

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

JULY 13, 2004

PRESENT:

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

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

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

04-683 WORK CARD PERMIT APPEAL – SHANNON NEIHARDT - SHERIFF

Shannon Neihardt's appeal of the Sheriff's denial of her work card permit application was considered on Monday, July 12, 2004 prior to the Caucus meeting in the Commission Caucus Room, 1001 East Ninth Street, Second Floor, Reno, Nevada, with Commissioners Shaw, Sferrazza, Galloway, and Weber present.

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

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

On motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried with Commissioner Humke absent, the Board ordered that the appeal be approved and that the work card permit be granted to Shannon Niehardt with the following conditions:

1. Ms. Niehardt must submit to bi-weekly random alcohol/drug tests for three months, after which the Board will hold a review to determine if

the Board wants to extend the testing for three additional months. Any positive test would result in the revocation of the permit.

2. All of the parents of the children Ms. Neihardt would be caring for would be notified so they would be aware of her background and sign off on it.
3. Child Protective Services is to conduct random visits to Ms. Neihardt's home to make sure she is still caring for her children.

04-684 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the agenda for the July 13, 2004 meeting be approved with the following changes: **Delete** Item 6D1 - Naming Young People's Area of new Incline Village Library the "Norman Rosenberg Young People's Library, 6I1 - Historical Review of Washoe County Deferred Compensation 457 Plan, Providers and Committee Activities, and 16 - Reno-Sparks Convention and Visitor's Authority Room Tax Collection; **Amend** 6D7 - Addendum issued to change the language; and **Change** 6P - "25 vK" to "25 kV".

04-685 PUBLIC COMMENTS

Robert Cashell, City of Reno Mayor, said he was surprised after yesterday's joint meeting to hear the County wanted to draft legislation on Cold Springs and the Regional Plan, and he felt three hours was wasted yesterday. The problems need to be discussed so they can be worked out or the entities should consolidate. He said 60 plus percent of the people desired consolidation, and it has been proven to work with the Fire Department and Animal Control.

Guy Felton, local resident, said the current system of government is broken because it does not have sufficient checks and balances. He then described the many ways he felt the system was broken. Mr. Felton said legal duels should be restored so offended citizens could call out officials under law.

J. Edward Parker, local resident, stated people are upset with the Regional Plan because the people felt they had no input into the plan. He asked the Board to reconsider adding a three-way signal at Golden View and Pyramid Highway.

Al Hesson, local resident, said President Bush showed a lack of direction after 911, and that two million jobs have been lost while President Bush has been in office.

Sam Dehne, local resident, discussed his view of the local news organizations and why he comes to all of the meetings. He stated he felt Secretary of State Dean Heller controls the voting system.

Gary Schmidt, local resident, spoke on the vote on an appeal to confiscate the right for use of a half-century old highway sign located on private property that has no other potential use. He said the grandfather citations are vague, and there was no opposition voiced by the public, only support for continued use of the sign. He requested this be put on a future agenda for reconsideration. Mr. Schmidt said new County BOE members have been sworn in without being told about existing litigation, which should be rectified.

Sharon Zadra, Reno City Council member, said yesterday it was agreed the County and the City of Reno would work together on growth issues; but no reference was made to today's BCC agenda and the serious ballot issues being considered. She felt quarterly joint meetings do not give the City and the County much time to work together. Ms. Zadra said 60 plus percent of citizens voted in favor of consolidated government, which starts with open and honest communication.

Robin Palmer, local resident, said she is a member of the Southwest Truckee Meadows Citizen Advisory Board (CAB) and, based on the City of Reno's interactions with the CAB, she does not feel the City really wants to collaborate with the County.

COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS

Commissioner Sferrazza said he had requested three items be on the agenda and none were and this was not the first time this had happened. The rules state no item can be removed from the agenda without the consent of the Commissioner who requested it, and he asked this rule be enforced. For the July 27th meeting he requested an action item concerning appropriating District funds inviting voters to conduct a forum to establish a District Council for District Three. He said he requested items about the purchasing contract and trash pickup in Golden Valley. Commissioner Sferrazza requested items placed on the agenda by a Commissioner are identified as such.

Commissioner Humke said he called Waste Management about a missed garbage pickup, and by the time he placed the call it had already been rectified. He felt Waste Management was making a good faith effort to take care of picking up garbage.

Commissioner Galloway said the staff of the Tahoe Regional Planning Agency had issued the environmental impact report on the shore zone study, and it should be available to the public after the meeting on the 28th.

Katy Singlaub, County Manager, said Commissioner Sferrazza's items will be on the meeting of July 27th and the purchasing contract will on the agenda the first week of August. Ms. Singlaub said she was nominated to be the Chairman of the

Board for the National Innovation Group Association, and she asked the Commissioners to let her know if they have any issues and concerns. She stated she needed to let the Association know her answer by the end of the week.

Commissioner Weber thanked the Cold Springs residents who attended a special meeting on Saturday and the staff members who gave up their Saturday to attend. She also thanked the members of the Reno City Council for meeting with the Board on the Cold Springs issue, and said she takes their comments very seriously. She announced a Town Hall Meeting would be held on August 12, 2004 from 6:00 p.m. to 8:00 p.m. in the Commission Chambers to address the Community Management Plan. She requested an agenda item for an August meeting on the budget of the Mills Lane Justice Center. Commissioner Weber noted that in the Stead area there was a water line breakage under Highway 395 recently, and she commended the Truckee Meadows Water Authority (TMWA) and Lori Williams of TMWA for their updates and communication throughout the serious situation.

04-686 MINUTES

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the minutes of the regular meetings of February 24, March 9, and March 16, 2004 be approved.

**04-687 CANCEL - COMMISSION CAUCUS ON JULY 19, 2004 AND
COMMISSION MEETING ON JULY 20, 2004**

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the regularly scheduled Commission Caucus meeting on July 19, 2004 and the Commission Meeting on July 20, 2004 be canceled and the Clerk be directed to post the notice of cancellation.

04-688 SEXUAL ASSAULT - MEDICAL CARE - PAYMENT

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care and follow-up medical or psychological treatment for 52 sexual assault victims in an amount totaling \$11,130.04 as set forth in a memorandum from Kim Schweickert, Program Assistant CARES/SART, District Attorney's Office, dated June 29, 2004 and placed on file with the Clerk.

**04-689 RESOLUTION – TAX RATES – WASHOE COUNTY ENTITIES –
FY 2004/2005 – FINANCE**

Upon recommendation of Anna Heenan, Senior Fiscal Analyst, through John Sherman, Finance Director, on motion by Commissioner Galloway, seconded by

Commissioner Sferrazza, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Shaw be authorized to execute the same:

**RESOLUTION LEVYING TAX RATES FOR ALL
WASHOE COUNTY ENTITIES FOR THE 2004-2005 FISCAL YEAR**

WHEREAS, the Nevada Tax Commission has certified the combined tax rates for the 2004-2005 fiscal year; and

WHEREAS, the Board of County Commissioners are required, pursuant to NRS 361.460, to levy the tax rates for all local government entities in Washoe County for the fiscal period beginning July 1, 2004, and to designate the number of cents of each \$100 of property levied for each fund; and

WHEREAS, to confirm to the Nevada Department of Taxation the tax rates levied, the Department of Taxation has requested county commissions to adopt the resolution levying the tax rates of all local entities pursuant to NRS 361.460 and forward a copy of the Resolution to the Department;

NOW THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Washoe County, Nevada, hereby levy the tax rates for all local government entities in Washoe County as such rates have been certified by the Nevada Tax Commission;

BE IT FURTHER RESOLVED, that the tax rates for all local government entities in Washoe County for the fiscal year 2004-2005 as certified and levied are shown on the exhibits placed on file with the Clerk; and

BE IT FURTHER RESOLVED, that the tax rate for Washoe County be designated and distributed for each fund as shown on the exhibits placed on file with the Clerk; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby directed to distribute copies of this Resolution along with all attachments to the Nevada Department of Taxation, the Cities of Reno and Sparks, the Truckee Meadows Fire Protection District, the Washoe County Treasurer, the Comptroller, and the Finance Director.

**04-690 RESOLUTION – SHORT-TERM INTERFUND LOAN – PUBLIC
WORKS CONSTRUCTION FUND TO CAPITAL FACILITIES
FUND - FINANCE**

Upon recommendation of Kim Carlson, Senior Fiscal Analyst, through John Sherman, Finance Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, 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 AUTHORIZING AN INTERFUND LOAN – PUBLIC WORKS CONSTRUCTION FUND (4002) TO THE CAPITAL FACILITIES FUND (4089)

WHEREAS, the Public Works Construction Fund of the County (Fund 4002) has sufficient cash resources to finance a short-term interfund loan in an amount not to exceed \$1,300,000 without adversely affecting its cash needs; and

WHEREAS, the Capital Facilities Fund (Fund 4089) is in need of a short-term loan to cover expenses until receipt of ad valorem taxes; and

WHEREAS, the short-term loan will not in any way have an adverse or deleterious effect upon the Public Works Construction Fund (4002) or the Capital Facilities Fund (4089);

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 Comptroller is hereby directed to transfer up to \$1,300,000 from the Public Works Construction Fund (4002) to the Capital Facilities Fund (4089) until ad valorem taxes are received and make appropriate accounting entries.

Section 2. The cash interfund transaction for this loan is as follows:

<u>Public Works Construction Fund (4002)</u>	Debit	Credit
Due from Capital Facilities Fund	\$1,300,000	
Cash		\$1,300,000
<u>Capital Facilities Fund (4089)</u>		
Cash	\$1,300,000	
Due to Public Works Construction Fund		\$1,300,000

Section 3. The term of the interfund loan shall be 60 days, commencing on the day of the first transfer, to be repaid on or before 60 days.

Section 4. The Resolution shall be effective upon passage and approval.

Section 5. The County Clerk is hereby directed to distribute copies of the Resolution to the Department of Taxation and the Comptroller within 30 days.

04-691 ACCEPTANCE OF CASH DONATION – NEW ANIMAL SERVICES CENTER SHELTER FACILITY - ANIMAL SERVICES

Upon recommendation of Jean Ely, General Services Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw

ordered that the donation from Christopher and Denise Farson in the amount of \$20 to Animals Services for use in the new Regional Animal Services Center Shelter Facility be accepted with the gratitude of the Board. It was further ordered that staff be directed to deposit this donation into the Animal Services Fund Account No. 500000-484000.

04-692 ACCEPTANCE OF DONATED BANNER AND CONSTRUCTION PAPER - COMMUNITY EMERGENCY RESPONSE TEAM (CERT) PROGRAM - SHERIFF

Upon recommendation of Jim Lopey, Assistant Sheriff, through Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the donation of the CERT banner and construction paper, valued at \$250, from Berry-Hinckley Industries and Grove Madsen Industries be accepted with the gratitude of the Board.

04-693 ACCEPTANCE OF CASH DONATION – 2004 TRANSFORMING LOCAL GOVERNMENT CONFERENCE - COMMUNITY RELATIONS

Upon recommendation of Kathy Carter, Community Relations Director, through Katy Singlaub, County Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the donation from the University of Nevada, Reno, Small Business Development Center, for the 2004 Transforming Local Government Conference in the amount of \$500 be accepted with the gratitude of the Board. It was further ordered that Finance be directed to make the following account adjustments:

Account	Increase Amount
Revenue: 20214-484000 Operating Contributions and Donations	\$500
Expenditure: 20214-710500 Other Expenses	\$500

04-694 AWARD OF BID – LEMMON DRIVE BIKE PATH - PUBLIC WORKS

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the base bid for the Lemmon Drive Bike Path be awarded to the low, responsive, responsible bidder, Sierra Nevada Construction, Inc., in the amount of \$83,007 and Chairman Shaw be authorized to execute the contract documents upon presentation.

04-695

AWARD OF BID – JANITORIAL SERVICES FOR RENO AND SPARKS BRANCH LIBRARIES – NO. 2423-04 – PUBLIC WORKS

This was the time to consider award of bid for Janitorial Services for the Reno and Sparks Branch Libraries for the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on February 20, 2004. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

F.A.A.D. Janitorial
Qual-Econ U.S.A. Inc
Best Janitorial Services, Inc.

Upon recommendation of Darlene Penny, Buyer, through John Balentine Purchasing and Contracts Administrator, and Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that Bid No. 2423-04 for janitorial services for the Reno and Sparks Branch Libraries in the amount of \$6,087 per month for twelve months for a total of \$73,044 be awarded to the lowest responsive and responsible bidder, F.A.A.D. Janitorial. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute the twelve-month contract with F.A.A.D. Janitorial commencing July 1, 2004 through June 30, 2005 with one two-year renewal option. It was noted that pricing for any renewal agreement shall be subject to renegotiation between F.A.A.D. Janitorial and the Purchasing Department.

