

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

MAY 25, 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:

04-476 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Shaw ordered that the agenda for the May 25, 2004 meeting be approved with the following changes: Delete Item 9, Tentative Budgets, as well as possible adoption of the Final Budgets.

***2:15 p.m.** Commissioner Sferrazza arrived at the meeting during public comment.

04-477 PUBLIC COMMENTS

Guy Felton, publisher of www.reno.reno.com, read a handout where he stated public officials lie by not answering questions about the public's business and he asked questions about the Northern Nevada Network and NRS 241.010.

Carter King, local attorney, stated he is concerned that Jack Alian seems to have a contract for life for Washoe County conflict cases. He said that neither he nor Marty Weiner had received a copy of the letter Judge Hardesty sent. Mr. King said he understood the letter mentioned a review of the Conflict Contract with Jack Alian; it did not mention that anyone else had a chance to get the contract or could talk with Judge Hardesty about having a better idea. He believes the contract should be open for bids. Mr. King said he felt the contract should require a separate fund for investigation and other ancillary expenses that would remain in the fund if not used or would revert to the County. He said he felt the way it is currently done creates a conflict of interest in

incurring ancillary expenses, because if the money is not spent, it stays in the Conflict Counsel's pocket and is a disincentive to provide adequate representation.

Sam Dehne, local citizen, said he has made 2,487 appearances before the Commission.

Al Hesson, local citizen, said reservists are joining the service for the wrong reasons and the draft should be reinstated.

MANAGER'S/COMMISSIONERS' COMMENTS

Commissioner Sferrazza requested reconsideration of the Conflict Contract be put back on the agenda, or at least a reconsideration of the three year term, putting the contract out for RFP in one year. He felt the letter Judge Hardesty sent was far from being a RFP, and it did not state there would be discussion about other people bidding on the contract, only that the contract would be reviewed. He stated Mr. King wanted a chance to bid and that never happened.

Commissioner Weber spoke about the success of the North Valley open space cleanup that happened last Saturday and that this effort identified a need for a coalition to work on enforcement issues. She said she was happy to announce the Regional Transportation Commission (RTC) has a new North Valley service connecting Stead, Lemmon Valley, and Golden Valley, which has been grant funded for three years.

Commissioner Galloway announced both he and Chairman Shaw were present for the ground breaking of the Incline Village Library and all had a good time. He would also like to put a reconsideration on the agenda to shorten the Jack Alian contract to one year or make approval conditional on a one year term.

Commissioner Humke announced that he and his wife went to Good Neighbor Day in California and local ranchers told him that they enjoyed their relationships with Washoe County. He said he was keeping an open mind on Commissioner Galloway's motion regarding the Jack Alian contract. He would like to see all of the documentation including Judge Hardesty's letter.

Chairman Shaw said besides the library groundbreaking, he and Commissioner Galloway attended the Library Association's 100-anniversary dinner at the Atlantis last Friday.

Commissioner Sferrazza said he and Commissioner Weber attended a luncheon for Congresswoman Vucanovich where the Governor presented her with an honorary doctorate.

2:32 p.m. Commissioner Humke temporarily left the meeting.

04-478

PROCLAMATION – RECOGNIZING MISS BROOKE SIEM AS NEVADA’S 2004 JUNIOR MISS

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Humke absent, it was ordered that the following Proclamation, which Commissioner Weber read and presented to Miss Siem, be adopted and the Chairman be authorized to execute the same:

PROCLAMATION

WHEREAS, The America’s Junior Miss Scholarship Program is dedicated to emphasizing education by providing scholarship opportunities to outstanding, college-bound, high school girls; and

WHEREAS, The America’s Junior Miss Program contributes more than \$63 million in college scholarships to high school seniors; and

WHEREAS, The Nevada Junior Miss Program is an official preliminary to the America’s Junior Miss Program; and

WHEREAS, The Nevada Junior Miss Program awards numerous scholarships to high school seniors in the State of Nevada; and

WHEREAS, Nevada’s 2004 Junior Miss was named Sunday, January 18, 2004, now, therefore, be it

PROCLAIMED, That the Board of Washoe County Commissioners would like to congratulate Brooke Siem on winning Nevada’s 2004 Junior Miss Program and hereby sends her the Board’s best wishes during this year’s America’s Junior Miss Program.

Brooke Siem thanked the Board and spoke about her experience.

2:36 p.m. Commissioner Humke returned to the meeting.

04-479 PROCLAMATION – DECLARING SALUTE TO SENIORS WEEK JUNE 7-13, 2004

Chairman Shaw read the Proclamation declaring June 7-13, 2004 as “Salute to Seniors Week” into the record.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following Proclamation be adopted Chairman Shaw be authorized to execute the same:

PROCLAMATION

WHEREAS, The Senior Citizens of Washoe County are an important treasure to our community, setting the tone of our existence by their example of love and compassion; and

WHEREAS, The Senior Citizens of Washoe County have great experience, wisdom and judgment to share, having lived through and exposed to the horrors of World Wars and a variety of other military conflicts to include terrifying incidents of personal danger; and

WHEREAS, The Senior Citizens of our County have enjoyed or participated in the development of the advancements of technology, medicine, exploration of our planet and solar system, as well as changes in our economy and body politic; and

WHEREAS, The Senior Citizens of Washoe County have personally sacrificed their time, talents and financial resources in support of numerous programs advancing the less fortunate, beautifying our cities and houses of worship, and given birth to and raised families that have served to benefit our communities; and

WHEREAS, We desire to make it known to all Senior Citizens of Washoe County, as benefactors of their contributions to the wonderful lifestyle we all enjoy, that they are appreciated; now, therefore, be it

PROCLAIMED, By the Board of Washoe County Commissioners that they support the "Salute to Seniors" program organized and hosted by the Rotary Club of Reno, as well as other local sponsoring Rotary Clubs, and hereby proclaim June 7-13, 2004 as "Salute to Seniors Week" in Washoe County, Nevada.

