

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

TUESDAY

2:00 P.M.

JULY 27, 2004

PRESENT:

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

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

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

**04-756      AGENDA**

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the agenda for the July 27, 2004 meeting be approved with the following changes: **Delete** Item 20-Agreement for Services with the Nevada Land Conservancy for the Truckee River Flood Management Project, Item 21-Resolution for acquiring properties from the Nevada Land Conservancy for the Truckee River Flood Management Project, and Item 18-Discussion on Contributions to Community Organizations; **Change** Item 12-Add Washoe County District Health as a signatory to the Memorandum of Legislative Cooperation.

**04-757      PUBLIC COMMENTS**

Al Hesson, local resident, said the new prescription drug program rewards drug manufacturers more than senior citizens.

Tom Noblett, Sun Valley resident, said instead of mowing the weeds in Sun Valley they should be cut in the spring and poisoned, which would keep the weeds from growing back for two years. He asked this item be put on an agenda.

Robert Cameron, Washoe County resident, said currently nothing could be done about the infractions on the scenic corridor along Highway 431. He said he had been informed Community Development felt the ordinance needed to be rewritten and he

said it was taking much too long to do so. He said the garbage transfer station at Highway 431 and South Virginia Street was needed, and he had heard it was being held up because of the new shopping mall, which if true, was disturbing to him.

Guy Felton, local resident, read from his handout, Code of Conduct For County and Municipal Elected Officials, which was placed on file with the Clerk.

Gary Schmidt, County Board of Equalization (BOE) member, said he was concerned about the lack of public workshops. He said he had been circumvented from placing items on the agenda and from scheduling additional workshops. He stated he felt there was a conflict with the District Attorney's Office representing both the BOE and the Assessor's Office. He also requested the fifth BOE member be appointed as soon as possible because the Chair was not permitting the use of alternates during the workshops.

Sam Dehne, local resident, said he had been attending the Reno City Council meetings continuously for 10 years. He said he was also concerned about the lack of news coverage of Reno City Council actions.

Later in the meeting, Sandra Tanner, local resident, spoke about access to public roads, read a letter to the editor and the property owner's response. Commissioner Galloway advised public roads were on a future agenda.

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

Commissioner Galloway said he attended the Reno City Council meeting to speak against the annexation of Cold Springs, but the Mayor did not permit anyone to speak. He said the matter was continued to a future, but unspecified time. Commissioner Galloway requested Community Development and Code Enforcement bring back a report on signs on the Mount Rose scenic corridor, and any ordinance changes should be included in the recommendation. He also requested an agenda item to appoint the fifth member of the Board of Equalization (BOE) no later than next month along with discussion and possible direction regarding Board of County Commission responsibilities toward the BOE.

Commissioner Humke thanked all of the firefighters who fought the recent wildfire, along with Forest Service, Sheriff, Search and Rescue, and Animal Control personnel who helped where needed. The South Truckee Meadows General Improvement District Special Study Committee had almost completed the study but not all of the questions have been answered. Commissioner Humke said he would recommend a consultant study to better explain water rights and water delivery.

Commissioner Sferrazza requested staff review and report back on the proposal to use road grindings for road maintenance and the request by Desert Arial Properties on the method of assigning retail addresses. He said he had heard from the Public Defender that an RFP for the Alian contract would not be pursued at this time due

to recent developments. Katy Singlaub, County Manager said she would get back to Commissioner Sferrazza on this issue.

Commissioner Weber said she also attended the Reno City Council meeting, but was a few minutes late and the meeting was already over. She heard that several Cold Springs citizens were unhappy they did not get the opportunity to speak. She said she felt it was an oversight and she hopes it would not happen again. She said the Sun Valley General Improvement District's (GID) and the County Roads Department are working on some ideas to handle the Sun Valley weed problem.

Chairman Shaw thanked Commissioner Humke and his wife for offering to take in large animals during the recent fire. Commissioner Humke said they did not have any takers, but many people from all over had offered to take in large animals.

Later in the meeting, Commissioner Sferrazza said the Truckee Meadows Water Authority (TMWA) Board tried to force the Sun Valley General Improvement District (SVGID) to adopt the TMWA regulations concerning alternate watering days and SVGID said this was voluntary. Commissioner Sferrazza asked that the District Attorney investigate to see if TMWA had that authority under the Interlocal Agreement.

