not being booked into the jail, as in the past. She explained one of the trends the office has been working on with the courts and other agencies is to issue citations on crimes that the offenders do not need to be placed in jail. She said the offenders can go to court without having to sit in jail for a length of time, and this approach has been helping significantly. She confirmed she would give the Board further information on the citations.

Roger Van Alyne, Capital Projects Division Director, continued the PowerPoint presentation and requested the Board to give permission to staff to start the solicitation process for architectural services.

Dennis Balaam, Sheriff, commented that the Board has to realize the Sheriff's Office is not at full staff at the current time, and the expansion would not be able to open without additional staff.

Commissioner Humke stated he serves on the Criminal Justice Advisory Committee, and he considers it very frustrating because of the subject matter. He commented that only one City Council person attends the meetings.

Sam Dehne, Reno resident, said he supports the expansion of the jail, and he has done his best to stop the growth of increased crime. He declared the greatest cause of the increase in crime is the cancerous growth in the community.

Commissioner Galloway requested an executive summary sheet showing how much of this could be covered by the tax rate that had been set aside previously and how much more would be needed to cover the building and the operation.

John Sherman, Finance Director, explained that staff had updated the model, and it appears the facility could be constructed at the \$19-million total cost; but the real challenge will be the \$2.2-million needed to open the jail in 2007/08 to cover the 18 positions, plus services and supply costs. He said it look as if the County would be in debt about \$1-million a year.

Upon recommendation of Mr. Van Alyne, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Public Works staff be authorized to request proposals for professional design services and to begin the design process for the jail expansion project as soon as possible.

04-266 ACCEPTANCE OF INCREASED GRANT AWARDS - SOCIAL SERVICES

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that an increased grant award of \$301,251 for fiscal year 2004, and a new grant award of \$151,000 for fiscal year 2005, from the State Division of Child and Family Services, to assist youth making the transition from foster care to economic self-sufficiency, be approved and the Comptroller be directed to make the necessary adjustments.

04-267 FIRST AMENDMENT TO INTERLOCAL AGREEMENT – TOILET RETROFIT PROGRAM - REGIONAL WATER PLANNING COMMISSION

Sam Dehne, Reno resident, spoke in favor of the free toilets, and volunteered to be the spokesman to advertise and publicize the program. He voiced his opposition to adding \$300,000 to the program.

Diana Lang, Sun Valley General Improvement District (SVGID), said she did not need additional publicity because of the success of the program. She added she is not able to keep up with the present demand, and she explained how the program works for citizens to receive up to two free toilets including installation.

Upon recommendation of Jeanne Reufer, Water Resources Planning Division Manager, and Jim Smitherman, Water Management Planner Coordinator, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that an amendment to the Interlocal Agreement between Washoe County, SVGID, and the Truckee Meadows Water Authority, for additional funding for the Ultra Low Flush

Toilet Installation Program, in the not-to-exceed amount of \$300,000, be approved and Chairman Shaw be authorized to execute the same.

04-268 PURCHASE - REPLACEMENT FLEET VEHICLES/EQUIPMENT
-PUBLIC WORKS

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, Chairman Shaw ordered that the request for Equipment Services to purchase replacement fleet vehicles/equipment using Nevada State Bid Joinder Contract Pricing, in conjunction with the previously approved capital purchases budget for Equipment Services Fund, be approved and the purchase of vehicles and equipment submitted to date be ratified.

04-269 AWARD OF BID – PWP-WA-2004-93 - SPANISH SPRINGS
LIBRARY – PUBLIC WORKS

This was the time to consider award of bid for the Spanish Springs Library for the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on January 23, 28 and 30, 2004. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

West Coast Contractors
United Construction
Frank Lepori Construction
Clark & Sullivan
MGM Construction

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that Bid No. PWP-WA-2004-93 for the Spanish Springs Library for the Public Works Department be awarded to the low, responsive, responsible bidder, West Coast Contractors, in the amount of \$5,639,330; and Chairman Shaw be authorized to execute the Agreement upon presentation.