04-696

AWARD OF BID – CAN LINERS – NO. 2438-04 - PURCHASING

This was the time to consider award of bid for Can Liners for Washoe County and Joinder Agencies (Douglas County School District, City of Reno, City of Sparks, Douglas County, Washoe County School District, Airport Authority of Washoe County, Churchill County School District, and Reno Sparks Convention & Visitors Authority) for the Purchasing Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on April 15, 2004. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

All American Poly
E- Poly Star Inc
Interboro Packaging Corp
Unipak Corp
Wardley Industrial Inc

Upon recommendation of Darlene Penny, Buyer, through John Balentine Purchasing and Contracts Administrator, on motion by Commissioner Galloway,

seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the bid for Can Liners for Washoe County and Joinder Agencies for FY 2004/2005 be awarded to the following low bidders:

1. All American Poly for bid items 2A, 2B, 5A, 7A and 16; E-Poly Star, Inc. for 3A, 3B, 3C, 9A, 11A, 11B and 15 (two percent, 20 days, Net 30);
2. Interboro for 1A, 1B, 1C, 4A, 4B, 4C, 6A, 6B, 7B, 8A, 8B, 10, 12, 13 and 14;
3. Wardley Industrial Inc. for 1A, 1B, 1C, 2A, 2B, 4A, 4B, 4C, 6A, 6B, 7A, 7B, 8A, 8B, 10, 12, 13, 14, 15 and 16 (25 minimum case order).

It was further authorized there be one renewal for FY 2005/06 providing pricing does not increase beyond that allowed in the terms of the bid.

**04-697 AWARD OF BID – JANITORIAL SERVICES FOR HEALTH
DEPARTMENT CLINIC FLOORS – NO. 2445-04 – PURCHASING/
PUBLIC WORKS**

This was the time to consider award of bid for Janitorial Services for the Health Department Clinic Floors for the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on May 5, 2004. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

F.A.A.D. Janitorial
McNeil's Cleaning Service
Best Janitorial Services, Inc.

Upon recommendation of Darlene Penny, Buyer, through John Balentine Purchasing and Contracts Administrator, and Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Sferrazza voting "no", Chairman Shaw ordered that Bid No. 2445-04 for Janitorial Services for the Health Department Clinic Floors be awarded to the lowest responsive, responsible bidder, Best Janitorial Service, Inc. in the amount of \$1,765.99 per month for 24-months for a total amount of \$42,383.76. It was further ordered that the Purchasing and Contacts Administrator be authorized to execute the contract commencing July 1, 2004 through June 30, 2006 with two two-year renewal options and with pricing for any renewal agreement subject to renegotiations between Best Janitorial Services, Inc. and the Purchasing Department.

04-698 **ACCEPTANCE OF DONATION – BOATLIFT USE - INCLINE
SUBSTATION - SHERIFF**

Upon recommendation of Lieutenant Gregg Lubbe, Incline Substation Commander, through Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the donation of use of the boatlift located at 573 Lakeshore from Ruth Page and Gregory Walsh, JAZZ 2000 LLC, SPIKE 2000 LLC for use by the Incline Village Substation be accepted with the gratitude of the Board and Chairman Shaw be authorized to execute the agreement concerning the same.

04-699 **APPOINTMENT – ANIMAL CONTROL BOARD - GENERAL
SERVICES**

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that Ms. Caron Tayloe be appointed to the Animal Control Board as the District 2 representative to complete the unexpired four-year term being vacated by Ms. Lori Beth Salmanowitz. The Board expressed its gratitude and appreciation for Ms. Salmanowitz's contributions over the past eight months.

04-700 **REVISIONS - ALCOHOL AND DRUG TESTING PROGRAM -
HUMAN RESOURCES**

Upon recommendation of Joanne Ray, Human Resources Director, through John Berkich, Assistant County Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the revisions to the Washoe County Alcohol and Drug Testing Program and the responsibility of revising the program document be delegated to the Human Resources Department be approved.

04-701 **INTERLOCAL AGREEMENT – CITY OF SPARKS – JOINT
RECRUITMENT AND TESTING - HUMAN RESOURCES**

Upon recommendation of Joanne Ray, Human Resources Director, through John Berkich, Assistant County Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Interlocal Agreement between Washoe County and the City of Sparks for joint recruitment and testing of open competitive or prospective positions be approved and Chairman Shaw be authorized to execute the same.

04-702 **FEE WAIVER - WESTERN STATES POLICE & FIRE GAMES -
PARKS**

Upon recommendation of Doug Doolittle, Assistant Director, through Karen Mullen, Parks and Recreation Director, on motion by Commissioner Galloway,

seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the fee waiver request by the Northern Nevada Police and Fire Games Executive Board of approximately \$6,800 for the use of Washoe County Park Facilities for the Western States Police & Fire Games 2005 to be held July 23-30, 2005 be approved. It was further ordered that the request by the Northern Nevada Police and Fire Games to waive Washoe County Code 95.220 to allow the archery target events to take place at Rancho San Rafael Regional Park during limited hours with supervision by a certified archery range master be approved. It was noted that noise management and controls would be part of the contract.

04-703 GRANT PROGRAM CONTRACT AND RESOLUTION – UNITED WAY OF NORTHERN NEVADA AND THE SIERRA - GRANTS ADMINISTRATOR

Upon recommendation of Gabrielle Enfield, Grants Administrator, through Katy Singlaub, County Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Grant Program Contract with the United Way of Northern Nevada and the Sierra, to support a design project for the women and family portion of the homeless shelter, in the amount of \$25,000 be approved and Chairman Shaw be authorized to execute the contract. It was noted the contract was retroactive from January 1, 2004 to December 31, 2004.

It was further ordered that the following Resolution be adopted and Chairman Shaw be authorized to execute the same:

RESOLUTION – Authorizing grant of funds to the United Way of Northern Nevada and the Sierra

WHEREAS, NRS 244.1505, Washoe County may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county; and

WHEREAS, the Board of Commissioners of Washoe County has received a \$25,000 Community Development Block Grant from the State of Nevada, Commission on Economic Development, to support this project.

RESOLVED, by the Board of Commissioners of Washoe County that:

1. The Board hereby grants to United Way of Northern Nevada and the Sierra, nonprofit organization, a grant in the amount of \$25,000.
2. The purpose of the grant is to provide assistance to the United Way of Northern Nevada and the Sierra for the preparation of a master plan for Women and Families' Shelter and the Resource

Center/Clinic portions of the Homeless Shelter, which will provide a substantial benefit to the inhabitants of the county.

3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are as set forth in the Grant Program Contract, which Contract is on file with the Clerk hereto and incorporated herein by reference.

04-704 ACCEPTANCE OF GRANT – STATE OF NEVADA COMMUNITY DEVELOPMENT BLOCK GRANT – PILOT PRESCRIPTION ASSISTANCE PROGRAM - GRANTS ADMINISTRATOR

Upon recommendation of Gabrielle Enfield, Grants Administrator, through Katy Singlaub, County Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that a Community Development Block Grant award in the amount of \$62,500 from the State of Nevada to support a Pilot Prescription Assistance Program from July 1, 2004 to June 30, 2005 be accepted, Chairman Shaw be authorized to execute the award documents, and Finance be directed to make the following budget adjustments:

Account	Increase Amount
Revenue: 10419-431100 Prescription Assistance/Federal Revenue	\$62,500
Expenditure: 10419-710100 Prescription Assistance/Professional Services	\$62,500

04-705 AMENDMENT TO AGREEMENT – WASHOE LEGAL SERVICES - SHERIFF

Upon recommendation of Eric Radli, Captain, through Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the annual increase in fees paid to Washoe Legal Services in the amount of \$76,631, as specified in the Agreement for Civil Legal Services and the Amendment to the Agreement for Civil Legal Services from July 1, 2004 to June 30, 2005, be approved and Chairman Shaw be authorized to execute the same.

04-706 GRANT OF EASEMENT – SIERRA PACIFIC POWER COMPANY - PUBLIC WORKS

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Grant of Easement to Sierra Pacific Power Company for Utility Facilities at the Mills B. Lane Justice Center be approved and Chairman Shaw be authorized to execute the easement documents upon presentation.

**04-707 PAYMENT – TRUCKEE MEADOWS WATER AUTHORITY –
WATER STORAGE, SUPPLY, TREATMENT, AND
ENGINEERING FEES – MILLS B. LANE JUSTICE CENTER -
PUBLIC WORKS**

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the payment of the Water Storage, Supply, Treatment and Engineering fees for the Mills B. Lane Justice Center to the Truckee Meadows Water Authority in the amount of \$60,774 be approved.

**04-708 PAYMENT – INCLINE VILLAGE GENERAL IMPROVEMENT
DISTRICT – WATER AND SEWER CONNECTION FEES –
INCLINE VILLAGE LIBRARY - PUBLIC WORKS**

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the payment for the Water and Sewer Connection Fees for the Incline Village Library to the Incline Village General Improvement District in the amount of \$25,405 be approved.

**04-709 AGREEMENT – TESTING AND INSPECTION SERVICES –
MILLS B. LANE JUSTICE CENTER - PUBLIC WORKS**

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the agreement between Washoe County and Kleinfelder, Inc., concerning Testing and Inspection Services for the Mills B. Lane Justice Center in the amount of \$32,820, be approved and Chairman Shaw be authorized to execute the same upon presentation.

**04-710 AMEND AGREEMENT – BROADCAST SERVICES COMPANY,
LLC – 800 MHZ REGIONAL RADIO SYSTEM - PUBLIC WORKS**

Upon recommendation of Craig Harrison, Telecommunications Manager, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the second amendment to the agreement between Washoe County and the Broadcast Services Company, LLC, concerning consulting services in an amount not to exceed \$50,000, to assist in completion of the 800 MHz Regional Radio System and extending the term from July 1, 2004 through June 30, 2005, be approved and the Public Works Director be authorized to execute the same.

**04-711 ADJUSTMENTS – 1996 SERVICE TERRITORY BOUNDARIES -
TRUCKEE MEADOWS WATER AUTHORITY – WATER
RESOURCES**

Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Weber abstaining, Chairman Shaw ordered that the adjustment, as placed on file with the Clerk, to the 1996 Service Territory Boundaries between Truckee Meadows Water Authority and Washoe County be approved.

**04-712 WATER RIGHTS DEED – TRUCKEE MEADOWS WATER
AUTHORITY – SILVERWING COTTAGES DEVELOPMENT -
WATER RESOURCES**

Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the following actions be taken regarding service to the Silverwing Cottages Development:

1. The Water Rights Deed for 39.16 acre-feet of water rights from Washoe County to the Truckee Meadows Water Authority for service to the Silverwing Cottages development be approved and Chairman Shaw be authorized to execute the same;
2. The Engineering Manager be directed to record the Water Rights Deed with the County Recorder.

**04-713 AGREEMENT AND RESOLUTION – RESTART – EMERGENCY
FAMILY SHELTER PROGRAM - SOCIAL SERVICES**

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Grant Agreement between Washoe County and ReStart, concerning the Emergency Family Shelter Program in the amount of \$60,000 for Fiscal Year 2004/05, be approved and Chairman Shaw be authorized to execute the same.

It was further ordered that the following Resolution be adopted and Chairman Shaw be authorized to execute the same:

RESOLUTION

WHEREAS, Washoe County has the legal responsibility pursuant to NRS 428 to provide health care and general assistance to indigent persons who reside in the County;

WHEREAS, the Board of County Commissioners has the authority under NRS 244.1505 to expend money for grants to private, nonprofit organizations for selected purposes that will provide a substantial benefit to the inhabitants of Washoe County;

WHEREAS, the need for food, shelter, housing and social services to the needy in Washoe County far exceed what State and local governments can provide and this need will continue to grow as the County's population grows; and

WHEREAS, ReStart provides emergency shelter, meals, case management and assessments to homeless families in collaboration with Washoe County Department of Social Services, ReStart Mental Health Support Center, Health Access Washoe County (HAWC) Outreach Clinic, and Northern Nevada Adult Mental Health Services (NNAMHS); and

WHEREAS, these services will help to increase safety for homeless women and children while facilitating personal responsibility and self-sufficiency, and to identify and connect at-risk families with the Department of Social Services.

NOW THEREFORE, BE IT RESOLVED THAT the Board of County Commissioners of Washoe County, Nevada approves this resolution and enters into a grant agreement not to exceed **SIXTY THOUSAND DOLLARS** (\$60,000) for fiscal year 2004/2005 with ReStart to carry out its mission.

**04-714 AGREEMENT – BRISTLECONE FAMILY RESOURCES -
JUVENILE DRUG COURT SERVICES - SECOND JUDICIAL
DISTRICT COURT**

Upon recommendation of Sheila Leslie, Specialty Courts Coordinator, Second Judicial District Court, through Ron Longtin, District Court Administrator, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Professional Services Agreement between Washoe County, Second Judicial District Court, and Bristlecone Family Resources, concerning Juvenile Drug Court Services from July 1, 2004 through June 30, 2005 in an amount not to exceed \$40,000, be approved and Chairman Shaw be authorized to execute the same. It was further ordered that a Request for Proposal be done prior to the 2005/06 agreement.

**04-715 AMENDMENT INTERLOCAL CONTRACT – DIVISION OF
MENTAL HEALTH AND DEVELOPMENTAL SERVICES
LAKE'S CROSSING CENTER - SECOND JUDICIAL DISTRICT
COURT**

Upon recommendation of Sheila Leslie, Specialty Courts Coordinator, Second Judicial District Court, through Ron Longtin, District Court Administrator, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that Amendment No. 1 to the existing Interlocal Contract

between Washoe County, Second Judicial District Court, and the Division of Mental Health and Developmental Services, Lake's Crossing Center, to provide an additional amount not to exceed \$10,000 to cover clerical costs of 200 additional mental health evaluations at the Washoe County Detention Center over the two-year term of the contract, be approved and Chairman Shaw be authorized to execute the same.