**04-758            PROCLAMATION – RECOGNIZING SEXUAL ASSAULT  
RESPONSE TEAM (SART) AND CHILD ABUSE RESPONSE AND  
EVALUATIONS (CARES) PROGRAM – DISTRICT ATTORNEY**

On motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, it was ordered that the following Proclamation, which Chairman Shaw read and presented to District Attorney Richard Gammick, be adopted and the Chairman be authorized to execute the same:

**PROCLAMATION**

**WHEREAS**, The Washoe County District Attorney's Office established the Sexual Assault Response Team (SART) and Child Abuse Response and Evaluations (CARES) programs in the year 2000; and

**WHEREAS**, These programs are a government-private collaborative effort of the District Attorney's office, Washoe County Sheriff's office, Washoe County Child Protective Services, City of Sparks Police Department, the City of Reno Police Department, University of Nevada Police Department; Washoe County School District Police, Crisis Call Center and Northern Nevada Medical Center; and

**WHEREAS**, SART is the adolescent/adult sexual assault program located at Northern Nevada Medical Center which treats victims ages thirteen and older and provides forensic examinations of victims of sexual assault twenty four hours a day, seven days a week; and

**WHEREAS,** The CARES program also located at Northern Nevada Medical Center is professionally staffed with nurse practitioners and pediatricians who are trained to conduct forensic examinations of sexually abused children through age twelve and are able to provide treatment, follow up care and referrals in a caring, sensitive and professional manner; and

**WHEREAS,** The SART and CARES program provide a safe and comfortable environment where victims are examined, interviewed and receive assistance which reduces the psychological and emotional impact on victims, both young and old, during this crisis time; and

**WHEREAS,** The SART and CARES programs provide examination services to not only Washoe County but to rural counties in Northern Nevada and California; now, therefore, be it

**PROCLAIMED,** By the Washoe County Board of Commissioners that Washoe County acknowledges the contributions to the health, safety and welfare of the community made by the SART and CARES programs and Washoe County's commitment to these programs through the \$1 million HUD appropriation obtained through the efforts of Senator John Ensign to fund the expansion and modernization of the SART and CARES program services for the child and adult victims of sexual assault and sexual abuse.

Mr. Gammick said it took a lot of effort by many people to establish the SART and CARES programs in 2000. During the Northern Nevada Medical Center expansion, the HUD grant allowed the program to expand into a 4,000 square foot suite with adult and children examination rooms.

**04-759            2003 CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING - COMPTROLLER**

Katy Singlaub, County Manager, said this was the 22nd year in a row this certificate has been awarded to the Comptroller.

Chairman Shaw and the Board as a whole thanked Kathy Garcia, Comptroller, and her staff for the effort that went into receiving the Certificate of Achievement for Excellence in Financial Reporting that was awarded to Washoe County by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR) for the fiscal year ended June 30, 2003.

Ms. Garcia thanked the Board for their continuing support and all those who participated in preparing the report.

**RESOLUTION – NAMING YOUNG PEOPLE’S AREA OF NEW  
INCLINE VILLAGE LIBRARY “NORMAN ROSENBERG YOUNG  
PEOPLE’S LIBRARY”**

Commissioner Galloway said Norman Rosenberg, Incline Village community activist, was instrumental in making sure the momentum for this library was carried through to construction. He recognized several other people including Nancy Cummings, Library Director, Mrs. Rosenberg, and Gene Brockman and his wife.

Upon recommendation of Rocky Badolato, Library Administrative Secretary, through Ms. Cummings, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the following Resolution, that Commissioner Galloway read to Mr. Rosenberg, be adopted and Chairman Shaw be authorized to execute the same:

**RESOLUTION**

**WHEREAS**, Norman Rosenberg is a past Library Board member, Chair and Co-Chair, who has expended vast amounts of time and energy toward the Incline Village Library Project, in addition to many other Library projects, activities and committees; and

**WHEREAS**, The Incline Village General Improvement District passed and adopted a resolution to affirm their support to name a portion of the Incline Village Library in honor of Norman Rosenberg; and

**WHEREAS**, The Washoe County Library Naming Committee unanimously agreed that the Young People's area of the new Incline Village Library be named in honor of Norman Rosenberg; and

**WHEREAS**, The Washoe County Library Board of Trustees unanimously agreed that the Young People's area of said Library should be named in honor of Norman Rosenberg; now, therefore, be it

**RESOLVED**, That the Washoe County Board of Commissioners endorse naming the Young People's area of the new Incline Village Library the "Norman Rosenberg Young People's Library."