04-270 AWARD OF BID - WATER QUALITY TESTING AND
ANALYTICAL REVIEW - BID NO. 2418-04 – WATER
RESOURCES

This was the time to consider award of bid for Water Quality Testing and Analytical Review for the Water Resources Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on January 29, 2004. 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:

Great Basin Environmental
Nevada State Health Lab
NEL Laboratories Inc.
MWH Laboratories
Sierra Environmental Monitoring
Western Environmental Testing

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that Bid No. 2418-04 for Water Quality Testing and Analytical Review for the Water Resources Department, be awarded to Sierra Environmental Monitoring, Inc. as primary supplier and MWH Laboratories as secondary supplier, in the amount of \$52,435 and \$58,257, respectively.

It was further ordered that the Purchasing and Contracts Administrator be authorized to utilize the discounts and prices as stated in the Invitation to Bid No. 2418-04, and that the prices quoted shall be honored and adhered to until February 28, 2006, with an option to renew for an additional one-year period through February 28, 2007.

04-271 AWARD OF BID - FLEET HEAVY EQUIPMENT
BID NO. 2420-04 – EQUIPMENT SERVICES

This was the time to consider award of bid for Fleet Heavy Equipment for the Equipment Services Division of the General Services Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on February 27, 2004. Proof was made that due and legal Notice had been given.

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

Cashman Equipment
Nortrax West

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that Bid No. 2420-04 for Fleet Heavy Equipment for the Equipment Services Division of the General Services Department be awarded to the lowest responsive, responsible bidders as indicated below:

Cashman Equipment
Bid Item #1 – Five (5) Caterpillar 140H Articulated Motor Graders
Bid Item #3 – One (1) Caterpillar 9660G II 4-yd Wheel Loaders
Bid Item #4 – Three (3) Caterpillar 430 DIT Backhoe Loaders

Bid Item #5 – Two (2) Caterpillar M313C Wheeled Excavators

Nortrax West

Bid Item #2 – Three (3) John Deere 644J 3-yd Wheel Loaders

It was further ordered that the right to procure additional fleet heavy equipment from the successful bidders through December 31, 2004, provided there is no increase in pricing offered and capital outlay requests, be approved.

It was noted that under the terms of the award, Cashman Equipment and Nortrax West would provide the County with new replacement fleet heavy equipment for a total initial capital expenditure of \$1,937,270, and warranty all major components for a three year period. Cashman Equipment and Nortrax West would further provide performance bonds guaranteeing to buy-back the equipment from the County at the end of three years for a combined total of \$1,309,346, resulting in a net total cost to the County at the end of the three-year period of \$627,924.

04-272 AWARD OF REQUEST FOR PROPOSAL – COUNTY-WIDE
AUDIT SERVICES - BID NO. 2417-2004 - PURCHASING

This was the time to consider award of request for proposal (RFP) for County-wide Audit Services for the Purchasing Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on January 29, 2004. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

Kafoury, Armstrong & Company
Bartig, Basler and Ray, CPA's, Inc.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that RFP No. 2417-2004 for County-Wide Audit Services for the Purchasing Department be awarded to Kafoury, Armstrong & Company, in the amount of \$83,700 for Washoe County, \$11,040 for Truckee Meadows Fire Protection District, and \$11,985 for South Truckee Meadows General Improvement District for a total of \$106,725 for fiscal year 2003/04.

It was further ordered that the County Manager be authorized to enter into an agreement with Kafoury, Armstrong & Company to provide audit services for fiscal year 2003/04 with the provision for three (3) successive annual renewal options, solely at the discretion of the Board of Commissioners and the County Manager.