04-480 MINUTES

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the minutes of the January 27, 2004 meeting be approved.

04-481 PURCHASE ORDER - UCLA CENTER FOR PUBLIC HEALTH AND DISASTERS - DISTRICT HEALTH

Upon recommendation of Pamela Fine, Health Analyst, through Eileen Coulombe, Administrative Health Services, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the purchase requisition #1000003059 to UCLA Center for Public Health and Disasters, for contractual services for a mass illness plan and tabletop exercise, funded by the Public Health Preparedness Grant #10024 on behalf of the Administrative Health

Services Division of the District Health Department in the amount of \$75,000 be approved.

**04-482 SIERRA ROCK PARK MASTER PLAN - COLD SPRINGS -
PARKS AND RECREATION**

Chairman Shaw took this opportunity to thank Robert Lissner and Lifestyle Homes for being instrumental in the Master Plan for the Sierra Rock Park and for all they do in making Cold Springs a very nice area in which to live.

Upon recommendation of Doug Dolittle, Assistant Director, through Karen Mullen, Parks and Recreation Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the Master Plan for Sierra Rock Park in Cold Springs be approved and the start of construction in 2004 be authorized. It was noted that Washoe County Parks staff would begin regular on-going maintenance in the spring of 2005.

**04-483 MEMORANDUM OF UNDERSTANDING (MOU) – NEVADA
ASSOCIATION OF COUNTIES (NACO) - COMMUNITY
RELATIONS**

Commissioner Sferrazza asked if the Memorandum of Understanding (MOU) was being approved as provided or had it been modified. Madelyn Shipman, Legal Counsel, replied that Maureen Griswold, Deputy District Attorney, had reviewed and modified it, but everyone agrees with the current language. She had received written confirmation from the Reno-Sparks Convention and Visitors Authority (RSCVA) on one of the open-ended issues and believed that the changes were discussed with Nevada Association of Counties (NACO).

Kathy Carter, Community Relations Director, clarified the MOU came from NACO and none of the language had been modified. She explained the only modification was to the cover memo she drafted to Ms. Shipman explaining the MOU was a guideline to use for planning the conference and that Ms. Griswold stated the County did not have any legal obligation to fulfill that MOU.

Upon recommendation of Ms. Carter, through Katy Singlaub, County Manager, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that the MOU between NACO and Washoe County concerning the responsibilities for the planning and implementation of the 2010 NACO Annual Conference be approved and Chairman Shaw be authorized to execute the same upon presentation.

04-484

**WESTLAW SUBSCRIBER AGREEMENT – LEGAL RESEARCH
REQUIREMENTS – SECOND JUDICIAL DISTRICT COURT**

Upon recommendation of Ron Longtin, District Court Administrator and Clerk of the Court, Second Judicial District, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the West Subscriber Agreement between Washoe County (Second Judicial District Court) and West, a Thomson business regarding Westlaw, concerning continuing legal research requirements of the Second Judicial District Court for the period of July 1, 2004 through June 30, 2007 in the amount of \$26,400 for the first year, \$27,456 for the second year, and \$28,856 for the third year, be approved and the District Court Administrator be authorized to execute the agreement as the Subscriber.

04-485

**AGREEMENT - LUIS PALAU EVANGELISTIC ASSOCIATION,
DBA RENO FESTIVAL SECURITY CONTRACT - SHERIFF**

Upon recommendation of Michael Gross, Sergeant, Sheriff's Office, through Sheriff Dennis Balaam, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that the contract between Washoe County, Washoe County Sheriff, and the Luis Palau Evangelistic Association, dba Reno Festival, for the festival June 11-12, 2004 to provide three uniformed Deputy Sheriffs for security at Rancho San Rafael Park be approved and Chairman Shaw be authorized to execute the same.

04-486

**AGREEMENT - SPECIALIZED SECRETARIAL SERVICES -
WASHOE COUNTY CITIZEN ADVISORY BOARDS-
COMMUNITY DEVELOPMENT**

Upon recommendation of Bob Webb, Community Development Planning Manager, through Adrian Freund, Community Development Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Independent Contractor Agreement between Washoe County and Allayne Donnelly-Everett dba Specialized Secretarial Services to provide recording secretarial services to Washoe County Citizen Advisory Boards for Fiscal Year 2004/05 in the amount of \$63,960 be approved and Chairman Shaw be authorized to execute the same.

04-487

**AGREEMENT EXTENSION – OPHIR LAKES SUBDIVISION -
COMMUNITY DEVELOPMENT**

Upon recommendation of Sharon Kvas, Community Development Planning Manager, through Adrian Freund, Community Development Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Ophir Lakes Subdivision (Casey Ranch aka Winters Ranch) Agreement request for an additional one year extension (to June 1, 2005) of the

June 8, 1999 Agreement be approved and Chairman Shaw be authorized to execute the same.

04-488 AWARD OF BID – GUIDENBY INC. - REMODEL WASHOE COUNTY GOLF COURSE RESTROOMS – PUBLIC WORKS

This was the time to consider award of the bid for remodeling the Washoe County Golf Course Restrooms project for the Public Works Department.

The following bids were received in response to an informal bid solicitation:

F. Evans Construction
Christman Construction
GuiDenby Inc.

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that the bid for the Washoe County Golf Course Restroom Remodel project be awarded to the low, responsive, responsible bidder, GuiDenby Inc., in the amount of \$56,330 and that Chairman Shaw be authorized to execute the contract documents upon presentation.

04-489 AWARD OF BID – POWERCOMM SOLUTIONS – ONE SOUTH SIERRA PANIC ALARM SYSTEM – PUBLIC WORKS

This was the time to consider award of the bid for the “One South Sierra Panic Alarm System” project for the Public Works Department.

The following bids were received in response to an informal bid solicitation:

Mustang Alarm Services
PowerComm Solutions

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that the bid for the “One South Sierra Panic Alarm System” project be awarded to the low, responsive, responsible bidder, PowerComm Solutions, in the amount of \$36,592 and that Chairman Shaw be authorized to execute the contract documents upon presentation.