04-716 PROFESSIONAL SERVICES AGREEMENT – BRISTLECONE FAMILY RESOURCES AND STEP 2 – FAMILY DRUG COURT SERVICES - SECOND JUDICIAL DISTRICT COURT

Upon recommendation of Sheila Leslie, Specialty Courts Coordinator, Second Judicial District Court, through Ron Longtin, District Court Administrator, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Professional Services Agreement retroactive to July 1, 2004 through June 30, 2005 between Washoe County, Second Judicial District Court, and Bristlecone Family Resources in an amount not to exceed \$57,000 and a Professional Services Agreement between the Washoe County, Second Judicial District Court, and Step 2 in an amount not to exceed \$60,000, with both Agreements concerning Family Drug Court Services, be approved and Chairman Shaw be authorized to execute the same. It was further ordered that a Request for Proposal be done prior to the 2005/06 agreements. It was noted there was a corresponding Agreement between Washoe County Social Services and the Second Judicial District Court.

04-717 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 Sferrazza, 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
Linda V. Beasley	011-101-08	[-\$258.83]	2001 Secured
Linda V. Beasley	011-101-08	[-\$264.18]	2002 Secured
Linda V. Beasley	011-101-08	[-\$266.86]	2003 Secured
Diana J. Jones, et al	015-220-47	[-\$742.87]	2004 Secured
Charles E. Weller, Tret	015-220-48	[-\$2,114.52]	2004 Secured
Ethel L. Martinson	017-071-23	[-\$88.79]	2003 Secured
Martin L. & Maria E. Bartolo	085-182-15	[-\$29.39]	2002 Secured
Martin L. & Maria E. Bartolo	085-182-15	[-\$29.15]	2003 Secured
William & Maureen Kunz	086-260-13	[-\$703.16]	2003 Supplemental (Improvements Only)
Israel & Loretta J. Orr	125-561-06	[-\$39.53]	2003 Secured

04-718 **AGREEMENT – COLD SPRINGS WATER RECLAMATION FACILITY EXPANSION - WOODLAND VILLAGE NORTH, LLC - WATER RESOURCES**

Commissioner Sferrazza said he was advised legally that sewer service for existing and approved homes in Cold Springs could not be denied. Commissioner Galloway stated the reason he had continued the item was to make sure what was being built was not in excess of what was needed to support already approved development, and staff has said this only supports the already approved development.

Upon recommendation of John Collins, Utility Services Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that an Agreement between Washoe County and Woodland Village North, LLC, concerning construction of facilities related to the expansion of the Cold Springs Water Reclamation Facility, be approved and Chairman Shaw be authorized to execute same.

04-719 **INDEPENDENT CONTRACTOR AGREEMENT – LEGAL SERVICES IN SPECIALTY COURTS – DAVID D. SPITZER, ESQ. – DISTRICT COURT**

Upon recommendation of Sheila Leslie, Specialty Courts Coordinator, Second Judicial District Court, through Ron Longtin, District Court Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Independent Contractor Agreement between Washoe County, Second Judicial District Court, and David D. Spitzer, Esq., concerning Legal Services in Specialty Courts retroactive from July 1, 2004 through June 30, 2005 in the amount of \$135,000, be approved and Chairman Shaw be authorized to execute the agreement. It was further ordered that a Request for Proposal be done prior to the 2005/06 agreement.

04-720 **ACCEPTANCE OF GRANT – DIVISION OF AGING SERVICES AND WASHOE COUNTY HUMAN SERVICES CONSORTIUM - SENIOR SERVICES**

Upon recommendation of Marietta Bobba, Senior Services Director, through John Berkich, Assistant County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the grant awards from the Division of Aging Services and the Washoe County Human Services Consortium for Fiscal Year 2004/05 in the amount of \$400,948 be accepted and the Finance Department be directed to make following budget adjustments:

Account	Increase/Decrease Amount
Revenue:	
Federal Contributions	
2025-(TBA)-431100 Caregiver DAS	\$4,000
2025-10088-431100 Homemaker DAS	(\$10)
2025-10093-431100 Consortium	<u>(\$5,452)</u>
	<u>(\$1,462)</u>
Expenditure:	
Base Salaries	
2025-(TBA)-701110 Caregiver DAS	\$4,000
2025-10088-701110 Homemaker DAS	(\$10)
2025-10093-701110 Consortium	<u>(\$5,452)</u>
	<u>(\$1,462)</u>

It was noted the Department's FY 2004/05 budget included preliminary estimates on the grants and several adjustments were needed to bring the budget into alignment with the final awards.

04-721 ACCEPTANCE OF GRANT AND RESOLUTION - NEVADA
DIVISION OF EMERGENCY MANAGEMENT - HOMELAND
SECURITY – GRANTS ADMINISTRATOR

Upon recommendation of Gabrielle Enfield, Grants Administrator, through Katy Singlaub, County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the following Homeland Security Grants from the State of Nevada, Division of Emergency Management to Washoe County as fiscal agent for the Local Emergency Planning Committee (LEPC) be accepted:

- State Homeland Security Program, in the amount of \$2,631,436.51
- Law Enforcement Terrorism Prevention Program, in the amount of \$817,719.61
- Citizen Corps Council Program, in the amount of \$71,234.13
- State Emergency Response Commission Program, in the amount of \$21,085

It was further ordered that the County Manager or designee be authorized to execute the subgrants with local LEPC members and Finance be directed to make the following budget adjustments:

Account	Increase Amount
State Homeland Security Program Grant	
Revenue:	
10422-431100 (Federal Revenue)	\$2,631,436.51
Expenditure:	

10422-710119 (Subrecipients)	\$1,785,994.76
10422-781004 (Equipment <\$10,000)	\$825,187.85
10422-710500 (Other Expenses)	\$20,253.90
Law Enforcement Terrorism Protection Program	
Revenue:	
10423-431100 (Federal Revenue)	\$817,719.61
Expenditure:	
10423-710119 (Subrecipients)	\$556,711.09
10423-781004 (Equipment <\$10,000)	\$256,843.92
10423-710500 (Other Expenses)	\$4,164.60
Citizen Corp Council	
Revenue:	
10421-431100 (Federal Revenue)	\$71,234.13
Expenditure:	
10421-710100 (Professional Services)	\$38,999.83
10421-710500 (Other Expenses)	\$32,234.30
State Emergency Response Commission	
Revenue:	
10424-431100 (Federal Revenue)	\$21,085
Expenditure:	
10424-710119 (Subrecipients)	\$13,485
10424-710500 (Other Expenses)	\$ 7,600

It was noted there was no cash match associated with these grants.

The following is the breakdown of the distribution of the Washoe County awards and the subawards for each of these grants:

Airport Authority	\$5,850.00
Hospitals	\$134,480.63
No. Lake Tahoe FPD	\$66,065.94
REMSA	\$23,507.05
Reno Fire Department	\$603,929.49
Reno Police Department	\$605,757.89
Sparks Fire Department	\$300,189.95
Sparks TMW Reclamation	\$101,857.00
Sparks Police Department	\$390,000.00
Truckee Meadows Water Authority	\$104,779.00
Washoe County Water Resources	\$23,620.00
Washoe County Health District	\$69,700.00
Washoe County Emergency Management	\$66,411.00
Washoe County Risk Management	\$136,129.85
Washoe County Sheriff's Office	\$909,188.55
Total	\$3,541,475.25

It was further ordered that the following Resolution authorizing Subgrants to government entities or nonprofit organizations of Homeland Security Grants from the State of Nevada, Division of Emergency Management, be adopted and Chairman Shaw be authorized to execute the same:

RESOLUTION - Authorizing Subgrants to Government Entities or Nonprofit Organizations of Homeland Security Grants from the State of Nevada, Division of Emergency Management

WHEREAS, Washoe County is a member of the Local Emergency Planning Committee and is a subgrantee of Homeland Security Grants from the State of Nevada, Division of Emergency Management consisting of State Homeland Security Program award in the amount of \$2,631,436.51, a Law Enforcement Terrorism Prevention Program award in the amount of \$817,719.61, a Citizen Corps Program award in the amount of \$71,234.13; and a State Emergency Response Commission (SERC) Program award in the amount of \$21,085, and

WHEREAS, for the grants listed above, Washoe County is either the recipient of grant funds for individual items for use of Washoe County, or is fiscal agent for other government entities or nonprofit organization that are also members of LEPC; and

WHEREAS, NRS 244.1505 allows the Board of County Commissioners of Washoe County to make a grant of public money for any purpose which will provide a substantial benefit to the inhabitants of Washoe County; and

WHEREAS, Washoe County as fiscal agent for the other government entities or nonprofit organizations that are members of LEPC desires to pass through funds and grant assurances from the State grants as described on the attached grant award administrative grid for the uses herein and therein described;

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Washoe County that:

1. The Board hereby grants to the government entities (other than Washoe County agencies for which the Board has accepted funds from the awards) and nonprofit organizations as listed on the attached grant award administrative grid, as a pass through of the amounts shown and for the uses shown thereon, finding that said amounts and uses will provide a substantial benefit to the inhabitants of Washoe County.
2. The Board authorizes the County Manager, or her designee, to sign subgrants with the entities listed on the attached grant award administrative grid, which subgrants will set forth the maximum amount to be expended under the subgrants, the use and purposes of

the subgrants, and the conditions, limitations and the grant assurances of the subgrants.

**04-722 ACCEPTANCE OF GRANT – NEVADA HOUSING DIVISION -
LOW INCOME HOUSING TRUST FUNDS WELFARE SET ASIDE
- GRANTS ADMINISTRATOR**

Upon recommendation of Gabrielle Enfield, Grants Administrator, through Katy Singlaub, County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Low Income Housing Trust Funds Welfare Set Aside from the State of Nevada Housing Division in the amount of \$170,644 to assist families and seniors needing assistance be accepted, the Agreement with State of Nevada Housing Division for Fiscal Year 2004/05 Low Income Housing Trust Funds be approved, and Chairman Shaw be authorized to execute the Agreement.

**04-723 GRANT PROGRAM CONTRACT AND RESOLUTION – RENO-
SPARKS GOSPEL MISSION – OPERATION OF EMERGENCY
HOMELESS SHELTER FY 2004/05 – GRANTS ADMINISTRATOR**

Upon recommendation of Gabrielle Enfield, Grants Administrator, through Katy Singlaub, County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Grant Program Contract with the Reno-Sparks Gospel Mission to support the operation of the emergency homeless shelter for Fiscal Year 2004/05 in the amount of \$107,135 be approved and Chairman Shaw be authorized to execute the following Resolution necessary for same:

RESOLUTION - Authorizing the Grant of Public Money to a Nonprofit Organization Created for Religious, Charitable or Educational Purposes

WHEREAS, NRS 244.1505 provides that a Board of County Commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the County and that a board may make a grant of money to a nonprofit organization created for religious, charitable or educational purposes to be expended for a selected purpose; and

WHEREAS, the Board of Commissioners of Washoe County has determined that A certain amount of money is available for fiscal year 2004-2005 for community support grants, which grants will provide a substantial benefit to the habitants of Washoe County and which are made to private nonprofit organizations; now, therefore, be it

RESOLVED, by the Board of Commissioners of Washoe County that:

1. The Board hereby grants to the Reno-Sparks Gospel Mission, Inc., a private, non-profit organization, a grant for fiscal year 2004 - 2005 in the amount of \$107,135 (Community Support).
2. The purpose of the grant is to provide for homeless shelter services.
3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are as set forth in the Grant Program Contract, which Contract is place on file with the Clerk and incorporated herein by reference.

It was further ordered that a Request for Proposal be done prior to the 2005/06 agreement.

**04-724 GRANT PROGRAM CONTRACT AND RESOLUTION –
COMMUNITY DEVELOPMENT BLOCK GRANT - GERLACH
GENERAL IMPROVEMENT DISTRICT - GRANTS
ADMINISTRATOR**

Upon recommendation of Gabrielle Enfield, Grants Administrator, through Katy Singlaub, County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Grant Program Contract with the Gerlach General Improvement District for a sub-grant of a Community Development Block Grant awarded by the State of Nevada Commission on Economic Development, retroactive from January 1, 2004 to December 31, 2004, in the amount of \$113,857 with no County match, to support the purchase of water treatment equipment be approved and Chairman Shaw be authorized to execute the same. It was further ordered that Chairman Shaw be authorized to execute the following Resolution necessary for same:

RESOLUTION - Authorizing grant of funds to the Gerlach General Improvement District

WHEREAS, pursuant to NRS 244.1505, Washoe County may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county; and

WHEREAS, the Board of Commissioners of Washoe County has received a \$113,857 Community Development Block Grant from the State of Nevada, Commission on Economic Development to provide assistance to Gerlach General Improvement District to purchase water treatment equipment for the Uranium Treatment Plant;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Washoe County that:

1. The Board hereby grants to Gerlach General Improvement District, a government agency, a grant in the amount of \$113,857.
2. The purpose of the grant is to provide assistance to Gerlach General Improvement District to purchase water treatment equipment for the Uranium Treatment Plant, which will provide a substantial benefit to the inhabitants of the county.
3. The maximum amount to be expended from the grant, the purposes and the conditions and limitations upon the grant are as set forth in the Grant Program Contract, which Contract is placed on file with the Clerk and incorporated herein by reference.