04-273

CONTRACT – INTELLIGENT SYSTEMS & ENGINEERING SERVICES – FACILITY CONDITION ANALYSIS – PUBLIC WORKS/PURCHASING

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that a contract between Washoe County and Intelligent Systems & Engineering Services (ISES Corporation) concerning professional engineering/architectural services, to provide a Facility Condition Analysis of three Washoe County buildings, including the Detention Facility, Coroner's Office, and Sparks Branch Library, on behalf of the Facility Management Division of the Public Works Department, in the amount of \$41,200, be approved and the Public Works Director be authorized to execute the same.

04-274

SOLE SOURCE AGREEMENT – CONSTRUCTION SEALANT AND SUPPLY – ROAD CRACK SEALING MATERIAL – PURCHASING/ROADS

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the Sole Source Procurement Agreement between Washoe County and Construction Sealant & Supply concerning procuring Craftco, Road Crack Sealing Material, Polyflex Type II and Asphalt Rubber Type II Sealants be approved and the Purchasing and Contracts Administrator be authorized to execute the same.

6:05 p.m. The Board recessed.

6:40 p.m. The Board resumed with all members present.

04-275

INTENT TO ISSUE SEWER BONDS – SEWER PROJECTS IN COLD SPRINGS AND SPANISH SPRINGS

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on February 27, 2004 to consider the intent to issue general obligation (limited tax) sewer bonds. 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 the intent to issue general obligation (limited tax) sewer bonds. There being no response the Chairman closed the public hearing.

04-276

RESOLUTION – SALE OF GENERAL OBLIGATION (LIMITED TAX) SEWER BONDS – COLD SPRINGS AND SPANISH SPRINGS

Upon recommendation of Jerry McKnight, Finance and Operations Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that the following Resolution be approved and Chairman Shaw be authorized to execute the same:

RESOLUTION NO. 04-276

A RESOLUTION AUTHORIZING THE COUNTY FINANCE DIRECTOR TO ARRANGE FOR THE SALE OF THE WASHOE COUNTY, NEVADA GENERAL OBLIGATION (LIMITED TAX) SEWER BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) IN THE MAXIMUM PRINCIPAL AMOUNT OF \$9,500,000 FOR THE PURPOSE OF FINANCING SEWER PROJECTS IN COLD SPRINGS AND SPANISH SPRINGS; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH.

WHEREAS, the Board of County Commissioners (the “Board”) of Washoe County, Nevada, (the “County,” and the “State,” respectively), proposes to issue up to \$9,500,000 of general obligation bonds of the County in one or more series (the “Bonds”) for the purpose of paying all or a portion of the cost of acquiring, constructing, improving and equipping sewer projects for the County’s sewer system, including a drainage and flood control project (the “Project”); and

WHEREAS, such Bonds will be additionally secured by a pledge of a portion of the revenue received by the County from the County’s water and sanitary sewer system (the “Pledged Revenues”); and

WHEREAS, the Board determines that it is necessary and advisable that the County incur a bonded indebtedness pursuant to NRS 244A.011 to 244A.065, inclusive (the “Project Act”) and the Local Government Securities Act, NRS 350.500 to 350.720, inclusive (the “Bond Act”), for the purpose of paying all or a portion of the cost of the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA:

Section 1. This resolution shall be known and may be cited by the short title “2004 Sewer Bond Sale Resolution.”

Section 2. The County Finance Director or his designee is hereby authorized to arrange for the issuance and sale of the Bonds in a total aggregate principal amount of not more than \$9,500,000 in accordance with the Project Act and the Bond Act.

Section 3. The County Finance Director or his designee is authorized to specify the terms of the Bonds, the methods of their sale, the final principal amount of the Bonds (not in excess of \$9,500,000), the terms of their repayment and security therefore, and other details of the Bonds, and if deemed appropriate by the County Finance Director or his designee, to advertise the Bonds for sale, subject to the ratification by the Board by the adoption of a bond ordinance or ordinances specifying the Bond terms and details and approving their sale (the "Ordinance").