Mr. Rosenberg thanked the Board for the honor and spoke about the progress on the library building and thanked the others who helped bring the library to fruition. Ms. Cummings thanked Mr. Rosenberg for everything he has done in Washoe County. Mr. Brockman, Incline Village resident, thanked the Board for recognizing Mr. Rosenberg.

**04-761            MINUTES**

On motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the minutes of the regular meetings of March 23, April 13 and 20, 2004 be approved.

**04-762            SPONSOR FEE - NORTH CAL-NEVA RESOURCE  
CONSERVATION AND DEVELOPMENT COUNCIL**

Upon recommendation of Michelle Poché, Assistant County Manager, through Katy Singlaub, County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that payment of \$300 for sponsor fees to the North Cal-Neva Resource Conservation and Development Council for the 2004/05 fiscal year be approved.

**04-763            UNCOLLECTIBLE PERSONAL PROPERTY TAX LIST -  
COMPTROLLER**

Upon recommendation of Kathy Garcia, Comptroller, through John Sherman, Finance Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the Tax Collector be authorized to delete the names, amounts and account numbers from the personal property tax rolls identified as uncollectible as shown on the list placed on file with the Clerk.

**04-764            RESOLUTION - NOTICE OF SALE OF PROPERTIES - SPECIAL  
ASSESSMENT DISTRICTS 21, 23, 25 AND 30 - TREASURER**

Upon recommendation of Tammi Davis, Deputy Treasurer, through Bill Berrum, Treasurer, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Treasurer be authorized to give notice of sale of properties subject to the lien of a delinquent special assessment in the following special assessment districts (SAD's or WCAD): SAD 21, Cold Springs Sewer; SAD 23, Arrowcreek Water; SAD 25, Calle de la Plata Road; SAD 30, Antelope Valley Road. It was noted that an additional description of affected parcels were contained in exhibit A, which was placed on file with the Clerk.

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

**RESOLUTION NO. 04-764**

**A RESOLUTION DIRECTING THE COUNTY  
TREASURER TO GIVE NOTICE OF THE SALE OF  
THE PROPERTIES SUBJECT TO THE LIEN OF A  
DELINQUENT ASSESSMENT: RATIFYING ALL**

**ACTIONS PREVIOUSLY TAKEN; AND PROVIDING  
OTHER MATTERS PROPERLY RELATING  
THERETO.**

**WHEREAS**, The Board of Commissioners (the “Board”) of the County of Washoe (the “County”), State of Nevada, pursuant to different ordinances heretofore duly passed and adopted, created County improvement districts as more particularly described at Exhibit A, placed on file with the Clerk, and incorporated herein (the “Districts”), and ordered the acquisition of improvements within said Districts, and determined to defray a portion of the entire cost and expense of such improvements by special assessments, according to benefits, against the benefited lots, tracts and parcels of land (“properties”) in the respective Districts; and

**WHEREAS**, the Board has by their respective ordinances levied assessments against properties; and

**WHEREAS**, the Board has directed and hereby reaffirm their direction to the County Treasurer to collect and enforce the assessments in the Districts in the manner provided by Nevada’s Consolidated Local Improvements Law, NRS Chapter 271; and

**WHEREAS**, the assessment installments on certain properties in the Districts are delinquent, as identified in Exhibit A, placed on file with the Clerk (“delinquent”), and remain delinquent after delivery by certified mail, return receipt requested, of a ten day delinquency notice to each delinquent property owner, and

**WHEREAS**, the Board desires that the County Treasurer proceed with a notice of the sale of the delinquent properties as provided in NRS 271.545 and sell the delinquent properties pursuant to NRS 217.540 to NRS 271.630.