04-490

FIRST AMENDED AGREEMENT - WASHOE COUNTY, CITY OF RENO, AND CITY OF SPARKS - NATIONAL POLLUTANT DISCHARGE ELIMINATION STORM WATER PERMIT IMPLEMENTATION - PUBLIC WORKS

Upon recommendation of Kimble Corbridge, Engineering Division, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that the First Amended Agreement between the County of Washoe, City of Reno, and City of Sparks regarding the National Pollutant Discharge Elimination Storm Water Permit Implementation be approved and Chairman Shaw be authorized to execute the same. It was noted each entity is to pay an equal share of the cost with the Washoe County portion estimated at \$20,000.

04-491

AWARD OF BID – #2429-04 – ENVIRONMENTAL SCIENCE CORP. – REMEDIATION DISTRICT WATER TESTING AND ANALYTICAL REVIEW – PURCHASING

This was the time to consider award of bid for construction of the Remediation District Water Testing and Analytical Review project on behalf of the Department of Water Resources. The Notice to Bidders for receipt of sealed bids was published in the *Reno-Gazette Journal* on March 19, 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:

Environmental Sciences Corporation
Great Basin Environmental
Weck Laboratory Inc.



Upon recommendation of Richard Williams, Buyer, Purchasing Department, through John Balentine, Purchasing and Contracts Administrator, and Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that Bid No. 2429-04 for the Remediation District Water Testing and Analytical Review project be awarded to the low bidder, Environmental Science Corp., in the estimated amount of \$50,000 for one year with Washoe County having the option to utilize the agreement for one additional year, and that the Purchasing Contract Administrator be authorized to execute the same upon presentation.

04-492

AWARD OF BID – BID NO. 2437-04 - PRINTING AND MAILING SERVICES - PROPERTY TAX BILL MAILERS - INTRAFORM INC. – PURCHASING

This was the time to consider award of bid for printing and mailing services for Washoe County Property Tax Bill Mailers, on behalf of the Purchasing Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno-Gazette Journal* on April 7, 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:

Intraform Inc.
Moore Wallace North America Inc.



Upon recommendation of Michael Sullens, Purchasing Senior Buyer, through John Balentine, Purchasing and Contracts Administrator, and John Sherman, Finance Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that Bid No. 2437-04, for Printing and Mailing Services for Washoe County Property Tax Bill Mailers, be awarded to Intraform Inc. in the estimated annual amount \$77,000 contingent on a satisfactory printing of a one percent sample billing utilizing County-provided data. In the event the sample billing is not satisfactory, in the sole opinion of the County, the bid shall be awarded to Moore Wallace North America, Inc., the previous vendor of record and the Purchasing and Contracts Administrator be authorized to execute an Agreement with the successful bidder for a one year period with a one single year renewal option.

04-493

AFFIDAVIT OF WAIVER AND CONSENT NO. 13 PEAVINE VIEW ESTATES UNIT 9, SAD 21 - COLD SPRINGS AREA SEWER - WATER RESOURCES

Upon recommendation of Mark Johnson, Environmental Engineer II, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Affidavit of Waiver and Consent No. 13, Peavine View Estates Unit 9, SAD 21, Cold Springs Area Sewer, be approved, Chairman Shaw be authorized to execute the document, and the Water Resources Director be authorized to record the document.

04-494

WATER RIGHTS DEED AND WATER SALE AGREEMENT – PERMIT NO. 69519 - WATER RESOURCES

Upon recommendation of Vahid Behmaram, Water Rights Supervisor, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which

motion duly carried, it was ordered that the following actions be taken concerning the Black Rock City, LLC (Assessor's Parcel Number 066-030-23) Water Rights Deed and corresponding Water Sale Agreement for 4.48 acre-feet from permit number 69519, be approved and the Engineering Manager authorized to record both documents with the County Recorder's office.

1. The attached Water Rights deed and corresponding Water Sale Agreement for 4.48 acre-feet from permit number 69519 be approved.
2. The Chairman be authorized to execute the Water Rights Deed and the Water Sale Agreement.
3. The Engineering Manager be authorized to record both documents with the County Recorders Office.

04-495 CORRECTION OF FACTUAL ERRORS ON TAX ROLLS - ASSESSOR

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

Property Owner	Parcel/ID #	Amount	Roll
Dorothy C. Hearst	028-112-01	[-\$10.34]	2001 Secured
Dorothy C. Hearst	028-112-01	[-\$10.85]	2002 Secured
Dorothy C. Hearst	028-112-01	[-\$10.69]	2003 Secured
Joseph & Helen Farrugia	086-231-08	[-\$408.06]	2003 Supplemental Roll Improvements Only
Jesus T. Go et al.	550-492-22	[-\$180.32]	2003 Secured
Darrel D. Dillard et al.	550-492-23	[-\$193.67]	2003 Secured
Darryl E. Howcroft et al	550-492-24	[-\$193.67]	2003 Secured
Stephen C. & Louisa W. Higley	550-492-25	[-\$193.67]	2003 Secured
Barker-Coleman Const LLC	550-492-26	[-\$162.27]	2003 Secured
Daniel D. & Judy L. Magrum	552-084-04	[-\$30.07]	2003 Supplemental Roll Improvements Only

04-496

AWARD OF BID - A & K EARTH MOVERS, INC. - SPANISH SPRINGS WATER SYSTEM IMPROVEMENTS, NORTHEAST TRANSMISSION PHASE 1A – WATER RESOURCES

This was the time to consider award of bid for construction of the Spanish Springs Water System Improvements, Northeast Transmission Main Phase 1A, on behalf of the Department of Water Resources. The Notice to Bidders for receipt of sealed bids was published in the *Reno-Gazette Journal* on April 15, 16, 17, and 21, 2004. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

- Canyon Creek Construction, Inc.
- Schauer Excavation
- A & K Earth Movers, Inc.
- Rapid Construction, Inc.
- Mike’s Trenching, Inc.



Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the bid for the Spanish Springs Water System Improvements, Northeast Transmission Main Phase 1A, for the Water Resources Department be awarded to the lowest, responsive, responsible bidder, A & K Earth Movers, Inc., in the amount of \$597,590 and that Chairman Shaw be authorized to execute the contract upon receipt. It was further ordered that the Engineering Manager be authorized to issue the Notices to Proceed.

04-497

RESOLUTION - AUGMENT EQUIPMENT SERVICES FUND (6069) – PUBLIC WORKS

Upon recommendation of Jean Ely, General Services Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Shaw be authorized to execute the same:

RESOLUTION

A RESOLUTION TO AUGMENT EQUIPMENT SERVICES

(FUND 6069)

WHEREAS, The Equipment Services Fund purchased vehicles and equipment in the 2002-03 fiscal year, and certain vehicles/equipment were not delivered and paid for until the current 2003-04 fiscal year; and

WHEREAS, The Equipment Services Division is in need of funding to restore its original purchasing authority to its full purchasing potential so as to complete its scheduled replacement of vehicles/equipment in the 2003-04 fiscal year; and

WHEREAS, The Equipment Services Fund (6069) has sufficient resources available from retained earnings to allow for appropriation authority adjustments necessary to fund these expenditures; now, therefore, be it

RESOLVED, That the Washoe County Board of Commissioners requests the Equipment Services Fund be augmented as follows:

Section 1).

Decrease Retained Earnings

6069-300019 Unreserved; Undersigned \$318,634.00

Increase Capital

ES690102 Equipment Greater Than \$10,000 \$318,634.00

Section 2). This Resolution shall be effective on passage and approval by the Board of County Commissioners.

Section 3). The County Clerk is hereby directed to distribute copies of this Resolution to the Comptroller's Office, Equipment Services Division, Manager's Office and Finance Division.

04-498 AWARD OF BID – FOUR NEW 63,000# GVWR TRANSFER TRUCKS - BID NO. 2434-04 – PURCHASING

This was the time to consider award of bid for four new 63,000# GVWR Transfer Trucks for the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on April 2, 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:

Silver State International
Worthen Kenworth

Upon recommendation of Michael Sullens, Senior Buyer, through John Balentine, Purchasing and Contracts Administrator, and Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that Bid No. 2434-04 for four new 63,000# GVWR Transfer Trucks for the Public Works Department be awarded to the lowest bidder, Silver State International, in the amount of \$782,998 with an option to procure additional units through June 30, 2005 provided there is no increase in pricing.

04-499 AWARD OF BID – TWO 35,000# GVWR HOOK LIFT TRUCKS -
BID NO. 2431-04 – PURCHASING

This was the time to consider award of bid for two new 35,000# GVWR Hook Lift Trucks for the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on March 24, 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:

Sierra Freightliner
Silver State International

Upon recommendation of Michael Sullens, Senior Buyer, through John Balentine, Purchasing and Contracts Administrator, and Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Bid No. 2431-04 for two new 35,000# GVWR Hook Lift Trucks for the Public Works Department be awarded to the low bidder, Sierra Freightliner, in the amount of \$229,814.

04-500 AWARD OF BID – SPECIAL ASSESSMENT DISTRICT (SAD) NO.
36 - EVERGREEN HILLS DRIVE ROAD IMPROVEMENTS -
PUBLIC WORKS

This was the time to consider award of bid for Special Assessment District (SAD) No. 36, Evergreen Hills Drive Road Improvements project, for the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on April 21 and 28, 2004. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

Petersen Construction, Inc.
A & K Earthmovers
W.E.S. Construction

Upon recommendation of David Price, County Engineer, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that the bid for Special Assessment District (SAD) No. 36, Evergreen Hills Drive Road Improvements project, for the Public Works Department be awarded to the lowest, responsive, responsible bidder, Petersen Construction, Inc., in the amount of \$266,532.90. It was further ordered that Chairman Shaw be authorized to execute the contract documents upon presentation.

04-501

**PROFESSIONAL SERVICES AGREEMENT – SUMMIT
ENGINEERING CORPORATION – PUBLIC WORKS**

Upon recommendation of David Price, County Engineer, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Professional Services Agreement between the County of Washoe and Summit Engineering Corporation concerning Surveying, Record of Survey Maps Preparation, Testing, for Special Assessment District (SAD) No. 36, Evergreen Hills Drive Road Improvements in the amount of \$28,919 be approved and that Chairman Shaw be authorized to execute the same.

04-502

PRESENTATION – DOMESTIC WELLS – WATER RESOURCES

Dan Dragon, Hydrogeology Program Manager, responded to citizen comments made at the April 20, 2004 meeting. The main issue from that meeting was that domestic well owners were being denied the right to deepen or redrill a failing well. From the comments made it seemed that a homeowner was being denied having a water supply to his home, but that was not the case. The State Engineer issues a waiver to deepen or drill a domestic well based upon whether or not there is a municipal supply available at a reasonable cost.

Mr. Dragon then provided the details of the domestic well failures in the Caughlin Ranch area, which had been addressed specifically in the comments. People who have had a domestic well fail are required by the State Engineer to get a letter from the nearest water provider estimating the hookup cost, which the State Engineer uses as a basis for his decision. He then discussed the Heppner subdivision in north Lemmon Valley where water lines are being extended on two streets at the request of homeowners.

The next issue was where the problem areas for domestic wells are and Mr. Dragon addressed this in a visual presentation. One area he touched on was the Heppner subdivision where 160 wells out of 500 have failed since 1984. Another failure area was Golden Valley where an artificial recharge project is trying to raise the water table. Additionally, there is no municipal pumping in East Washoe City or Verdi but there have been a lot of well failures. Mr. Dragon stated the accuracy of the map presented has an 80% match rate to the parcels numbers, but is still a good representation of what is happening with the domestic wells in the area.