Section 4. The officers of the County are hereby authorized to take all action necessary or appropriate to effectuate the provisions of this resolution, including without limitation, assembling of financial and other information concerning the County, the Project, the Pledged Revenues and the Bonds, and placement of the Bonds with the State of Nevada Revolving Loan Fund, other appropriate State program or, if deemed appropriate by the Finance Director or his designee, preparing and circulating a preliminary official statement, a notice of bond sale for the Bonds, or both, in the forms specified by the Finance Director, or his designee. The Finance Director or his designee is authorized to deem the official statement or preliminary official statement to be a "final" official statement on behalf of the County for the purposes of Rule 15(c)212 of the Securities and Exchange Commission.

Section 5. The Finance Director shall, after arranging for the sale of the Bonds, present the proposed final terms of the Bonds to the Board for its approval by adoption of the Ordinance, which shall not be effective until after the expiration of the 90-day petition period as set forth in NRS 350.020(3).

Section 6. The officers of the Board be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 7. All resolutions, or parts thereof, in conflict with the provisions of this resolution, are hereby repealed to the extent only of such inconsistency. This repealer shall not be constructed to revive any resolution, or part thereof, heretofore repealed.

Section 8. If any section, paragraph, clause or other provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this resolution.

Section 9. This resolution shall become effective and be in force immediately upon its adoption.

**APPEAL CASE NO. AX04-001 – SPECIAL USE PERMIT CASE
NO. SB03-023 - CREATIVE KIDS DAYCARE – COMMUNITY
DEVELOPMENT**

5:30 p.m. This was the time set for continuation of the appeal of the Washoe County Board of Adjustment's (BOA) denial of Special Use Permit Case No. SB03-023 - Creative Kids Daycare (Appellant: Mark Phillips, Creative Kids Realty, LLC. - Appeal Case No. AX04-001). The purpose of the public hearing is to consider an appeal to overturn the BOA's action denying the request to construct a 3,083 square foot building for the operation of a day-care facility to accommodate 59 children as authorized in Article 110.810 of the Washoe County Development Code. The project is located at the northwest corner of Marilyn Mae Drive and Sky Ranch Boulevard north of La Posada Drive in Spanish Springs. The ±1.36-acre parcel is designated Low Density Suburban (LDS) in the Spanish Springs Area Plan, and is situated in a portion of Section 36, T21N, R20E, MDM, Washoe County, Nevada. The property is located in the Spanish Springs Citizen Advisory Board boundary and Washoe County Commission District No. 4. (APN: 534-344-04) The item was continued from March 9, 2004 Commission Meeting.

Chairman Shaw reopened the continued public hearing by calling on anyone wishing to speak.

Trevor Lloyd, Community Development, provided background information on the BOA's decision and the appeal brought forth by the applicant, as outlined in the agenda memorandum dated February 27, 2004. He referenced the location of the facility via a presented map. He noted the applicants are contending that traffic would not be a concern for the area due to the staggered hours of the daycare. He said the main issue to consider is whether or not the facility would complicate the existing traffic problems during the peak hours of 9:00 a.m. and 3:00 p.m.

Mark Phillips, the appellant, explained the reasons for the denial of the special use permit. He said the area is zoned low-density commercial and a daycare or church type facility would fall within that zoning. Mr. Phillips reviewed traffic, presented his photographs taken at varied times in the area to show the minimal traffic impact, and insured that children would be safe in the location of the desired daycare. He stated a daycare facility is a natural extension of an elementary school, and he cited examples in the community. He disputed the findings from the BOA, as outlined in the agenda memorandum dated February 27, 2004, and listed benefits the daycare would bring to the area. He referred to daycare sign-in sheets from another facility he operates, and he noted the varied times parents drop off and pick up their children. He added that from the current location of the Creative Kids Childcare Center on Pyramid Highway they make four trips up and down the highway daily, and these trips would be virtually eliminated by relocating the facility. He said it is time to be proactive in the interest of all children and realize the benefits outweigh any impacts that one might perceive as existing. He proposed options the facility would offer if the Board granted the special use permit. He submitted letters and petitions from those in the community supporting the daycare, which were placed on file with the Clerk.