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

1. The Board hereby exercises its option to cause the whole amount of the unpaid principal of the assessments on the delinquent properties to become due and payable as provided in NRS 271.410.

2. The Board hereby ratifies all action previously taken by the County Treasurer and directs the County Treasurer to give notice of the sale of the delinquent properties and to sell the delinquent properties pursuant to NRS 271.540 to NRS 271.630. The sale shall take place at 2:00 p.m. on October 27, 2004 in the Washoe County Commission Chambers, 1001 E. Ninth Street, which the Board hereby finds a convenient location within the County.

3. If some irregularity or circumstance arises before the sale of any delinquent property such that in the opinion of the Washoe County Treasurer the public

interest would be best served by withdrawing such a delinquent property from sale, the Washoe County Treasurer is hereby expressly authorized to make such a withdrawal. The Treasurer shall report to the Board in writing concerning his decision to make such a withdrawal and shall state the reasons for the decision.

4. The County Treasurer shall give the notice as provided in NRS 271.545, by publication in the Reno Gazette Journal, a newspaper of general circulation in the County, and such notice to be published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication to be at least 15 days prior to the day of sale. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication and the last publication. Such service by publication shall be verified by the affidavit of the publisher and filed with the County Treasurer. The County Treasurer or his designee shall also give written notice of sale by mailing a copy of such notice, by first-class mail, postage prepaid, at least 20 days prior to the day of sale, to the last known owner or owners of all properties subject to sale or other designated person at his or her last-known address or addresses, and to any person or governmental entity that appeared in the records of the County to have a lien or other interest in the delinquent property. Proof of such mailing shall be made by the affidavit of the County Treasurer or his designee and such proof shall be filed with the County Treasurer. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the County Treasurer until all special assessments and special assessment bonds issued (if such special assessment bonds have been or are hereafter issued) shall have been paid in full, both principal and interest, until any period of redemption has expired or property sold for an assessment, or until any claim is barred by an appropriate statute of limitations, whichever occurs last.

5. The officers of the County are hereby authorized to take all action necessary to effectuate the provisions of this Resolution.

6. The resolution is effective on passage and approval.

**04-765      REFRESHMENTS - WORKSHOPS FOR CITIZEN ADVISORY  
BOARDS - COMMUNITY DEVELOPMENT**

Upon recommendation of Bob Webb, Planning Manager, through Adrian Freund, Community Development Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the expenditure of no more than \$1,500 to provide refreshments for participants attending Citizen Advisory Board training workshops in Fiscal Year 2004/05 be approved.

04-766

**ACCEPTANCE OF GRANT - 2004/05 OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION/NEVADA JUVENILE JUSTICE COMMISSION - JUVENILE SERVICES**

Commissioner Humke disclosed he serves on the Nevada Juvenile Justice Commission and voted for this grant but does not believe it constitutes a conflict because it is a passed through federal fund.

Upon recommendation of Michael Martino, Program Manager, through Leonard Pugh, Juvenile Services Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the Juvenile Delinquency Prevention/Nevada Juvenile Justice Commission Grant for 2004/05 in the amount of \$55,392 be accepted and the Budget Division be directed to make the following account adjustments:

| <b>INTERNAL ORDER/ ACCOUNT NAME</b> | <b>ACCOUNT NUMBER</b> | <b>AMOUNT OF INCREASE/ (DECREASE)</b> |
|-------------------------------------|-----------------------|---------------------------------------|
| Revenue:<br>10345 OJJD              | 43110                 | \$55,392.00                           |
| Expenditures:<br>10345 OJJD/Salary  | 701110                | \$27,639.90                           |
| 10345 OJJD/Insurance                | 705110                | 4,122.00                              |
| 10345 OJJD/Retirement               | 705210                | 5,597.08                              |
| 10345 OJJD/Other                    | 705230                | 401.02                                |
| 10345 OJJD/Payment to Agency        | 710400                | *17,632.00                            |