04-725

**AWARD OF REQUEST FOR PROPOSAL – ORTHO-
PHOTOGRAPHY AND TWO-FOOT CONTOUR MAPPING
PRODUCTS – NO. 2428-04 – PURCHASING**

This was the time to consider award of the Request For Proposal (RFP) No. 2428-04 for Ortho-Photography and two-foot Contour Mapping Products on behalf of Washoe County and the Joinder Agencies (Cities of Reno and Sparks, Sierra Pacific Power Company and Douglas County) for the Information Technology/GIS Department. The RFP was published in the *Reno Gazette-Journal* on March 10, 2004. Proof was made that due and legal Notice had been given.

Proposals were received from the following vendors:

OSI Geomatics
Sanborn Map Company, Inc.
Triathlon
Tristate Surveying, Ltd.
VARGIS LLC

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, Matt Beckstedt, Information Technology Director, and Thomas Lo, GIS Manager, through Katy Singlaub, County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the Request for Proposal No. 2428-04 for Ortho-Photography and Two-Foot Contour Mapping Products on behalf of Washoe County (IT/GIS) and the Joinder Agencies be awarded to the Sanborn Map Company in the amount of \$336,800. It was further ordered that the Purchasing and Contracts Administrator be authorized to purchase additional mapping products from the same vendor through December 31, 2006 provided there is no increase in pricing.

**04-726 AWARD OF BID – JANITORIAL PAPER PRODUCTS –
NO. 2439-04 - PURCHASING**

This was the time to consider award of bid for Janitorial Paper Products for Washoe County and Joinder Agencies (Douglas County School District, City of Reno, City of Sparks, Douglas County, Washoe County School District, Churchill County School District, and Reno-Sparks Convention and Visitors Authority). The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on April 14, 2004. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

A-1 Chemical
C & M Food Dist. Inc.
ICS
Lake Tahoe Supply
Sunwest Sales Co

Upon recommendation of Darlene Penny, Buyer, through John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that Bid No. 2439-04 for Janitorial Paper Products for Washoe County and Joinder Agencies be awarded to the following lowest responsive and responsible bidders:

1. C & M Food Distributing, Inc. for items 1A, 1B, 2B, 3A, 4A, 5A, 6B, 7A, 8B, 9B, 10B, 12, 14, 15, 16, 17, 18, 19, and 20;
2. Lake Tahoe Supply for items 2A, 6A, 8A, 9A, 10A, 11, 13, 21, and 22.

It was further ordered that bid items 3B and 7B be rejected for no bids and 5B and 8B be rejected for not being an acceptable product.

**04-727 AWARD OF BID – OPTICAL SCAN ELECTION BALLOT
PRINTING – NO. 2451-04 – PURCHASING**

This was the time to consider award of bid for Optical Scan Election Ballot Printing for the Registrar of Voters. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on June 23, 2004. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

K & H Printers-Lithographers, Inc
Sequoia Voting Systems

Upon recommendation of Michael Sullens, Senior Buyer, through John Balentine, Purchasing and Contracts Administrator, and Dan Burk, Registrar of Voters, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the Bid No. 2451-04 for the Optical Scan Election Ballot Printing for the upcoming Primary and General elections, be awarded to K & H Printers-Lithographers, Inc at the rate of \$.56 per Sample Election Ballot and \$.49 per General Election Ballot for an estimated award amount of \$91,262.85.

04-728 AWARD OF BID – SAMPLE ELECTION BALLOT PRINTING – NO. 2452-04 - PURCHASING

This was the time to consider award of bid for Sample Election Ballot Printing for the Registrar of Voters. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on June 28, 2004. Proof was made that due and legal Notice had been given.

Upon recommendation of Michael Sullens, Senior Buyer, through John Balentine, Purchasing and Contracts Administrator, and Dan Burk, Registrar of Voters, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the Sample Election Ballot Printing for the upcoming Primary and General elections be awarded to the lowest, responsive responsible bidder as determined by the Registrar of Voters and the Purchasing and Contracts Administrator.

04-729 AGREEMENT – STANTEC CONSULTING - TESTING AND INSPECTION SERVICES – MILLS B. LANE JUSTICE CENTER - PUBLIC WORKS

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Weber abstaining, it was ordered that the agreement between Washoe County and Stantec Consulting Services in the amount of \$228,824, concerning testing and inspection services for the Mills B. Lane Justice Center, be approved and Chairman Shaw be authorized to execute the agreement upon presentation.

04-730 CONTRACT RENEWAL – 2004/05 STREET CUT PAVEMENT REPAIR PROJECT – INCLINE VILLAGE – LAKESIDE PAVING - PUBLIC WORKS

Upon recommendation of David Price, County Engineer, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the contract for the 2004/05 Street Cut Pavement Repair Project, PWP-WA-2004-271, for the Incline Village area between Washoe County and Lakeside Paving in the amount of \$159,800 be

renewed and Chairman Shaw be authorized to execute the contract documents upon presentation.

04-731 **CONTRACT RENEWAL – 2004/05 STREET CUT PAVEMENT REPAIR PROJECT - GRANITE CONSTRUCTION CO. - PUBLIC WORKS**

Upon recommendation of David Price, County Engineer, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the contract for the 2004/05 Street Cut Pavement Repair Project, PWP-WA-2004-270, with Granite Construction Co. in the amount of \$107,050 be renewed and Chairman Shaw be authorized to execute the contract documents upon presentation.

04-732 **ACCEPTANCE OF DEVELOPER BUILT WATER, SEWER, AND RECLAIMED WATER FACILITIES – WATER RESOURCES**

Upon recommendation of Jerry McKnight, Finance and Operations Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the developer built water, sewer and reclaimed water facilities to Washoe County, as outlined in the agenda memorandum dated July 13, 2004 and placed on file with the Clerk, be accepted. It was noted these developer-constructed facilities would increase infrastructure assets and equity of the Utility Services Division by \$9,806,181.67.

04-733 **AWARD OF BID – FRITZ WATERLINE EXTENSION - WATER RESOURCES**

Upon recommendation of Joe Stowell, Licensed Engineer, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the bid for constructing the Fritz Waterline Extension project be awarded to Mike’s Trenching, Inc. in the amount of \$98,783, Chairman Shaw be authorized to execute the contract documents upon presentation, and the Engineering Manager be authorized to issue the Notice to Proceed.

04-734 **INTERLOCAL AGREEMENT – DESERT RESEARCH INSTITUTE – SPANISH SPRINGS VALLEY HYDROGEOLOGIC STUDY OF NITRATE TRANSPORT - WATER RESOURCES**

Upon recommendation of Jeanne Ruefer, Planning Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the agreement between Washoe County and the Desert Research Institute (DRI), concerning implementation of a hydrogeologic study of nitrate transport in

Spanish Springs Valley for a total amount \$246,638 over a period of 28 months, be approved and Chairman Shaw be authorized to execute the same. It was noted that the cost share is DRI with 33 percent, or \$82,150, and Washoe County with 67 percent, or \$164,488.

04-735 **INTERLOCAL AGREEMENT – SUN VALLEY GENERAL
IMPROVEMENT DISTRICT AND TRUCKEE MEADOWS
WATER AUTHORITY – ULTRA LOW FLUSH TOILET
INSTALLATION PROGRAM FY 2004/05 - WATER RESOURCES**

Upon recommendation of Jim Smitherman, Planner Coordinator, and Jeanne Ruefer, Planning Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Interlocal Agreement between Washoe County, the Sun Valley General Improvement District and the Truckee Meadows Water Authority, in an amount not to exceed \$500,000, for continuation of the Ultra Low Flush Toilet Installation Program in Fiscal Year 2004/05 be approved and Chairman Shaw be authorized to execute the same.

04-736 **2004 SALES TAX ADVISORY ELECTION RESOLUTION -
FINANCE**

John Sherman, Finance Director, reviewed the staff report and advised this resolution asks voters to approve a question that would allow the Board to seek legislation to impose a 1/8 of 1 percent sales tax for 30 years with the proceeds being used for open space and trails, regional parks, natural resource management, and historic and cultural facilities. The first three groups would receive 75 percent of the tax, and historic and cultural facilities would receive 25 percent. Mr. Sherman said the directions provided by the Board on June 22, 2004 were included.

Commissioner Sferrazza said Michael Robinson requested this be a binding citizen vote rather than advisory so it does not have to come back for another election two years from now. Mr. Robinson was concerned that open space, such as Ballardini Ranch, could be lost during that time.

Katy Singlaub, County Manager, said it would not have to come back for another election; the opportunity would be taken for implementation from the legislature. Commissioner Sferrazza said the legislature does not have to approve an advisory resolution, which has occurred before. He said he would support the binding resolution if it were not too late to do that.

Ms. Singlaub said the change this question creates is to add open space and other priorities the citizens have told the Board are important, with the highest importance being improvements to existing parks, which was not allowed under the 1/8 cent.

Commissioner Galloway said he was informed by the District Attorney's Office that, in a binding question, the tax could be proposed; but it could only be used if a very detailed open space plan was modified to show every park and historic site and all was agreed on by an official action of the jurisdictions in the region, which would not be ready in time for the vote. He said he did not think the voters would know what they were really voting for.

Mr. Sherman said, for the binding question, there had to be an already approved open space plan; and there was one already approved by the appropriate bodies, but it does not include historic preservation, recreational facilities, and so forth. He said there was also a logistics problem because this Board only has until July 19th to approve the questions to go on the ballot, and staff would be challenged to craft the appropriate language by that date.

Alicia Reban, Nevada Land Conservancy Executive Director, said at the request of staff, the Conservancy has begun recruiting officials and experts in the related fields from Washoe County and the cities of Reno and Sparks to develop a process and program of suggestions on how to administer the funding if voters say yes to the question.

Nanette Smejkal, City of Reno Parks, Recreation and Community Services Director, said the City of Reno wants to be part of the decision making process and was looking forward to working with the County, the City of Sparks, and the nonprofits. She said the City of Reno felt the benefits should go towards needs in both the incorporated and unincorporated areas.

Michael Robinson, local resident, said there was an open space plan in place and the County could move forward with NRS 376A as written. This Commission supports the acquisition of the Ballardini Ranch and NRS 376A is ideally suited to provide funds for this purpose through a voter approved sales tax increase. He asked what value there is to an advisory question when County polls say 67 percent of the public supports the 1/8-cent sales tax increase for open space. This question has a glaring omission because it does not clearly state that the County intends to ask the Legislature to remove the binding public vote requirement of NRS 376A. If the voters approve the increase under NRS 376A, the County could move to acquire the Ballardini Ranch and at the same time request the Legislature to expand the uses of the funds in the future under NRS 376A, subject to binding voter approval at the next general election.

Douglas Smith, Scenic Nevada Board of Directors Chairman, said he supported the advisory question. Scenic Nevada works to preserve, protect, and enhance the scenic character of Nevada and would be willing to work with the groups mentioned earlier to make this happen.

Chairman Shaw read from the comment card from Susan Lynn, Public Resource Associates, that she supports the ballot issue.

Jessica Sferrazza, Reno City Council, thanked the Commission for putting this issue on the ballot and she hoped it received voter approval. She mentioned many other areas where the City and County could be partners.

Mr. J. Edward Parker, local resident, requested an accounting of the bond issues previously passed for the same purpose. Ms. Singlaub replied that information was available online.

Commissioner Sferrazza said he supported Mr. Robinson and asked why there could not be two ballot questions with one being a binding question for the purpose of acquiring open space as allowed by current law and the second an advisory question asking if the County should go to the Legislature to enable these additional uses. This would give the County a resource to acquire Ballardini Ranch as open space.

Commissioner Galloway said if the binding ballot form should pass, it would still not allow purchasing all of the Ballardini Ranch with the money. Bill Whitney, Community Development, replied the northern portion of the Ballardini Ranch was not in the open space plan. Commissioner Galloway asked if the binding question could be done with the wording on the agenda; and Madelyn Shipman, Legal Counsel, replied it could not.

Commissioner Sferrazza moved to provide for a binding ballot question for acquisition of open space, specifically Ballardini Ranch. Ms. Shipman said the agenda was not written to allow that bifurcated direction.

Chairman Shaw asked if there was a second to the motion and, hearing none, the motion died.

Commissioner Humke said he felt the advisory ballot question and the resolution are balanced between the County and the impact on the cities of Reno and Sparks. He stated there are ample opportunities for cooperation with both cities. He said he felt the County was land poor in the park business. He said the land was acquired but the County lacked the funding for improvements and staff.

Commissioner Galloway said he would support this ballot question to give voters the opportunity to vote. He felt people are willing to dig deeper into their pockets because they are afraid of over development, and this was one way of salvaging what they could.

Commissioner Weber said she was concerned about supporting the advisory question because she does not support any tax increase. She said she would support the motion, and if the voters approve it, she hoped the voters could participate in where the monies would be going.

Commissioner Sferrazza said he supported the motion even if there was no guarantee the Legislature would do what was requested, and he was afraid the County

was losing the opportunity to acquire the Ballardini Ranch. He requested that Ballardini Ranch and Rattlesnake Mountain be listed as examples under open space and trails acquisition.

Chairman Shaw said he would support this, because if it were passed, it would come back to the Board to discuss how the revenue would be used.