Chairman Shaw inquired if the entrance to the daycare would be on Sky Ranch or Marilyn Mae. Mr. Phillips explained the entrance would be off of Marilyn Mae, but if needed, he said it was possible to make a change on the entrance. Chairman Shaw said he could see a problem with the traffic if the egress/ingress was located on Marilyn Mae. Chairman Shaw clarified that other area daycares, as Mr. Phillips referred to earlier in his presentation, can create problems due to their locations. Chairman Shaw noted that the pictures offered by Mr. Phillips and the pictures from the Homeowners Association show a very different view.

Chairman Shaw read public comment in favor of the daycare facility from Brandi Davenport, Patty Jo Laughead, Jerry Meals and Jennifer Palin.

The following persons spoke in favor of the daycare: William James, Jr., Jessica Rossi-James, Patti Friberg-York, Lee Johnson, Mark Agliolo, Jerry Cates, Bill Laughead, Robin Dobson, Kim Cuara, Monica Derner, Doris Currier, Bryan Phillips, Gayle Phillips, Tim Tucker and Mark Sullivan.

The issues the group in support of the daycare brought forward were traffic and noise would not be a problem; varied hours for pick-up and drop-off of children at the daycare would not cause an increased traffic problem; it is difficult to find a daycare where a parent feels safe leaving their children; the proposal meets the approval of Washoe County staff; the possibility of accidents would be decreased because the children would not be transported up and down Pyramid Highway any longer; perfect complement to the school; and it would offer a big advantage for the community.

Robert LeVitt, Principal of Spanish Springs Elementary School, said he was not for or against the daycare. He discussed the three calls about safety in the four years he has been the Principal. He stated his first concern is for the safety of the children, and the traffic impact would be the second concern.

Chairman Shaw noted the 125 signatures, which were presented to the Board and placed on file with the Clerk, in opposition to the development of a daycare facility on the corner of Sky Ranch Boulevard and Marilyn Mae Drive.

The following persons spoke in opposition to the Creative Kids Daycare being built in their neighborhood: Roz Snyder, Tracy Antone, Karen Martino, Dan Purvance, Jan McGinty, Anthony Martino, Joan Fizone, Dean Tischler, Ed Tomasic, Larry Richardson, Robert Scott and Bud Fizone. Chairman Shaw read a letter in opposition from Brett Nashund.

The concerns the group in opposition raised were the impact of traffic, noise, parking, safety for children, location, vandalism of the property and building, additional commercial buildings in the area if this building is approved, drainage issues, future impact on open space, size and potential growth of the daycare.

In rebuttal, Mr. Phillips stated traffic would not be a problem because of the varied times of drop off and pick up of children from the daycare. He said the daycare would be a positive addition to the community and the special use permit should be issued.

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

In response to Chairman Shaw, Mr. LeVitt stated approximately 65-75 percent of the children from the elementary school ride the bus, there are five buses used by the school, roughly 80-90 children are walking to the school or being dropped off and about 60 cars are in the parking lot for school staff.

Chairman Shaw inquired about the possible expansion of the daycare facility, and Mr. Lloyd explained the owners would have an opportunity for a one-time expansion of up to 10 percent of the building size.

Commissioner Galloway asked about a normal day for the school in regard to the traffic, and Mr. LeVitt said after the peak times the area is very quiet. In response to Commissioner Galloway, Mr. Lloyd explained the area is zoned low density suburban; and if the daycare was approved and then did not succeed, a supermarket or liquor store would not be allowed, even with a special use permit.