04-767

**ACCEPTANCE OF CHAFFEE GRANT AWARD - STATE DIVISION OF CHILD AND FAMILY SERVICES - SOCIAL SERVICES**

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the Chaffee Grant Award in the amount of \$79,000 in Federal Funds from the State Division of Child and Family Services to assist youth in making transition from foster care to economic self-sufficiency be accepted. It was further ordered that the Finance Department be directed to make the following budget adjustments:

| <b>ACCOUNT NUMBER</b> | <b>DESCRIPTION</b> | <b>AMOUNT OF INCREASE/(DECREASE)</b> |
|-----------------------|--------------------|--------------------------------------|
| 2028-10138-431100     | Federal Grants     | \$19,000                             |
| 2028-10138-710200     | Service Contracts  | \$20,000                             |
| 2028-10138-710711     | Independent Living | (\$1,000)                            |
|                       | Total Expenditures | \$19,000                             |

It was noted a County match of 20 percent (\$15,800) is required, which was already included in the adopted Fiscal Year 2004/05 budget under Cost Center 280910.

**04-768            CHANGE ORDER - CLARK AND SULLIVAN - JAN EVANS**  
**JUVENILE 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 Weber, which motion duly carried, Chairman Shaw ordered that the Change Order number eleven between Washoe County and Clark and Sullivan, for the Jan Evans Juvenile Justice Center in the amount of \$27,737.51 be approved and the Contract Administrator be authorized to sign the necessary documents.

**04-769            BUDGET AMENDMENT - FY 2004/05 - TOBACCO CONTROL**  
**HEALTH EDUCATION - HEALTH**

Upon recommendation of Pamela Fine, Health Analyst, through Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the amendments to the District Health Department Fiscal Year 2004/05 Tobacco Control and Health Education Program Budget in the amount of (\$2,182) be approved and the Finance Department be directed to make the following budget adjustments:

| <b>ACCOUNT NUMBER</b> | <b>DESCRIPTION</b>              | <b>AMOUNT OF INCREASE/ (DECREASE)</b> |
|-----------------------|---------------------------------|---------------------------------------|
| 202-10033-431100      | Federal Revenue IO 10033        | \$ (50,000)                           |
| 202-10033-701110      | Base Salaries                   | \$ (22,984)                           |
| -705110               | Group Insurance                 | \$ (2,500)                            |
| -705210               | Retirement                      | \$ (4,655)                            |
| -705230               | Medicare                        | \$ (333)                              |
| -710100               | Other Professional Services     | \$ (9,245)                            |
| -710509               | Registration                    | \$ (2,500)                            |
| -710512               | Mileage                         | \$ (283)                              |
| -711210               | Travel                          | \$ (6,000)                            |
| 202-10033-711400      | Overhead                        | \$ (1,500)                            |
|                       | <b>Total Expenses IO 10033</b>  | \$ (50,000)                           |
| 202-10010-431100      | <b>Federal Revenue IO 10010</b> | \$ 47,818                             |
| -710100               | Other Professional Services     | \$ (5,423)                            |
| -710300               | Supplies                        | \$ 3,000                              |
| -711504               | Minor Furniture & Equipment     | \$ 2,640                              |
| -710502               | Printing                        | \$ 250                                |
| -710546               | Advertising                     | \$ 32,084                             |

| <b>ACCOUNT NUMBER</b> | <b>DESCRIPTION</b>      | <b>AMOUNT OF INCREASE/ (DECREASE)</b> |
|-----------------------|-------------------------|---------------------------------------|
| -711210               | Travel                  | \$ 5,400                              |
| -711400               | Overhead                | \$ 9,867                              |
|                       | Total Expenses IO 10010 | \$ 47,818                             |
|                       | <b>GRAND TOTAL</b>      | \$ (2,182)                            |

It was further ordered that the Human Resources Department be directed to abolish PC#2277, one 1.0 FTE Health Educator position, which is no longer partially funded by this grant award.