Mr. Dragon said the final issue was getting the State Engineer to make a statement of reasonable drawdown or a number, but he believed the State Engineer looks at everything on a case-by-case basis.

Hugh Ricci, State Engineer, provided the history of Nevada domestic well statutes and how the flow rates have changed since the 1939 Legislature passed the Comprehensive Groundwater Law, and he provided a comparison with neighboring states. Mr. Ricci then explained Chapter 534.120 that allows the State Engineer, where

there are designated basins, to review allowing the drilling of a domestic well where there is a nearby municipality or water purveyor. He stated the review looks at the cost of someone redrilling a well or drilling a new well compared to the cost of connecting to a water service, if available.

Mr. Ricci stated in the past water rights were a part of the drilling cost of a domestic well and the rights were getting more and more expensive. A 1993 provision allowed for a domestic well credit, which allowed someone whose domestic well had failed not to have to buy a water right. This provision was in affect for the Lemmon Valley, Golden Valley, and South Truckee Meadows including the north side of Highway 395 and the south side of the Callahan Ranch area. To date, Mr. Ricci was not aware of any waver denials in the Callahan Ranch area.

Commissioner Galloway said he has been told in many cases that the cost of hooking up is less than the cost of deepening a well. Mr. Ricci said this was true in some instances and this was one of the issues they look at by obtaining an estimate from the utility company and from a driller for deepening or replacing the well.

Commissioner Galloway commented on the perception that well failures were due to utility systems pumping water but in fact may be due to the number of domestic wells pumping water. Mr. Ricci replied all of these things are looked at, including rain patterns over the years. He related the effects of the drought were similar all over the state and the only difference was the magnitude of the water level rise and decline. He added pumping adds stresses, as does the condition of the well. All of these factors together cause drawdown.

Commissioner Humke had three main questions:

1. Are estimates of the cost of drill down versus connecting to municipal service done for every ground water basin? Mr. Ricci said it is done on an individual case-by-case basis.
2. Do you contact the main drillers to find out if they have been in that area and what the cost would be? Mr. Ricci replied the well driller provides a cost per linear foot and they will also look at if they want to drill deeper than required.
3. Are there interbasin transfer applications pending in the South Washoe Valley, Lemmon Valley, Pleasant Valley, and other basins; and as a policy matter, would interbasin transfers be granted out of those already stressed basins? Mr. Ricci replied he was not aware of any pending applications and he is obligated to accept an application and perform a review following established criteria to change or appropriate water:

- a. Is the water available?
- b. Would it impact existing rights?
- c. Would it be detrimental to the public interest?
- d. And, since 1993, would it affect the protectable interest of domestic wells?

The Legislature also placed some interbasin transfer criteria on review of those types of applications.

- a. Was there a need of the water where it was going?
- b. Does it have a detrimental effect on future development in the area in which the water was coming from?
- c. Was it environmentally sound?
- d. Does the area from which the water was being exported have a conservation plan and was it effective?
- e. Is there any other relevant information?

Chairman Shaw asked if a letter was received and denied was there an appeal process. Mr. Ricci replied the appeal was through the judicial process unless something was left out of the initial letter that could affect the decision.

Commissioner Sferrazza questioned the size of the parcel that could be denied and how is it known whether someone was exceeding the allowed 1,800 gallons per day? Mr. Ricci stated the Nevada Statutes did not have any limitations. Commissioner Sferrazza then asked what happens if the zoning exceeded the water available in a basin and is there any legal authority to not permit domestic wells. Mr. Ricci replied that could happen someday. He said for example, the parcel was bought 30 years ago and now all of the allocation was gone, so no well could be drilled. Someday it may have to be determined, in this whole process, where the domestic well fits within the prior appropriation doctrine. Would it be when the parcel was created, the first well was drilled, or the first time water was used, because this had never been addressed.

Commissioner Sferrazza asked when Lemmon Valley became a closed basin and was it closed to parceling but not closed to anyone who had an existing parcel or totally closed. Mr. Ricci replied that the State Engineer at that time called for Proofs of Beneficial Use on all of the permits that were established and that became the limit of that right and those permits exceeded the amount of water available without counting 500 existing wells.

Commissioner Sferrazza inquired if a person was hooked up, do they still have a right to drill a domestic well. Mr. Ricci replied if they were hooked up to a utility, the well would be for something other than domestic use and would require a permit.

Commissioner Weber asked if some cases were denied because a waterline was being put in. Mr. Ricci informed her they would not be denied if the water line would not be available for two years. But, if the waterline was going to be available

next week and there was enough water in the well to last, there might be a different view, but in no case would someone ever be left without water. Commissioner Weber then asked how hardship cases were processed; and Mr. Ricci replied they look at the circumstances behind the request, ask as many questions as needed, and then make a decision.

Commissioner Humke asked if any permits had been granted for municipal wells in areas where domestic wells had gone dry or were there any pending applications. Mr. Ricci replied there are no new permits, the only way additional water would be available for municipal use would be through conversion from some other use, such as irrigation. In conjunction with other protections, there is a Notice Provision which requires the applicant to send certified letters to all domestic well owners within a 2,500 foot radius if the well is for municipal or industrial use and will withdraw more than half a cubic foot per second. The applicant is then required to submit the certified letter receipts to the State Engineer, who looks at historical drawdowns and the impact of moving the water versus leaving it where it is. There is a requirement to put on applications that pumping is prohibited if it shows an unreasonable lowering of a domestic well unless it was mitigated prior to the issuance of the permit.

Commissioner Galloway said he understood that there would be no more subdivisions in Lemmon Valley. He asked if existing parcels could have a well and Mr. Ricci replied yes. Commissioner Galloway also asked if it was more efficient to have one municipal well go deep rather than hundreds of separate wells. Mr. Ricci replied yes and it was definitely more manageable. He said spread out wells drop water pressure throughout the area with the deepest drop in the middle.