In response to Commissioners Shaw and Weber, Mr. Phillips explained his daycare is presently located at Queen Way and Pyramid Highway. Mr. Phillips detailed the daycare hours, staffing, and acknowledged that the daycare is meeting all the requirements for approval. He said there would be three daycares within close proximity, but competition is of no concern. He further explained there is a latchkey program at the elementary school, but the school does not accept children under the age of six.

Commissioner Galloway inquired if Mr. Phillips had considered keeping the current daycare in addition to the new facility, if it was approved; and Mr. Phillips confirmed they would be considering that option. Mr. Phillips said there have been no complaints about their current daycare, and the daycare continually is at capacity.

In response to Commissioner Humke, Mr. LeVitt explained it would not work to redesign the bus-loading zone. He stated children who live more than one mile from school are provided transportation under District policy. He noted the YMCA provides a morning and after-school program at the school, and additionally, Spanish Springs Elementary School offers an after-school program.

Chairman Shaw inquired if staff was aware that this area would eventually be a daycare site as they examined the comprehensive plan and Spanish Springs area plan. Mr. Lloyd explained staff did not designate this as a daycare facility. He said he did not believe the advanced planning staff, when they were reviewing the comprehensive plan and comprehensive plan amendments, took that into consideration. He said the area is designated low density suburban, which establishes it as one dwelling

unit per-acre, and a residential area, with the opportunity for civic type uses, such as schools and daycares.

Commissioner Galloway commented there has been a lot of frustration voiced by the neighbors about the traffic, and most of the aggravation is related to the school and not the proposed daycare. He stated he did not believe the daycare would add to the problems and denial of the special use permit would solve the existing difficulties. He expressed his support to reverse the decision of the BOA and uphold the appeal and allow the use based on the findings of consistency, improvements, site suitability, issuance not detrimental and reasoned consideration.

Chairman Shaw acknowledged a letter in opposition to the daycare from Ben and Tracy Antone. He said he sees the daycare as a problem, and he could not make the findings of consistency, site suitability and issuance not detrimental.

Commissioner Weber said there is an impact for the neighbors, she respects Chairman Shaw's opinion, and she does not support the special use permit for the daycare facility.

Commissioner Sferrazza confirmed he would support the denial of the appeal based on the findings cited by the Chairman. He said he does not like special use permits and believes properties should be zoned for use. He added that the neighbors have a right to expect that houses would be built in that area because of the residential zoning.

Commissioner Humke said both sides argued well and respectfully, and he would uphold the denial reluctantly. He explained the school was not set up well in regard to traffic, and it is not right that a daycare cannot function near a school, which is a natural place for it to operate.

Commissioner Galloway acknowledged that he gives weight to the opinion of the Chairman, but there is not sufficient basis to deny the appeal.

Having made the following findings, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried with Commissioner Galloway voting "no," it was ordered that the appeal of the BOA's denial of Special Use Permit Case No. SB03-023, for the Creative Kids Daycare, be denied.

FINDINGS:

1. No Consistency. That the proposed use is not consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the Spanish Springs area plan.
2. Site not suitable. That the site is not physically suitable for the type of development and for the intensity of the development.

3. Issuance detrimental. That issuance of the permit would be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area. The additional traffic is detrimental to the safety of the children in the area.

04-278 **BILL NO. 1411 – ESTABLISH GERLACH-WADSWORTH AND RENO-VERDI TOWNSHIPS - DISTRICT ATTORNEY**

Bill No. 1411, entitled, “AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY COMBINING THE GERLACH TOWNSHIP AND THE WADSWORTH TOWNSHIP INTO A SINGLE TOWNSHIP TO BE KNOWN AS THE GERLACH-WADSWORTH TOWNSHIP, AND BY COMBINING THE RENO TOWNSHIP AND THE VERDI TOWNSHIP INTO A SINGLE TOWNSHIP TO BE KNOWN AS THE RENO-VERDI TOWNSHIP, AND PROVIDING EFFECTIVE DATES THEREFORE” was introduced by Commissioner Sferrazza, as amended, the title read to the Board and legal notice for final action of adoption was directed.