Upon recommendation of Mr. Sherman, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following Resolution be adopted, with the amendments requested by Commissioner Sferrazza to add Ballardini Ranch and Rattlesnake Mountain as examples under open space and trails acquisition, and that Chairman Shaw be authorized to execute the same:

RESOLUTION

A RESOLUTION DESIGNATED AS THE "2004 SALES TAX ADVISORY ELECTION RESOLUTION"; STATING THE PURPOSE THEREOF; PROVIDING FOR THE PLACEMENT OF AN ADVISORY QUESTION REGARDING A SALES TAX FOR OPEN SPACE, TRAILS, REGIONAL PARKS, NATURAL RESOURCES, AND HISTORIC AND CULTURAL FACILITIES ON THE BALLOT OF THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2004; PRESCRIBING OTHER DETAILS IN CONNECTION WITH THE ELECTION; RATIFYING ACTION PREVIOUSLY TAKEN RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, Washoe County (the "County"), in the State of Nevada (the "State"), was duly organized and created pursuant to Section 243.340 of Nevada Revised Statutes ("NRS"), and is operating as a County under NRS Chapter 244 and the general laws of the State; and

WHEREAS, the Board of County Commissioners (the "Board" or the "Governing Body") of the County has determined that it is necessary and advisable that the County, pursuant to NRS 293.482, ask the advice of the registered voters of the County regarding a question that the Board has under consideration; and

WHEREAS, in the judgment of the Board, it is necessary and advisable that an advisory question be placed on the ballot at the general election to be held on Tuesday, November 2, 2004 (the "Election") to submit to the electors of the County the question in the form set forth in this Resolution (the "Question").

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 as the "2004 Sales Tax Advisory Election Resolution."

Section 2. The Board hereby finds and declares the necessity of placing the Question on the ballot for the Election for the purpose of asking the advice of the registered voters of the County concerning a proposed increase in the sales and use tax in the County which is a question that the Board has under consideration.

Section 3. The Question is hereby designated and ordered to be placed on the ballot of the Election within the County on Tuesday, November 2, 2004, at which there shall be submitted to the registered voters of the County the Question hereinafter set forth. The Election shall be conducted in accordance with Chapter 293 and 293B of NRS, and all laws amendatory thereof (the "General Election Act").

Section 4. Every person who resides within the boundaries of the County at the time of the holding of the Election, and whose name appears upon the official register of voters for the County, shall be entitled to vote at the Election if such person has complied with the registration laws of the State.

Section 5. Absent voting shall be permitted in the manner provided by the General Election Act, as amended, and laws thereunto enabling.

Section 6. The County Clerk shall immediately provide the County Registrar of Voters with a copy of the Question, including explanation of the question, the fiscal note and any additional information as set forth herein.

Section 7. Voter registration for the Election shall be conducted in accordance with the General Election Act. Any qualified elector whose name does not appear on the official registry list of qualified electors for the County, as shown by the records of the registry agent, may apply to the County Registrar of Voters at his office or before a Deputy Registrar of Voters, up to and including the last day for registration of voters, as provided in Nevada Revised Statutes. Registration offices shall be open during regular office hours (8:00 a.m. to 5:00 p.m. on Mondays through Fridays, with Saturdays, Sundays and legal holidays excepted); but during the last five (5) days before registration closes, including the Saturday on which registration closes, registration offices shall be open from 8:00 a.m. to 9:00 p.m. The County Registrar of Voters is hereby directed to give notice of the close of registration by publishing in a newspaper having general circulation in the County a notice indicating the day that registration will close. Such notice shall be published once in each calendar week for four successive calendar weeks next preceding the close of registration.

Section 8. An electronic voting system, and, to the extent necessary, paper ballots shall be used at the election for voting, for registering, and for counting votes cast, including, without limitation, those cast on the Question, as provided in the Bond Election Act, in the General Election Act, and in all laws thereunto enabling. There shall be inserted in each of the ballot page assemblies or otherwise in the electronic voting system the submission clause for the Question in substantially the form which was placed on file with the Clerk, with such changes as are approved by the Finance Director of the County

Section 9. A sample ballot shall be mailed to each registered voter in the County as provided by NRS 293.565, and shall include, without limitation, the registered voter's precinct number and polling place and the information in substantially the form which was placed on file with the Clerk with such changes as are approved by the Finance Director of the County:

Section 10. If it is impractical to supply the polling place with electronic voting devices, there shall be supplied as many such ballot cards and ballot page assemblies as it is practical to procure.

Section 11. Nothing in this Resolution prevents the inclusion in the ballots of provisions for the expression by the qualified registered voters of the County of their choice for any questions or proposals other than the Question submitted at the Election to the qualified registered voters.

Section 12. The polls shall be opened at the hour of 7:00 a.m. on the day of the Election and shall remain open until and be closed at 7:00 p.m. of the same day, as provided in Section 293.273 of the General Election Act, and all laws supplemental thereto.

Section 13. Except as specifically provided in this Resolution, the Election shall be held and conducted in accordance with the General Election Act and with all laws supplemental thereto.

Section 14. The Registrar of Voters is hereby authorized to proceed with the appointment of committees to prepare arguments advocating and opposing the Question pursuant to NRS 295.217.

Section 15. Immediately after the closing of the polls, the election officers shall proceed to canvass the votes cast on the Question, and certify the results so disclosed to the Board.

Section 16. Within five (5) working days of the Election, the Board shall meet and publicly canvass the returns.

Section 17. The result of the voting on the Question does not place any legal requirement on the Board, any member of the Board, or any officer of the County.

Section 18. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the Board and by the officers of the County relating to:

- A. The Election, and
- B. The Question,

is ratified, approved and confirmed.

Section 19. The officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 20. All orders, bylaws and resolutions, or parts thereof, in conflict with this resolution, are hereby repealed. This repealer shall not be construed to revive any bylaw, order or resolution, or part thereof, heretofore repealed.

Section 21. If any section, paragraph, clause or 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 provision shall not affect any of the remaining provisions of this Resolution.

Section 22. This Resolution shall be in effect from and after its adoption.

04-737 AGREEMENT AND AMENDING RESOLUTION – APPOINTING INVESTORS BANK AND TRUST AS TRUSTEE AND SUCCESSOR TRUSTEE AGREEMENT FOR 401(A) PLAN - HUMAN RESOURCES

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the Resolution amending the Resolution adopted May 13, 2003, For the Purpose of Appointing Investors Bank and Trust as Trustee for Washoe County’s 401(a) Plan and Approval of Successor Trustee Agreement between Washoe County and Investors Bank & Trust Company for Trustee Services in connection with Washoe County’s 401(a) Plan be continued.

04-738 APPEAL CASE NUMBER AX-04-007 OLSON PARCEL MAP REVIEW – PARCEL MAP CASE NUMBERS PM04-003 AND PM04-004 – COMMUNITY DEVELOPMENT

Katy Singlaub, County Manager, said there was a request from the appellants to continue this matter until July 27th, but she was not sure the owner applicants were willing to continue. A discussion ensued regarding rescheduling the hearing and the mediation meetings between the parties and Commissioner Humke.

Chairman Shaw reopened the public hearing continued from June 22, 2004 by calling on anyone wishing to speak for or against the appeal.

Robert Winqvist, local resident, said he was doing a summary on behalf of eight families who live on Fawn Lane. In the last year they can no longer use quads in the land up behind their homes and kids have come home crying because they were yelled at. The developers never approached the residents about what was happening. Mr. Winqvist believed that access would be better through Mount Rose Highway rather than putting access right through the middle of the Maruri's property, cutting down 30 year old trees and making them move their septic system when people are willing to have the access put in 100 feet away. This was insane and the whole neighborhood agreed.

Jeffrey Church, local resident, said he favored mediation. He stated since the plan now goes through the middle of his property he would like to be added as an appellant. He said he had requested a legal opinion regarding subdivision notice and easements that he was hoping Madelyn Shipman, Legal Counsel, could research prior to the mediation meeting.

Lee Conley, local resident, said his concerns were Mr. Olson had refused to talk with the neighbors before he started bullying. Mr. Conley said alternative route were suggested and the developer's spokesman stated NDOT and other agencies said that road could not be used. Mr. Conley said he did not believe the developer had looked at alternatives. He said he also believed three members of the Citizen Advisory Board (CAB) do not listen to area residents and he believed the CAB was not voicing the opinion of the residents of Fawn Lane.

Paul Olson, project owner, said he looks forward to meeting with the neighbors. He said the quads have created a lot of property damage and he has asked politely, not yelled, that bikes and ATVs not be ridden on his property.

On motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that Appeal Case Number AX-04-007 to appeal the Parcel Map Review Committee's decision on Parcel Map Case Numbers PM04-003 and PM04-004 be continued to July 27, 2004.

04-739 PROPOSED GALENA CAMPGROUND PROJECT - PARKS

Commissioner Humke said he had seen the letters about the proposed Galena Campground project and 90 percent of them go one way. He said at the appropriate time, he would move to vote that the Board adopt Alternative A.

Karen Mullen, Parks and Recreation Director, said the Parks and Recreation Commission recommendation was that Alternatives A (Day Use Only), B (Day Use and Cabins), and C (Day Use, Cabins & Group Tent Camping) be studied as part of the National Environmental Policy Act (NEPA) process.

Gary Schiff, District Ranger, Carson Ranger District, Humboldt-Toiyabe National Forest, said the fire threat is a significant threat for many people and the 100-unit campground would not be considered in any analysis. Mr. Schiff then provided more detail about the alternatives the Parks and Recreation Commission asked to be studied. He said the Forest Service was legally required to develop a reasonable range of alternatives to meet the NEPA process. The following timeline was proposed:

1. July 21: The Forest Service would initiate a 30-day public comment period on the proposed action alternatives.
2. August 20: The public comment period closes.
3. September 21: The Board and the public would be provided with a copy of the analysis.
4. September 28: The Commission would provide the Forest Service with their decision.
5. October 5: The Forest Service would issue a record of decision.

Randall York, representing 225 lot owners in the Galena Forest Estates, said they have concerns about overnight camping. He said at no time, at any public venue, had there been support for overnight camping in Galena Creek Park. There are too many difficult elements that affect health, life and safety to allow overnight camping. He asked those attending the meeting who support Alternative A and object to overnight camping to stand up and a majority of the audience stood up. Only studying Alternative A and not going through an extensive NEPA process could save a lot of money.

Bill Wertz, Galena Homeowners Association Board Member, said Mr. Schiff just had his public comment, and it was a resounding “no” to overnight camping at Galena. He said more than 1700 letters, 900 petitioners, 71 percent of those polled by the Reno-Gazette Journal, and 79 percent polled by KKOH all voted to prevent overnight camping in Galena. He asked the Commissioners vote for Alternative A.

Chairman Shaw asked individuals who had filled out public comment cards if they still wanted to address the Board after the motion that was made and many said no.

Sam Coleman, Galena Homeowners Association Board Member, said he was concerned with crown fires started by campfire embers being taken by the wind. Trees in the Galena area are 130 years old, and crown fires move with great speed. The consequences of this type of fire are too great as it takes a long time for the forest to recover.

Bruce Susong, Galena homeowner, asked where on Forest Service land was anyone building cabins, because they were taking cabins away from people that had leased them for many years. He said he was shocked this was one of the alternatives.

Charles Lanzi, local resident, stated if dispersed camping was a threat, they needed to think about diverting some of the funds they were going to spend on the campground to providing the protection needed in the area.

William Osgood, local resident, suggested Mr. Schiff use the four parts of Alternative A to do the analysis. He asked if the Board allowed open fires in this area, where the liability was and if it was fair to the taxpayers of Washoe County to give them the liability. He recommended the Board not allow the campground.

Rob Nichols, Montreux Homeowners Association President, thanked Mr. Schiff for saying the Forest Service was going to get control of dispersed camping in the Whites and Thomas Creek areas. He asked the Board support Alternative A.

Anne Shrake, local resident, said her main concern was fire, as there is only one way out of Galena Forest. The campground on Mt. Rose Summit on Friday had 24 spaces and four people camping with reservations for four more. She said she did not see the need for camping so close to residences.

Gary Schmidt, local resident, said development planning was atrocious in this area. He said the area has burned and will burn again regardless of the campground. He stated density was the real problem, and if residents in the area value their lives they should move.

Chairman Shaw read a note from Paul Gulas that favored Option B. Chairman Shaw said the Board had received letters and e-mails from people in support of Option A with only a few supporting group camping.

Ms. Mullen said the Forest Service, by law, has to consider a range of alternatives; but Alternative A would go forward as the preferred proposed alternative with the other two as alternatives that would be looked at.

Mr. Schiff said this campground was on federal property and legally the Forest Service was required to look at a reasonable range of alternatives and to have a public comment period, but the Commission could state they wanted Alternative A as the proposed action. The entire analysis would come to the Board in September for the Board to make their selection, which could be Alternative A.

Ms. Mullen said the NEPA process was a federally required environmental analysis process that needed to be done even on Alternative A. She said a range of alternatives must be done, but it was clearly understood Alternative A was preferred.

Commissioner Weber asked how the illegal campfires that are already happening would be addressed. Mr. Schiff said once the decision was in place for Alternative A, as well as B and C, Thomas Creek would be closed to dispersed camping and would only be open for day use.