Commissioner Sferrazza wanted verification that no permit was needed for domestic wells. Mr. Ricci replied domestic well drilling requires the filing of a well driller's log within a certain period of time after the well was drilled. Also, the Washoe County Health Department requires that the separation between the septic tank and the domestic well meet specific criteria.

Commissioner Sferrazza asked if Lemmon Valley was a legally closed basin where you could not divide property and drill wells or was a closed basin just a common expression. Mr. Ricci replied that it was an administrative act by a previous State Engineer that no additional water rights would be granted out there, but people with existing parcels could still drill. It would take another action for already approved parcels to be denied the right to drill a domestic well. Mr. Ricci also stated that the South Truckee Meadows has more parcels available than there was water.

Later in the meeting the Board agreed to reopen this item for another speaker. Robert Cameron, local resident, expressed his concern, not that someone would be denied water, but that they would not be allowed to go the cheapest route. He stated the cost of hookup might be less than drilling, but then you are hooked up to a system where you have to pay every month. He stated there are a number of things to be considered and this was why the data center was so important.

BILL NO. 1421 - AMENDING WCC CHAPTER 110, TAHOE AREA TO INCLUDE HISTORIC SITE OVERLAY

Commissioner Sferrazza asked if it was discretionary as to whether there was an appropriate use other than those permitted in the underlying regulatory zone. Sharon Kvas, Community Development Planning Manager, replied it was a discretionary approval by the Director of Community Development. She stated the operations and parking plans for the property would be examined to see if they were compatible with the neighborhood. The decisions for or against would be subject to appeal to the Board of Adjustment and ultimately through the Board of County Commissioners.

Commissioner Sferrazza stated the amendment allows for almost any type of non-permitted use, which the neighbors may not even know about. He would like to have language added that notifies neighbors within a reasonable proximity.

Commissioner Galloway suggested that it be introduced with the understanding that staff include the same notice to neighbors as required for a special use permit. Ms. Kvas replied that distance was 750 feet.

Bill No. 1421, entitled, "**AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, ARTICLE 220, TAHOE AREA, TO PRESERVE BUILDINGS AND SITES WHICH HAVE BEEN LISTED ON A NATIONAL OR STATE REGISTRY OF HISTORIC PLACES AND TO PROVIDE FOR APPROPRIATE USES OTHER THAN THOSE PERMITTED IN THE UNDERLYING REGULATORY ZONE AS AN AID TO THE OWNERS' EFFORTS TO PRESERVE THE HISTORIC OR LANDMARK VALUE OF THE PROPERTY, TO PROVIDE FOR AN OPERATIONS PLAN THAT ASSURES APPROPRIATE PARKING IS PROVIDED, THAT ALLOW USES ON THE PROPERTY WHICH ARE COMPATIBLE WITH THE ADJACENT NEIGHBORHOODS AND WHICH ASSURES THAT MODIFICATIONS MADE TO THE STRUCTURE(S) OR SITE DO NOT COMPROMISE THE HISTORIC SIGNIFICANCE OF THE PROPERTY'S STRUCTURES OR SITE, PROVIDING NOTICE AND APPEAL OF THE DIRECTOR'S DETERMINATION, AND OTHER MATTERS PROPERLY RELATING THERETO,**" was introduced as amended by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

4:00 p.m. The Board recessed.

4:29 p.m. The meeting reconvened with all members present.

PRESUMED PUBLIC ROADS - PUBLIC WORKS/COMMUNITY DEVELOPMENT/DISTRICT ATTORNEY

Rod Savini, Deputy Public Works Director, presented the staff report on presumed public roads. The report provided the definition of presumed public roads, the existing State law pertaining to a change in status, the existing County review process, the status of existing easements that currently provide access, and direction for possible actions, along with an addendum to the report that outlined the County's response to gates and fences.

Phil Bender, Washoe County Backcountry Coalition, read his paper on presumed public roads, a copy of which was given to the Board and placed on file with the Clerk. He stated the coalition recommended that the staff report, dated May 24, 2004, and Commissioner Galloway's draft policy be merged where appropriate.

Commissioner Galloway asked Mr. Bender if the plan he referenced in the second sentence of his handout contained everything or were they working on other items to be presented to the Board. Mr. Bender stated they had made some previous submissions and they would be included in the plan. Commissioner Galloway asked Mr. Bender to keep the Board informed about any other road obstructions that appear.

Commissioner Sferrazza stated NRS 405.195 gives a resident the right to petition the Board to determine if a road is a public road, but it does require five or more residents to petition. He believes having the Board act in a judicial capacity to make that determination would be the most expeditious way to handle it, and it would be cheaper than going into a quiet title action with the Court. Commissioner Sferrazza asked if this would be something Mr. Bender's group would be willing to do. Mr. Bender responded that unfortunately there was another statute in the NRS that exempts that from happening if the County's population exceeds 100,000.

Madelyn Shipman, Legal Counsel, stated the statute Mr. Bender referenced does not apply. Chapter 405, which includes 2477 Roads does allow for petition by citizens to have the road adjudicated.

Mr. Bender responded he had a letter from three to four years ago from the County Recorder that said the petition process could not be used in a county with a population over 100,000 and that Chapter 403 superceded Chapter 405 in those counties.

Gary Schmidt, Washoe County resident, said he supported the staff recommendation of adding 30 or so easements and trails that were not on the County map or of creating a second map for easements and trails. There should be an item added under Item D, Policies, which advocates posting signs declaring an easement. He requested the agreement about Joy Lake Road made years ago be reexamined and, if properly advertised, the matter would fill the chambers.

Commissioner Galloway stated he tried to cover all of the issues in his draft policy but agrees it should be merged with the staff report where possible, and he felt the way to go was outlined by the District Attorney's Office. He then proceeded to go over the points from his policy that he felt could be merged and he hoped could be part of the direction to staff.

Commissioner Shaw agreed the staff report and Commissioner Galloway's draft policy be integrated into a policy that made sense to everyone.