04-279 **BILL NO. 1412 – ADOPTING SUPPLEMENT NO. 8 TO THE WASHOE COUNTY CODE – DISTRICT ATTORNEY**

Bill No. 1412, entitled, “AN ORDINANCE ADOPTING SUPPLEMENT NUMBER 8 TO THE WASHOE COUNTY CODE AND ALL CLERICAL AND TECHNICAL CORRECTIONS MADE THEREIN” was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption was directed.

County Manager Katy Singlaub explained that this incorporates all changes made to the County Code since May of 2000.

In response to Commissioner Sferrazza, Madelyn Shipman, Legal Counsel, clarified there was a copy available in the County Manager's office.

Commissioner Galloway suggested that the Board be provided a packet summarizing the titles and subjects of all the ordinances that were passed for review before the item returns to the Board for approval. Ms. Shipman confirmed she would provide this to the Board.

04-280 **DISCUSSION - PROPOSING A RESOLUTION TO STOREY COUNTY – SOUTHEAST CONNECTOR**

Commissioner Humke reviewed the agenda memorandum dated March 18, 2004, giving background on seeking to restart negotiations with Storey County on a

potential route for the Southeast Connector (formerly known as the Tahoe Pyramid Link). He requested permission from the Board to direct staff to begin negotiating with Storey County to work corroboratively with them on this route.

Chairman Shaw noted he had no objection to Commissioner Humke's request, and Commissioner Galloway said the Storey County Commissioners would want to look into this for the economic benefit it could bring Storey County in the future.

Diana Lang, area resident, left a comment card and Chairman Shaw noted her support for this item.

04-281 DISCUSSION - 2002 REGIONAL PLAN SETTLEMENTS AND ASSOCIATED ISSUES

Following discussion, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Assistant District Attorney's report be accepted and staff and representatives on the Regional Planning Governing Board be directed to implement the recommendations with respect to the payment of lobbyist fees. It was further ordered that a suspension of the Board rules for reconsideration be included.

04-282 REPORTS/UPDATES FROM COUNTY COMMISSION MEMBERS

Commissioner Sferrazza inquired about a letter he received from the Incline Village General Improvement District requesting a resolution on behalf of Norman Rosenberg. Commissioner Galloway requested to leave the time of the resolution open to see how events develop and to determine what would be appropriate.

Commissioner Sferrazza reminded the Board of an invitation from Judge James Hardesty to attend the Bench Bar meeting with respect to the Public Defender contract on March 24, 2004. He invited other Commissioners to join him on March 25, 2004 to meet with Judge Hardesty to discuss development of the Pioneer Center. Commissioner Sferrazza announced the Nevada Association of Counties Board meeting on March 26, 2004 in Carson City.

Commissioner Weber announced the Budget Town Hall Meeting on March 25, 2004 from 6:00 p.m. to 8:00 p.m. She encouraged the public to be involved through attendance, e-mail, or call-in.

County Manager Katy Singlaub said a report was made to the Investment Management Committee by Commissioners Shaw, Sferrazza, and herself; and it was recommended an asset management firm be retained to improve return on investments. She stated a report would come back to the Board with the full support of the Treasurer, Finance Director, the Comptroller and the County Manager.

Commissioner Galloway confirmed the next Joint Meeting would be on April 30, 2004. He reported on the meetings of the Tahoe Regional Planning Agency, and he requested coverage for the Regional Plan Update Committee due to the conflict with the Joint Meeting.

Commissioner Weber noted there could be a conflict with the date of the Joint Meeting on April 30, 2004 due to the Republican State Convention being held in Reno on the same day.

Chairman Shaw acknowledged the work of the Board and thanked them for a well-run meeting.

* * * * *

There being no further business to come before the Board, the meeting adjourned at 9:45 p.m.

JAMES M. SHAW, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Lori Rowe, Deputy County Clerk*