Commissioner Sferrazza asked, absent this process, overnight camping could not be prohibited in Thomas Creek. Ms. Mullen replied the Forest Service could not close Thomas Creek without using a process so they are using this process to close it.

Upon recommendation of Karen Mullen, Parks and Recreation Director, through Michelle Poché, Assistant County Manager, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that Alternative A be studied as part of the NEPA process with the comments and information entered into testimony or written evidence received today be provided to the Forest Service. It was further ordered that Chairman Shaw be empowered to provide a letter to the U.S. Forest Service no later than September 28, 2004 accepting Alternative A and signed by the Chairman.

4:45 p.m. The Board recessed.

5:25 p.m. The Board reconvened with all members present.

04-740 **2004 GROWTH MANAGEMENT ADVISORY ELECTION
RESOLUTION**

County Manager Katy Singlaub clarified that this item did not come from the District Attorney, it is not a staff recommendation, and it is on the agenda at the Board's request as a result of public comment. It was noted in the agenda memorandum that at the June 22, 2004 meeting, two citizens came forward with a request that a question be placed on the ballot requesting laws be amended to more effectively manage growth in Washoe County.

Susan Lynn, Reno resident, stated there are a number of citizens in the area that are concerned about planning and growth, and many do not speak at government meetings because they do not believe they are heard. Ms. Lynn explained that her intent in bringing this before the Board was to begin a discussion about planning and growth in the area. She said putting forth a ballot question is costly, but her hope would be that a ballot issue would force a community wide discussion about growth. She urged the Board, if they did not go with a ballot measure, to support a growth task force. Ms. Lynn noted that she favored Version 2 Advisory Ballot Question, which was outlined in the agenda memorandum dated June 29, 2004.

Doug Smith, Chairman of the Board of Scenic Nevada, summarized the reasons Scenic Nevada would support Version 2 Advisory Ballot Question. He requested that the Commission appoint a growth task force, and he outlined the stakeholders he would recommend to be a part of the task force and their duties.

Commissioner Galloway inquired of Ms. Lynn if she viewed this as an anti-growth initiative, and she responded that was not the purpose. She said growth is necessary in any community, but how that growth happens is what is important. Commissioner Galloway commented that the language appears to point to managed growth with sustainable natural resources in balance with planning and growth. Ms. Lynn clarified it is looking at water, sewer, flooding, roads, schools, and the infrastructure that is necessary as a result of growth.

Commissioner Sferrazza stated the Legislature created the current system, and the only type of question he would support would be with the language, "Shall Washoe County local governments manage growth within sustainable natural resource constraints." He questioned why Washoe County would want the Legislature to dictate to the County how to manage growth. Ms. Lynn commented she would prefer that the issue be solved at the local level because there is always risk in taking it to the Legislature. Commissioner Sferrazza said that is because the majority of the Legislature is from Clark County, and he avowed that he does not want Clark County having presence in Washoe County.

Chairman Shaw noted that he had 50 public comment cards from people wishing to address the Board on this issue.

Michael Lynch, Builders Association of Northern Nevada, said if the Board desired to create a growth management task force, mirroring what is happening in Clark County, his Association would want to participate. He stated if there needed to be a presentation and testimony concerning a growth-limiting and new development-limiting ballot question, which was Ms. Lynn and Mr. Smith's language in their original proposal, then he would respond to that.

Chairman Shaw said a task force could not be created at this meeting by virtue of the wording of the agenda item, but staff could be directed to return to the Board at a future meeting with an agenda item for the discussion and creation of a committee.

Commissioner Weber requested the Board discuss the issue before hearing from the public. She said that could create a mechanism for the people to voice their approval or disapproval. Commissioner Humke agreed and said it could eliminate some of the testimony based on comments from the Board.

Commissioner Weber articulated she did not and would not support the advisory question because growth is inevitable and growth needs to be looked at as a community with everyone working together to come up with solutions. She said she has heard overwhelming support from the community for a task force composed of various businesses, governmental entities, citizen advisory board members and citizens.

Chairman Shaw expressed his agreement with Commissioner Weber's comments, and he commended Ms. Lynn and Mr. Smith for their efforts to bring this issue to the forefront.

Commissioner Galloway said he was concerned with what the Legislature would do if given the opportunity; and he stated that he did not view either version of the advisory ballot questions as specifying any definite growth limits, but merely recognizing that there are limitations due to resources. He noted the existing law already says that regional planning shall consider natural resources and the availability of them, and the problem is the Regional Plan does not do this. He stated the Legislature would take the item at hand and add other requirements, which may or may not be followed. Commissioner Galloway added that the only way to force a requirement to be met is litigation, and he would not favor that route because the law already has the requirement to balance these things. He hoped a task force comprised of the public and stakeholders would desire to resolve this problem.

Commissioner Humke said there is a growth task force committee underway in Clark County with about 29 members representing many constituencies. He stated the advisory question could work in tandem with a task force to assist the public to educate themselves on many interlocking issues such as planning, annexation, and use of resources. He declared that regional planning is not working, and he noted the Settlement Agreement with the Court precludes this body from going to the Legislature to make legislative changes to that law.

Commissioner Sferrazza commented that he believes the question would pass 60/40. He said a task force could come up with the information to put into place a more effective way to manage growth within resource constraints.

Commissioner Galloway stated he would support amending the wording of the question if that were legally possible. Madelyn Shipman, Legal Counsel, explained that any question has to be directed to something over which the County has jurisdiction. She said changing the language would not be appropriate; and she noted that minor changes could be done, but the substance or direction of what was amended could not be changed. Ms. Shipman added she did not believe the direction could be changed to include other entities because the Commission does not have jurisdiction authority over other Washoe County local governments.

Commissioner Galloway suggested the wording be changed to, "Shall Washoe County advise all local governments, including Washoe County, to more effectively manage the growth within the constraints and to this end create a growth management task force." Ms. Shipman said there might be an interest in forming the task force that was requested by Mr. Smith, but that would be a future agenda item to come back to the Board. She noted, in regard to the advisory ballot question, the language change offered by Commissioner Galloway could not be added because it would change it substantively and that content has not been noticed to the public.

Chairman Shaw stated that much has been accomplished in the County due to various committees that have been established. He said he would be apt to go with a task force and not consider the advisory ballot question because, if the question passes, the outcome of that would be unknown. He added if the community were involved in a task force to discuss this, good things could be accomplished quickly versus waiting until November for results.

Commissioner Weber said the right thing to do would be to form a task force and allow the community to have their input. She confirmed this Board should be the policy makers and move this forward today.

Citizens Mr. Lynch, Mark Sullivan, Penny Mayer, John Breternitz, and Chuck Alvey, spoke of their opposition to the advisory ballot question and voiced their support for a growth management task force.

Diana Langs, area resident, spoke in support of the advisory ballot question and said the Regional Plan has failed the community. She noted a task force would be great, but all entities involved must buy-in and there should be direction given if the entities fail.

Grace Potarti, Reno resident, expressed her delight to hear the discussion and said she supports the idea of a task force. She noted, if the County has a conservation plan, the Commission should review it because it is not working.

Gary Feero, area resident, stated if the advisory ballot question was put forward, everyone must come together in support of it. He noted the ballot question language was confusing. He said, if there was a committee formed, the Commission should make the committee's findings obligatory.

J. Edward Parker, Spanish Springs resident, commented the Regional Plan is a failure and planning needs to be returned to the people.

Chairman Shaw read and acknowledged public comment cards, and he noted letters in opposition to the ballot question from the following citizens: Steve Muchicko, John Fuller, Harry York and Ty Cobb. Chairman Shaw stated the following citizens did not wish to speak, but had noted their opposition to the ballot question: Pam Parenti, Clinton Thiesse, Don McHarg, Stephanie Konefat, Amorita Law, Bruce Huff, Denzil Tappey, Jack Glynn, Johnny Zero, Bob Thibault, Thurn August, Blake Garner, Matt Welborn, Brenda Winkler, Tyson Johnson, Matt, Bothun, Ken Anderson, Tony Lorenzi, Eric Anderson, Tony Abreu, JS Parker, Nona McKee, Robert Ragar, Justin Carter, Peter Lissner, Jeanne LaShelle, Louis Biank, Jon Delquentis, and Paula McLeod.

Marilyn Craig, Deputy Attorney, City of Reno, said ballot questions raise significant legal issues of appropriateness under the Settlement Agreement. She read from a portion of the Settlement Agreement and expressed that working together to solve these issues would be a better way to go for all concerned parties.

Mike Holmes, Holmes Construction, discussed the housing market and the challenges for builders and homebuyers in the growing community of Washoe County. He noted the increase in prices of new and existing homes and voiced his support for a growth task force.

Commissioner Humke stated he would abandon his previous support of an advisory question, and he would support a task force. He noted there would be opportunity for cooperation among governmental entities, citizens and businesses in the community through the building of a task force to make the planning system work on the local level. He said, if there was a need for legislative change, then that group could take it to the Legislature and affect a repeal or fine tune the regional planning legislation that is law. Chairman Shaw said he agreed with Commissioner Humke's comments.

Commissioner Sferrazza said bidding wars on houses that are happening in the community have nothing to do with growth controls in Washoe County, as bidding wars are going on throughout the nation. He referenced the letter from Ty Cobb that directed the Board to embrace the language in the resolutions. Commissioner Sferrazza suggested the Board could adopt the resolutions at this meeting without the necessity of going to the voters, and come back with a resolution preamble to form the task force. He added it would be important to have a fair and balanced committee to gain input from all spectrums.

Commissioner Galloway stated he would support the task force because of lack of compliance with the State law that does exist in regard to the Regional Plan. He would like to see the task force be citizen and stakeholder based and not top heavy with elected officials. He suggested that the content of the ballot question be the charge to the task force, and he hoped that the committee would be able to get something done to put planning in balance with the resources available to build out that planning.

On motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that staff be directed to return to the Board with a resolution to create a task force and incorporate the bulk of the language from the proposed resolution as the preamble for that task force. It was also ordered that staff be directed to present different alternatives as to how the membership should be constituted and to ask the Cities of Reno and Sparks to adopt similar resolutions.

Commissioner Humke noted the committee should be a broad-based group of 20-40 people, with a handful of elected officials from Reno, Sparks, and Washoe County.

Ms. Shipman advised the Board to cease discussion about the details of the task force because it is not part of the agenda item. She said direction to staff to bring this topic back as a future agenda item would be allowable.

Commissioner Weber volunteered to work with staff to come up with the ideas for the task force.

On motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the growth management advisory ballot question not be placed on the November 2004 ballot.

04-741 TRUCKEE MEADOWS WATER AUTHORITY RATE-MAKING REVIEW COMMITTEE – WATER RESOURCES

Rob Reeder, Chairman of the Truckee Meadows Water Authority (TMWA) Rate-Making Review Committee, explained that the committee was formed under the direction of the TMWA board in January 2004. He reviewed the final report and recommendations from the Committee, which were outlined in the agenda memorandum dated June 23, 2004. Mr. Reeder noted the Committee has been disbanded.

Fred Schmidt, Vice-Chairman of the Committee, commended Ted Rolfs, Fiscal Compliance Officer, for his work on the Committee. Mr. Reeder also spoke of the outstanding work of Mr. Rolfs.

Commissioner Sferrazza indicated that, when the Committee first began, there were large rate increases proposed for Washoe County as one of the wholesale buyers; and there were objections from all different sectors of the community. He acknowledged the Committee did complete a great deal in a short amount of time, and he complimented them on their accomplishments.

Chairman Shaw read a public comment card from Michael Pennington, Reno-Sparks Chamber of Commerce, who was no longer in attendance at the meeting.

Upon recommendation of Mr. Rolfs, and Jerry McKnight, Finance and Operations 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 findings and recommendations of the TMWA Rate-Making Review Committee be acknowledged and endorsed, and the members and citizens on the Committee be commended for their efforts and dedication. It was further ordered that the TMWA Board direct staff to prepare a plan to implement the recommendations from the Committee.

04-742 COLOR RECOMMENDATIONS - AGREEMENT – UNIVERSITY OF NEVADA, RENO – CONSTRUCTION OF OBSERVATORY – PARKS

Dee Henderson, Associate Vice-Provost at the University of Nevada, Reno (UNR), presented the information on the color recommendations for the UNR

Observatory Building, which were outlined in the agenda memorandum dated June 22, 2004. Mr. Henderson said their preference would be the color, "Old Town Grey."

Chairman Shaw and Commissioner Galloway agreed with the color recommendation presented. Commissioner Sferrazza said he desired to have the color consistent with other buildings at Rancho San Rafael Regional Park. He noted red and white were typical barn colors and the other buildings in the park were painted green and white.

Karen Mullen, Parks and Recreation Director, clarified that the barn shaped structures in the park are brown; and the color recommendation is consistent with the nearest building, as the green and white buildings are located on the other end of the park.

Upon recommendation of Doug Doolittle, Parks and Recreation Assistant Director, through Ms. Mullen, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that the recommended colors be adopted and the lease agreement between Washoe County and UNR concerning the construction and operation of an Observatory at Rancho San Rafael Regional Park, for an annual fee of \$1.00, be approved and Chairman Shaw be authorized to execute the same.

It was noted the lease agreement would provide land for the construction of an observatory and associated parking.