Ms. Shipman clarified that NRS 405 does not encompass all the things included in either the draft policy or the staff report. Chapter 405 simply establishes a process where there has been no deed or recordation of ownership as it relates to a road. Where there was a dedicated easement to the County it would not be necessary to go through the process. She felt there may need to be two separate ordinances: one to obtain adjudication or recordation of roads that have not been adjudicated public under NRS 405.191, and the second would be a process to remove obstructions from roads or trails that are actually public roads already owned and recorded by the County.

Commissioner Sferrazza stated his problem was that the County should not allow any dedicated road to be blocked. He stated the Sheriff should go after anyone who blocks a dedicated road. Commissioner Galloway responded by asking under what law, as the Board had not even defined an obstruction. Commissioner Sferrazza said he did not disagree, but the big issue was getting those roads that are ambiguous before the Board to determine whether they were County roads or not. He would like the process changed so it is the Board not the Public Works Director that makes the determination whether there is sufficient documentation to hold a public hearing or not. Commissioner Galloway clarified that it would come to the Board in the form of a recommendation by the Director to which Commissioner Sferrazza replied that was fine as long as it came before the Board.

Ms. Shipman reminded the Board that a declaration of a road under the Chapter 405 process did not make it a County road. She stated the County did not have ownership, liability, or maintenance responsibility for those roads unless the Board chose affirmatively to do that. The Board should not be referring to the roads as County roads, but as public roads.

Ms. Shipman stated the issues of obstruction by harassment would not be appropriate in a road ordinance. She believed if obstruction by harassment is occurring today where the County has a legal interest in the property, the Sheriff has full authority to address it under whatever law addresses harassment on public property, but signage could be put in as an obstruction.

Commissioner Galloway had an issue with the obstruction by harassment because he did not know how the Sheriff would know that the road being blocked by an individual was a public road, and they may never have access to the public road information. He stated the Board would have that information and would like to have

some way of deterring anyone from blocking the road or at least deter it from being done a second time. He felt there was a need for a process as well as an ordinance.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that a progress report from staff be presented to the Board within 45 days.

04-505 VERDI WATER SERVICE AREA LITIGATION - DISTRICT ATTORNEY

Madelyn Shipman, Legal Counsel, stated there had been discussions, at Judge Hardesty's request, as part of the water service litigation; and the Board had been provided with copies of the transcript. She then went on to discuss the areas he referred to in the transcript that were wholesale agreements never brought forward or discussed and which would not be issues for litigation.

Ms. Shipman stated the Regional Planning Governing Board and Truckee Meadows Water Authority had both voted to participate, but limited in scope to the Verdi water issue. She said Sparks will not be voting until at least June 14, 2004 and may not vote at all depending on the action of the Board; while Reno votes tomorrow. She stated the Sun Valley General Improvement District voted to have the Court rule on the motion but not engage in settlement discussions, but they reserved the right to revisit the issue on Thursday night depending on what the Board action is today. There is a status conference on June 2 at 4:00 p.m. to come back with what the Boards have done.

Ms. Shipman reminded the Board that the motion currently before the Court was to enforce the settlement agreement that requires the mutual cooperation and the provision of water service between the parties and a motion to find the County in breach of the implied covenant of good faith and fair dealing. She explained the specific reference from the property owners was not to find the Board in bad faith but to find County staff in bad faith for not providing the Board with the proper information needed to make a decision.

Ms. Shipman stated she would not give the Board a recommendation, but had concerns about what the court was requesting, especially given that there has been no identification by any party to the County as to what the issues were that might be addressed by the settlement discussion. She also had concerns that there were no parameters being placed upon what the scope of the discussion might be other than the fact that at least two entities said they only wanted to talk about Verdi water.

Ms. Shipman informed the Board she had received motions this morning, which were not properly served, for the intervention of Lifestyle Homes and Pioneer Parkway Holding Company. The motions stated the broader issues were of real importance to them and they would like to be part of the settlement discussions. Staff believes there was an attempt to have a group renegotiation of the 1996 agreement between the County and Truckee Meadows Water Authority only.

Commissioner Galloway asked Legal Counsel who made the motion for enforcement. Ms. Shipman replied the ten Verdi parcels that were annexed into the City of Reno. Commissioner Galloway and Ms. Shipman then further discussed this issue with Commissioner Galloway concluding that everything that was not addressed in the settlement remained the same, including the 1996 agreement. He had never contemplated the references to water issues meant anything other than who was supposed to provide water in that area, in this case Washoe County.

Chairman Shaw stated that the allegation of bad faith was a real difficult pill for to swallow. He agreed with Commissioner Galloway that these concerns related to the 1996 agreement and the service area, and he did not feel it needed to be pursued any further.

Commissioner Sferrazza said it was his understanding that there was no lawsuit pending as to who was the proper service provider, and this was simply a backhanded attempt to reach that issue. He asked Ms. Shipman if the Verdi property owners were party to the original litigation, and Ms. Shipman replied they intervened in the Regional Plan Update lawsuit that the Board filed to protect their interest under the Regional Plan and then requested that their Verdi case, which was a separate case, be settled under the auspices of the Regional Plan.

Commissioner Sferrazza said he agreed with Commissioner Galloway that the Board had never agreed to regulate who the proper provider of water service would be. He firmly believed the County had the right to make that decision, which was done by a vote of the Commission, and the vote should be the determining factor. The Board had an absolute right to uphold that vote, and he thinks the only issue was good or bad faith. Commissioner Sferrazza believed that the County had acted in good faith and was ready to provide water service. He welcomed negotiations on the issue of good faith, but beyond that the County should not participate in any settlement negotiation.

Commissioner Weber believed that Judge Hardesty knew the case and the Board needs to let him make his ruling, which he has indicated will be available the first week of June.

Commissioner Humke agreed with the remarks made by Commissioner Weber and Commissioner Galloway and would urge the court to make a ruling on bad faith. He felt a ruling on the 1996 State Statue service areas was clearly inappropriate for the Court in this matter.

Commissioner Galloway stated the lack of decision was encouraging the domino effect of confusion, additional motions, and possible pressures on property owners to take sides in a matter that was already settled in the 1996 agreement. Also, he stated the Board needed to clear its name, not negotiate that. He believed the Court needed to make a decision because the record was clear that these property owners or their representatives had never asked the County to provide water services. If this was

Washoe County water service territory, and it was, then the County would provide service.

On motion by Commissioner Weber, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that Legal Counsel be directed to inform the Court that this board respectfully declined the Court's invitation to what was apparently intended as a group renegotiation of the Truckee Meadows Water Authority and Washoe County 1996 Agreement and asks that the pending motion be decided.

04-506 2004/05 WASHOE COUNTY STRATEGIC PLAN – STRATEGIC PLANNING

John Slaughter, Strategic Planning Manager, presented the history and highlights of the 2004/05 Strategic Plan, which included Washoe County Performance Goals and 2004/05 Strategic Plan Task Force Charters. The Performance Goals covered three areas: citizen satisfaction, financial stability, and the workforce; and staff is seeking approval of these goals. He stated the goals would be monitored and updates provided throughout the year. Also, he identified eight Strategic Plan Task Force Charters noting each came with a goal that related to citizen participation, preserving natural resources, quality economic development, government efficiency and financial stability.

Mr. Slaughter advised the Board that they would receive written reports every 30 days, and every 90 days they would receive a full update and status report on the implementation on all of the Strategic Plan Task Force Charters.

Commissioner Sferrazza requested a regular District meeting, not with just the Citizen Advisory Boards, but one for all citizens within the district to attend. Katy Singlaub, County Manager, replied that was already being worked on.

Upon recommendation of Mr. Slaughter, through Ms. Singlaub, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the 2004/05 Washoe County Strategic Plan be adopted.

04-507 ORD. NO. 1238 - BILL NO. 1417 – AMENDING WCC CHAPTER 110, DOMESTIC PETS AND LIVESTOCK

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on May 14, 2004 to consider second reading and adoption of Bill No. 1417. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Sharon Kvas, Planning Manager, related there had been several meetings over the last six or eight months where she had worked with a group of people who have very strong ideas on what they wanted regarding animals and livestock in Washoe County.

Commissioner Galloway asked what would happen to these allowed uses if any part of these properties annex into a city. Ms. Kvas said the Development Code is for Washoe County and annexation means dealing with the City of Reno or Sparks Development Code.

Commissioner Sferrazza asked if the number of livestock was being limited. Ms. Kvas responded that once the number was over two, it was unlimited but subject to solid waste management and subject to Washoe County Code Chapter 55, Animals and Fowl, that states the animals must be maintained in a healthful manner that was compatible with the neighborhood.

Commissioner Sferrazza stated that code was always subject to interpretation and, in his case, caused serious neighborhood disputes. Adrian Freund, Community Relations Director, responded that there were very few disputes relating to the number of animals on a lot and any complaints were responded to promptly by the Health Department.

Local residents Lynn Ramsey, Gary Schmidt, Pamela Richcreek, Karen White of Paws for Love Pet Therapy, Vallea Rose, and Bob Valceschini spoke in favor of the ordinance.

Shyvonne Stutes, local resident, spoke against the ordinance because of her concerns with nitrates, the lack of natural filtration in the area, and the effect this could have on her well water. Also, the Health Department told her they do not have the manpower to police the existing amendments much less a new one. Ms. Stutes said the Health Department told her that manure did not have to be hauled away if it was stated it would be used in a garden, and she knew of several addresses with large piles. Ms. Kvas said if Ms Stutes would give her the addresses, they would be investigated.

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

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Humke abstaining, Chairman Shaw ordered that Ordinance No. 1238, Bill No. 1417, entitled, "**AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, ARTICLE 330, DOMESTIC PETS AND LIVESTOCK, TO CLARIFY AND AMALGAMATE ALL REFERENCE TO DOMESTIC PETS AND LIVESTOCK INTO ONE ARTICLE TO ALLOW DOG TRAINING SERVICES AND MINIATURE PIGS UNDER SPECIFIC STANDARDS, TO REDUCE THE ALLOWABLE SIZE OF A LOT FOR MORE THAN TWO**

LIVESTOCK TO 35,000 SQUARE FEET AND TO CLARIFY THE STANDARDS FOR AGRICULTURAL BUILDINGS; TO AMEND ARTICLE 300, REGULATIONS OF USES; TITLE AND CONTENTS, TO RENAME ARTICLE 330; TO AMEND ARTICLE 302, ALLOWED USES, TO ADD DOG TRAINING SERVICES AS AN ALLOWABLE USE IN ALL LAND USE DISTRICTS; TO AMEND ARTICLE 304, USE CLASSIFICATION SYSTEM, TO DEFINE DOG TRAINING SERVICES UNDER ANIMAL SALES AND SERVICES; TO AMEND ARTICLE 306, ACCESSORY USES AND STRUCTURES, TO REMOVE ALL REFERENCE TO ANIMALS AND AGRICULTURAL BUILDINGS; AND TO AMEND ARTICLE 902, DEFINITIONS TO INCLUDE DEFINITIONS FOR DOG TRAINING CENTERS AND DOG TRAINING SERVICES, AGRICULTURAL BUILDINGS, AND OTHER MATTERS PROPERLY RELATING THERETO," be approved, adopted and published in accordance with NRS 244.100.

04-508 REPORTS/UPDATES FROM COUNTY COMMISSIONERS

Commissioner Sferrazza related there was a discussion at the Truckee Meadows Water Authority Board meeting on using an annual average for arsenic in the water, which he opposed, but wanted to alert the Board to this proposal.

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There being no further business to come before the Board, the meeting adjourned at 6:22 p.m.

JAMES M. SHAW, Chairman
Washoe County Commission

ATTEST:

AMY HARVEY, County Clerk

*Minutes Prepared by
Jan Frazzetta, Deputy County Clerk*