**04-743 MEMORANDUM OF UNDERSTANDING – SIERRA PACIFIC
POWER COMPANY – ELECTRIC DISTRIBUTION PROJECT
IMPACT ASSESSMENT – COMMUNITY DEVELOPMENT**

Sharon Kvas, Planning Manager, said four years ago the County determined that standards were needed for replacement, minor upgrades, relocation, reconstruction, reconductoring, and maintenance of Sierra Pacific Power Company 25kV distribution lines in Washoe County. She reviewed the standards of the Washoe County Development Code in regard to power lines in subdivisions and along the Mt. Rose Scenic Corridor, and further standards that were outlined in the agenda memorandum dated June 22, 2004. She noted the Development Code did not delineate any standards for minor circumstances, such as changing the size of a line. Ms. Kvas explained the Director of Development Review in 1996 wrote an interpretation to the Development Code stating that, whenever there were smaller issues, the County would deal with them on a case-by-case basis. The procedure up until now has been that, if Sierra Pacific wanted to add a pole or increase the size of a line, the company would contact the County; Ms. Kvas would examine the situation; and on a case-by-case basis she would approve or disapprove the request. She stated three years ago the County and Sierra Pacific decided it would be best to devise standards and requirements, and they have been working on these. She pointed out the Electric Distribution Project Impact Assessment (EDPIA) Principles that were in the staff report dated June 22, 2004.

In response to Commissioner Galloway, Ms. Kvas clarified that these requirements are not in the Development Code. She said what they are attempting to do is to determine what other standards could be added as an MOU to the Code.

Commissioner Sferrazza inquired if the MOU would eliminate special use permit requirements for some of the things that formerly required them. Ms. Kvas responded that the MOU would not eliminate any of the previous requirements in the Code. It would add a new agreement between the County and Sierra Pacific when the company is making minor changes to 25kV lines. She confirmed it does not eliminate any of the current standards.

Ms. Kvas said the MOU would be for an initial period of three years, and it includes a caveat that would allow Washoe County or Sierra Pacific to terminate at any time. She noted it would be a standard set up to deal with day-to-day improvements to the power system that feeds homes and small commercial entities. It would have nothing to do with large transmission lines.

Bill Roullier, Sierra Pacific Power Company Manager of Land Operations, complimented Ms. Kvas and the work she has done with Sierra Pacific on behalf of the County.

Lori Burke, Reno resident, asked that a point system be added to reflect the Community's area, development, and neighborhood plans that are in effect regarding power line placement and upgrades. She said many areas have become active in trying to address existing visual clutter and problems with existing power lines. She requested the areas that have these issues addressed in their books be considered, reviewed and given value in the point system. Ms. Burke noted that right now the point system is mostly technical, and she believes it needs to be broader. She stated, if this is not done, the proposed plan could be used to avoid Citizen Advisory Board (CAB) review of some fairly sensitive projects that should be subject to analysis, such as: unsightly power lines that are obsolete, outmoded, dangerous or incompatible within existing land uses.

In response to Commissioner Galloway, Ms. Burke responded there is no recognition that cumulative impact should be incorporated in the review. She stated she was concerned with power lines that are problems to begin with, and she said simply using them as the baseline does not address what communities are increasingly concerned about.

Commissioner Weber inquired of Ms. Burke if her idea about the point system would work better in new and upcoming area plans. Ms. Burke responded that right now the plan being discussed does not enter into any area plan. She said if the points are low enough, in terms of how it technically affects what exists, Sierra Pacific could go ahead with the work under this plan.

Chairman Shaw inquired of Mr. Roullier if Ms. Burke's concerns were addressed in the MOU. Mr. Roullier stated her concerns had been addressed, and he

pointed out the areas in the report addressing her comments. He presented Scenarios 1, 2 and 3, which were detailed in the staff report dated June 22, 2004. Ms. Kvas stressed that there is nothing in the Code that would direct her in how to deal with these scenarios if faced with them in reality. Mr. Roullier said the vagueness of the Code could allow the company to go forward with many projects without a review from County staff. Mr. Roullier and Ms. Kvas answered questions from the Commissioners as the scenarios were presented.

Commissioner Galloway declared the cumulative affect is a problem and there should be a baseline established for projects to trigger reviews. He said he supports the point system as long as a set total amount of points would cause a review to occur. He requested the item come back to the Board with that change, and to address whether there are any eye-soars that the local CAB's would identify and request to be exempted from the policy.

Chairman Shaw inquired if a workshop on this topic could be beneficial, and Ms. Kvas concurred.

Commissioner Sferrazza said he would like to see notice to the homeowners no matter what is done and special use permits for new lines without exception.

Commissioner Humke noted in the MOU there is an absolute out by either side, and he suggested an approval of the MOU with direction to staff and Sierra Pacific to return in 6-12 months with real situations that have taken place that could be used to present to CAB's. He added a great deal of work has gone into the MOU by staff and Sierra Pacific.

Chairman Shaw said he would like to see additional refinement of the MOU. He stated he would desire to see people informed when new lines are coming into their communities and opportunities provided for them to speak of their concerns.

Ms. Kvas explained one of the points incorporated into the plan is that, upon completion of a new tentative map, the manner in which the power would get there would be examined; and that step has never been done before.

Commissioner Weber agreed with Commissioner Humke's comments because this would provide something for Ms. Kvas to begin using, and she requested Ms. Burke's ideas be incorporated.

Commissioner Humke moved that the term of the MOU be changed from three years to one year and that staff and Sierra Pacific return in six months for a review of their work by the Commission. Commissioner Weber seconded the motion.

Commissioner Galloway said he would be looking to address the cumulative impacts in the next version and some type of checklist of areas that would not apply.

Commissioner Sferrazza said he could not support the motion because he would like to require notice be given to the CAB's and homeowners in the area where any of these projects are being approved, and those residents be given a right to appeal to the Commission. He stated approval of the MOU could allow lines to be installed, and he added new lines should not be built without special use permits and the Board's review. He noted this should not be delegated to staff, and he requested the item return to the Board in one month.

Ms. Kvas responded that the vast majority of the standards that were written in the MOU had to do with routine maintenance. She said she believed homeowners would not be aware of that kind of routine maintenance.

On call for the question, the motion carried on a 4-1 vote with Commissioner Sferrazza voting "no."

**04-744 2004 VOLUNTARY ANNEXATION AMENDMENT ADVISORY
ELECTION RESOLUTION – DISTRICT ATTORNEY**

Chairman Shaw acknowledged a public comment card on this item from Sam Dehne, area resident, and he noted Mr. Dehne had left the meeting.

Marilyn Craig, Deputy Attorney, City of Reno, commented this appears to be an amendment to limit voluntary annexations patterned after a type of legislation that occurred in Clark County. She noted that in Washoe County there is a Settlement Agreement, and this appears to be a unilateral change to the Settlement Agreement. She said the City of Reno would be concerned that this violates both the letter and the spirit of the Settlement Agreement, and the City of Reno would urge the Board to not go forward with this resolution.

Commissioner Galloway said the intent of the original request for this agenda item was to find out if citizens believed that chain annexations make sense. He questioned if a change in the law would violate the Settlement Agreement. Commissioner Galloway offered changes in the language to include the Cities of Reno and Sparks. He noted this is not directed at the City of Reno, but at what a landowner or combination of landowners can do to force local governments to have to consider extreme measures that should not be before them. If the public agrees, then there would be a basis for going to the Legislature to affect the law.

Chairman Shaw stated he could not support the advisory ballot question, but suggested if a growth task force committee is formed the committee could also examine this issue.

Commissioner Sferrazza said he does not support involuntary annexation, and he would like to ask the incorporated citizens how they feel about different types of taxation depending on whether one lives in the incorporated or unincorporated area.

Commissioner Weber said she could not support the advisory ballot question, as it is not in the spirit of cooperation among the Cities and the County. She noted the people do have a voice with their elected officials, and she stated she did not believe this matter needed to be a ballot question. She acknowledged the policy makers must work on this topic and placing this question on the ballot would not be the way to go about it.

Commissioner Humke explained that in the State of Nevada, Clark County has 70 percent of the population with one rule on annexation, and the other 16 counties have three different rules. He stated this is not a foolhardy advisory question going to the Legislature, and he said the worst that could happen would be that Clark County would say that Washoe County is right, and Washoe County should have the same standards that Clark County has as to annexation. He acknowledged this would be a perfect item for a task force to deal with and take to the Legislature. He did not agree that the question would violate the Settlement Agreement.

Commissioner Galloway said it was legitimate to ask the citizens if they want the Cities and the County to work together to request this amendment regarding voluntary annexation laws affecting Washoe County. He made a motion that the language be changed to add, "Shall the County of Washoe request the Cities of Reno and Sparks to join the County in a request to amend the voluntary annexation laws affecting Washoe County," and he noted the remaining language would remain unchanged. Commissioner Humke seconded the motion.

Madelyn Shipman, Legal Counsel, said she had a concern about changing the language on the advisory ballot question. She stated, if the Board desired to go to the other local governments to seek some agreement concerning legislation, that could be done but not under this agenda item. She believed the intent of the changes to the language could be handled at a regular Commission meeting since the Regional Plan law does require that the County share with the other entities any legislation that would be proposed. She confirmed that the main issue at hand was if the Board desired that the people to vote on it.

Commissioner Galloway inquired if there was any legal barrier to the alternate wording, and Ms. Shipman stated that it was potentially challengeable; but she doubted it would be considered a substantive change because the same result was still being sought.

Commissioner Sferrazza stated he would support the motion if a municipal services tax could be added because that is the quid pro quo for changing the annexation law. Ms. Shipman noted she understood his request, but she added his wording would be a substantive change to the question to the point that it would not be what was agendized.

Chairman Shaw said he supports the idea of a task force dealing with this issue and believed it would be a better way to proceed. He stated he would not support the motion, and he did not believe a ballot question was needed in this case. Commissioner Weber confirmed she would not support the motion. Commissioner Sferrazza expressed he would not support the motion without provision for a future municipal services tax on new growth and development.

Commissioner Galloway acknowledged if the question were approved, then a municipal service tax of some type would be a valid item to negotiate.

Commissioner Humke requested a point of order and withdrew his second to the motion. Commissioner Galloway withdrew the motion.

Commissioner Sferrazza made a motion to take this proposition to the City of Reno at a joint meeting to request their support for possible joint legislation, along with a proposal for municipal services tax on new development in the unincorporated area. Commissioner Galloway seconded the motion.

Commissioner Humke clarified that he would not vote for anything at this meeting that would bring the County closer to a municipal services tax in the unincorporated areas. Commissioner Sferrazza noted the municipal services tax would not affect existing residents, but only new development and new residents. Commissioner Humke said he could not support that, and Commissioner Galloway withdrew his second to the motion.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the Board not proceed with the advisory question, and staff be directed to present this proposal to the Cities of Reno and Sparks at a joint meeting in keeping with the Settlement Agreement.

04-745 2004 REGIONAL PLANNING AGENCY ADVISORY ELECTION
RESOLUTION – DISTRICT ATTORNEY

Commissioner Galloway explained that the intent of the advisory question was to gain a definite opinion of the people whether regional planning is working for citizens.

Madelyn Shipman, Legal Counsel, stated that it was not possible to go through various versions with the Commissioners or to respond to people due to time constraints. She said, in writing the question, she was trying to tie it to a standard set out in the legislation recognizing that regional planning is an integral part of the Settlement Agreement.

Commissioner Weber explained that she serves on the Regional Planning Governing Board, and she said she believes the Regional Planning Agency is not effective right now. She added there are major problems that need to be looked at, and it

is the County and the Cities who need to determine if it is working or not. She stated the County should go to the Cities and work with them to go to the Legislature, rather than going to the people at this point.

Commissioner Sferrazza referred to the beginnings of the Regional Plan, and he confirmed that no entity should have growth forced in its area without an approval from the majority of that Board. He said this topic should go to a task force.

J. Edward Parker, Spanish Springs Resident, expressed that the fault of the planning process is that it sets up two entities against one entity. He stated the planning process should focus on the equity for the people.

Commissioner Galloway acknowledged that he would have preferred a public vote on this item, in addition to taking it to the Cities.

Marilyn Craig, Deputy Attorney, City of Reno, commended the Board on their efforts to work toward unity between the County and the Cities.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the Board not proceed with the advisory question, and staff be directed to present this proposal to the Cities of Reno and Sparks at a joint meeting.

**04-746 AWARD OF CONTRACT – MILLS B. LANE JUSTICE CENTER –
TATE SNYDER KIMSEY ARCHITECTS – PUBLIC WORKS**

County Manager Katy Singlaub explained that generally construction administration services are included in an architect's professional services agreement; but, in this case, the architects were hired by the City of Reno for the design portion, and the construction administration is being completed under Washoe County. She noted it is within the range of reasonable expenditures, and staff recommends that the Board award the contract.

In response to Commissioner Sferrazza, Roger Van Alyne, Capital Projects Division Director, clarified that having the original architect perform construction administrative services provides an avenue back to that architect for accountability in their design. He said if the architects are not with the County as the County goes through the contract by reviewing change orders, submittals, and answering requests for information, then the County has no way to hold them accountable as the project continues forward. If a third party were to be brought in, it would cost more because the third party would charge for additional time in getting familiar with the project.

In further response to Commissioner Sferrazza, Mr. Van Alyne noted ten percent is an industry standard and not a matter of law. He said the architect is operating closely with the County to make this project happen, and they are currently working

without a contract. Mr. Van Alyne explained that the County's agreement form with architects stipulates a maximum project budget and a maximum construction budget. He stated he could not speak to what the City of Reno's contract addressed in that regard with this architect. Mr. Van Alyne pointed out that the County did not administer the contract with the architects for the design, as that was done by the City of Reno.

Commissioner Humke commented the architect is expressing good faith and is working without a contract. He said he was confident, because County staff would be supervising the construction of this building, that they would bring the project out of the ground, early and under budget.

Mr. Van Alyne acknowledged the fee is included in the overall project budget, which presently exceeds \$42-million. He added the Reno City Council and the Commission have funded the project at this amount.

Upon recommendation of Mr. Van Alyne, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that a contract for construction administration services for the Mills B. Lane Justice Center be awarded to Tate Snyder Kimsey Architects in the amount of \$714,426 and Chairman Shaw be authorized to execute the contract documents upon presentation.

04-747 RENEW INSURANCE POLICIES – RISK MANAGEMENT

Upon recommendation of Jim Jeppson, Risk Manager, through John Sherman, Finance Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the Risk Manager be authorized to renew the excess workers' compensation insurance policy with Midwest Employers Casualty Company for \$181,793, the property insurance policy with Affiliated FM Insurance Company for \$340,939, and the aviation insurance policy with Phoenix Aviation Managers for \$29,288.

04-748 AGREEMENT – UNIVERSITY OF NEVADA, RENO – WETLAND MITIGATION - RANCHO SAN RAFAEL – PARKS

Karen Mullen, Parks and Recreation Director, identified on maps, which were placed on file with the Clerk, where the wetlands are delineated throughout Rancho San Rafael Regional Park. She said improvements would be made to enhance and restore wetlands within the park through the monies from the University of Nevada, Reno (UNR).

Upon recommendation of Lynda Nelson, May Arboretum Horticulturist, through Ms. Mullen, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that an agreement between Washoe County and UNR, concerning Washoe County performing wetland mitigation at Rancho San Rafael Regional Park for the University, be approved and Chairman Shaw be

authorized to execute the same upon presentation. It was further ordered that the Chairman be authorized to accept \$797,971 from the University and to deposit the amount into an interest bearing account for the payment of the project.

04-749 CLOSURE OF STREET ENTRANCES – RANCHO SAN RAFAEL REGIONAL PARK

Karen Mullen, Parks and Recreation Director, explained the background of the request to close the Washington Street and Coleman Street entrances to Rancho San Rafael Regional Park, as outlined in the agenda memorandum dated June 10, 2004.

Doug Doolittle, Parks and Recreation Assistant Director, stated the Parks Department has received comments from people not supporting the closures and he noted these.

Commissioner Sferrazza said one of the matters that people in the area are concerned about are the roads that are already closed and the difficulties these closures would cause.

Commissioner Weber noted she has attended West University Neighborhood Advisory Board meetings, and she acknowledged there has been discussion from a few of the citizens about closing the entrance on Washington Street. She said she was not aware of anyone requesting the closure on Coleman Street except Mr. Dave Purvance, area resident. She confirmed the streets should not be closed, as homeowners in that area are aware of the park and the challenges special events bring about in the neighborhood.

Commissioner Galloway commented that the County could look at other traffic measures for the area, but the streets should not be closed.

Upon recommendation of Ms. Mullen, through Michelle Pochè, Assistant County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the Washington Street and Coleman Street entrances to Rancho San Rafael Regional Park remain open.

04-750 SOMERSETT ROAD CONNECTION TO UPPER MOGUL – CONTINUED

County Manager Katy Singlaub explained that Andrea Manor, Reno resident, requested the item be continued to the August 10, 2004 meeting.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the item concerning discussion and possible direction to staff regarding a possible Somerset Road connection to upper Mogul be continued to the August 10, 2004 meeting.

04-751 **BILL NO. 1423 - AMENDING WCC CHAPTER 5 –
MANAGEMENT SERVICES PROGRAMS**

Bill No. 1423, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING THERETO PROVISIONS CREATING MANAGEMENT SERVICES PROGRAMS WITHIN THE OFFICE OF THE COUNTY MANAGER; CREATING THE POSITION OF MANAGEMENT SERVICES DIRECTOR; PROVIDING THAT THE MANAGEMENT SERVICES DIRECTOR IS RESPONSIBLE FOR VARIOUS PROGRAMS WITHIN THE COUNTY MANAGER'S OFFICE, INCLUDING, LEGISLATIVE AFFAIRS, STRATEGIC PLANNING, EMERGENCY MANAGEMENT, GRANTS ADMINISTRATION, AND OTHER MANAGEMENT SERVICES PROGRAMS ASSIGNED BY THE COUNTY MANAGER; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO," was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

04-752 **BILL NO. 1424 - AMENDING WCC CHAPTER 5 – PERSONNEL
COMMITTEE**

Joanne Ray, Human Resources Director, requested a withdrawal of Section 10, relating to the Family Medical Leave Act (FMLA). She stated she would bring this item back to the Board after the completion of discussions on the FMLA.

Commissioner Galloway asked if the Board had not already approved freezing pay for downward reclassifications until the grade encompasses the frozen rate when the HayStudy and the transition plan to implement it was adopted. Ms. Ray commented that it was done only in the contract at that time.

Bill No. 1424, entitled, "AN ORDINANCE AMENDING CHAPTER 5 OF THE WASHOE COUNTY CODE BY REPEALING PROVISIONS RELATING TO THE PERSONNEL COMMITTEE, FREEZING PAY FOR DOWNWARD RECLASSIFICATIONS UNTIL THE GRADE ENCOMPASSES THE FROZEN RATE, PROVIDING FOR SUBMISSION OF A RESUME IN LIEU OF THE EMPLOYMENT HISTORY PORTION OF AN APPLICATION, MODIFYING PROVISIONS RELATING TO TIME TAKEN BY EMPLOYEES FOR INTERVIEWS FOLLOWING EXAMINATIONS AND AMENDING OTHER PROVISIONS RELATING TO EXAMINATIONS, AMENDING PROVISIONS RELATING TO REMOVAL OF NAMES FROM ELIGIBLE LISTS, LENGTHENING THE TIME PERIOD FOR USE OF LISTS AFTER THE ORIGINAL CERTIFICATION, AMENDING PROVISIONS RELATING TO THE LENGTH OF PROBATIONARY PERIODS, AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO," was introduced as amended by Commissioner Galloway, the title read to the Board and legal notice for final action of adoption directed.

04-753 2002 REGIONAL PLAN SETTLEMENTS

Madelyn Shipman, Legal Counsel, reported on the hearing that was held on June 26, 2004. She said, concerning the motion to intervene on the water service matter, which was denied by the Court, the Judge had indicated he would be ruling on the underlying motion the following week and staff has not heard the order. She stated, in regard to the cooperative planning criteria oral argument that was held, the Judge felt there was a semantical problem. He suggested that the Cities and the County staff meet again to make sure that when the Cities' language uses the word "findings" an actual finding is required instead of an assessment of consideration. The Court was assured by Counsel for the two Cities that findings were required, but it did not directly say it in the Code. She confirmed the Judge asked that the County and the Cities work on getting their codes changed to assure that there has to be specific findings. Ms. Shipman recognized that the Judge wanted the cooperation of the Boards in working through this process. She noted the Judge told the City of Reno that they needed to incorporate the interim water policies as part of their actual cooperative planning criteria. She added that, although there was no decision made, the Judge wanted a report made to the individual Boards to indicate what he had requested. Ms. Shipman assured the Board that staff has begun work on the process.

**04-754 AMENDING WCC – CHAPTER 85 – PUBLIC ROADS –
CONTINUED**

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the first reading of an ordinance concerning amending the Washoe County Code (WCC) by adding new sections to WCC Chapter 85 with regard to public roads be continued to the July 27, 2004 meeting.

**04-755 ORDINANCE NO. 1242 - BILL NO. 1422 – COMMUNICATIONS
FACILITIES – PRIVATE SATELLITE DISHES**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on July 2, 2004 to consider second reading and adoption of Bill No. 1422. Proof was made that due and legal Notice had been given.

Sharon Kvas, Planning Manager, confirmed that at the request of the Planning Commission and Commissioner Sferrazza, the ordinance has special use permits for monopoles, as well as all wireless facilities being noticed to the public and subject to appeal.

In response to Commissioner Galloway's questions about the timeframe for appeals, Ms. Kvas said an appeal of the decision by the Director of Community Development or his authorized representative may be made to the Board of County Commission within ten days after the date of the mailing of the public notice of the final

decision. Ms. Kvas noted the public has the full right to appeal, and there are two possible appeals available to the public.

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

Nicole Thomas, Sprint PCS, said the company is content with the Code as it is proposed. She said Sprint PCS had a concern about the significant gap coverage in the ordinance, stating that different carriers provide different technology and just because one carrier could provide coverage in a certain area, does not mean that other carriers could provide coverage in that area. She explained this is a major concern because Sprint PCS is afraid they would not fall under the exemption because another company is covering a certain area where Sprint PCS frequency bands do not allow the company to cover that area. It would be technologically unavailable to Sprint PCS. She acknowledged that the company wants to fall under the exemption if they can provide a technical hardship.

Ms. Kvas responded that there were many discussions about that at Citizen Advisory Board meetings, workshops, and the Planning Commission; and it is true that not all carriers would be able to service certain areas. She stated the general feeling of the people was that they did not want a lot of poles in residential neighborhoods. Ms. Kvas noted as long as one carrier provided service that was all the poles the residents wanted and this came out of public discussion. She explained that would mean if Verizon has coverage in an area and Cingular does not have coverage, Cingular would never have the opportunity to put a pole in that neighborhood. Commissioner Galloway asked if Cingular would have the ability to co-locate on a pole, and Ms. Kvas confirmed that to be true. She said there are times when one carrier cannot allow another carrier to co-locate because of the height of the pole, but there has to be a technical reason for denying another company the option to co-locate.

In response to Chairman Shaw, Ms. Thomas stated all carriers want to be able to provide coverage. She commented on the Arrow Creek area where Verizon has coverage from Rattlesnake Mountain and Sprint PCS is not able to technologically provide that because they cannot transmit that far.

Commissioner Galloway inquired if he would need to refrain from voting because he has an agreement with a cell phone provider to allow use of the building for a transmitter. Ms. Shipman stated it is a broad based ordinance that would affect everyone equally and his disclosure would be sufficient. Commissioner Galloway disclosed that he has a contract that has not been made operational yet because it is up to Verizon Wireless to make it operational.

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

Commissioner Galloway stated if there were further difficulties and the ordinance proves to be unfair, he hoped staff would be open to an additional amendment to this ordinance.

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that Ordinance No. 1242, Bill No. 1422, entitled, **"AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, ARTICLE 324, COMMUNICATIONS FACILITIES, BY REMOVING RESTRICTIONS REGARDING PLACEMENT OF PRIVATE SATELLITE DISHES AND UPDATING STANDARDS FOR THE PLACEMENT OF COMMERCIAL SATELLITE DISHES IN RESPONSE TO TECHNOLOGICAL ADVANCES IN THE FIELD; TO UPDATE STANDARDS FOR THE TOWER HEIGHT OF PRIVATE COMMUNICATIONS ANTENNAS TO PROVIDE CONSISTENCY WITH WIRELESS FACILITIES; TO PROVIDE NEW DEFINITIONS WHERE APPROPRIATE, TO SPECIFY WIRELESS FACILITIES IN ORDER OF PLACEMENT PREFERENCE; TO ESTABLISH DEVELOPMENT STANDARDS FOR WIRELESS COMMUNICATION FACILITIES (CELLULAR FACILITIES) IN RESPONSE TO THE 2003 LEGISLATIVE SESSION CHANGES TO STATUTES PROHIBITING THE ISSUANCE OF DISCRETIONARY PERMITS FOR WIRELESS FACILITIES; TO INCLUDE SPECIFIC PERMIT SUBMITTAL REQUIREMENTS TO SUPPORT ADMINISTRATIVE DECISIONS FOR ESTABLISHMENT OF A COMMUNICATION SITE; TO ESTABLISH AN APPEAL PROCESS OF ADMINISTRATIVE DECISIONS AS MANDATED BY STATE LAW IN REGARD TO WIRELESS COMMUNICATION FACILITIES; TO PROVIDE A MECHANISM TO RECOUP ACTUAL COSTS INCURRED BY THE COUNTY FOR EXPERT TECHNICAL REVIEW OF WIRELESS FACILITIES, PROVIDING FOR PROPERTY OWNER NOTICE PRIOR TO ISSUANCE OF BUILDING PERMIT FOR ALL WIRELESS FACILITIES, PROVIDING FOR A MANDATED DISCRETIONARY PERMIT FOR WIRELESS MONOPOLES AND LATTICE TOWERS, AND OTHER MATTERS PROPERLY RELATING THERETO,"** be approved, adopted and published in accordance with NRS 244.100.

* * * * *

9:20 p.m. The Board adjourned to a closed session for the purpose of discussing negotiations with Employee Organizations.

JAMES M. SHAW, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Jan Frazzetta, Deputy County Clerk
Lori Rowe, Deputy County Clerk*