**04-770            BUDGET AMENDMENTS - FY 2004/05 - TOBACCO USE**  
**PREVENTION OUTREACH - HEALTH**

Upon recommendation of Pamela Fine, Health Analyst, through Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the amendments to the District Health Department Fiscal Year 2004/05 Tobacco Use Prevention Outreach Program Budget in the amount of \$300,000 be approved and the Finance Department be directed to make the following budget adjustments:

| <b>ACCOUNT NUMBER</b> | <b>DESCRIPTION</b>          | <b>AMOUNT OF INCREASE/(DECREASE)</b> |
|-----------------------|-----------------------------|--------------------------------------|
| 202-10418-432100      | State Revenue               | \$ 300,000                           |
| 202-10418-701110      | Base Salaries               | \$ 126,761                           |
| -705110               | Group Insurance             | \$ 28,467                            |
| -705320               | Worker's Comp               | \$ 897                               |
| -705330               | Unemployment Comp           | \$ 150                               |
| -705210               | Retirement                  | \$ 21,252                            |
| -705230               | Medicare                    | \$ 1,521                             |
| -710100               | Other Professional Services | \$ 10,000                            |
| -710334               | Copy Machine                | \$ 600                               |
| -710350               | Office Supplies             | \$ 1,200                             |
| -710361               | Postage                     | \$ 1,200                             |
| -710500               | Special Awards              | \$ 15,000                            |
| -710502               | Printing                    | \$ 6,000                             |
| -711504               | Minor Equipment             | \$ 6,000                             |
| -710508               | Telephone                   | \$ 1,080                             |
| -710512               | Mileage                     | \$ 1,200                             |
| -710546               | Advertising                 | \$ 78,672                            |
|                       | <b>Total Expenses</b>       | \$ 300,000                           |

It was further ordered that Human Resources be directed to create two 1.0 FTE Health Educator positions with full benefits and one .53 FTE Office Assistant position with full benefits.

**04-771            BUDGET AMENDMENTS - FY 2004/05 - HIV SURVEILLANCE - HEALTH**

Upon recommendation of Patsy Buxton, Health Analyst, through Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the amendments to the District Health Department's Fiscal Year 2004/05 HIV Surveillance Program Budget in the amount of \$5,329 be approved and the Finance Department be directed to make the following budget adjustments:

| <b>ACCOUNT NUMBER</b> | <b>DESCRIPTION</b>        | <b>AMOUNT OF INCREASE/(DECREASE)</b> |
|-----------------------|---------------------------|--------------------------------------|
| 2002-IO-10012-431100  | <b>Federal Revenue</b>    | \$ 5,329                             |
| 2002-IO-10012-701110  | Base Salaries             | 16,343                               |
| -705210               | Retirement                | 3,309                                |
| -705230               | Medicare                  | 237                                  |
| -710334               | Copy Machine Expense      | (250)                                |
| -710350               | Office Supplies           | (250)                                |
| -710361               | Postage                   | (100)                                |
| -710500               | Other Expense             | (2,000)                              |
| -710502               | Printing                  | (250)                                |
| -710509               | Seminars and Meetings     | (500)                                |
| -710512               | Auto Expense              | 1,190                                |
| -710721               | Outpatient                | (7,900)                              |
| -711210               | Travel                    | (4,000)                              |
| -711504               | Equipment < \$10,000      | (500)                                |
|                       | <b>Total Expenditures</b> | \$ 5,329                             |

**04-772            PURCHASE REQUISITION - CARDINAL HEALTH - HEALTH**

Upon recommendation of Pamela Fine, Health Analyst, through Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the Purchase Requisition #3000001418 for Fiscal Year 2004/05 issued to Cardinal Health for pharmaceutical products to support the medical clinic operations on behalf of the Community & Clinical Health Services Division in the amount of \$40,000 be approved.

**04-773            PURCHASE REQUISTION - MCKESSON GENERAL MEDICAL CORP - HEALTH**

Upon recommendation of Pamela Fine, Health Analyst, through Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the Purchase Requisition #3000001416 for Fiscal Year 2004/05 issued to McKesson General Medical Corp (Bid #2318-02) for medical supply products in support of the medical clinic operations on behalf of the Community & Clinical Health Services Division in the amount of \$40,200 be approved.

**04-774            PURCHASE REQUISITIONS - VIACOM OUTDOOR ADVERTISING/CINEMA MEDIA SCREENING LLC - HEALTH**

Upon recommendation of Pamela Fine, Health Analyst, through Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that Purchase Requisitions #3000001446 for Fiscal Year 2004/05 issued to Viacom Outdoor Advertising for bus bench advertising in the Las Vegas Metro Area in the amount of \$30,000, and #3000003937 issued to Cinema Screen Media LLC for statewide movie theater advertising in the amount of \$28,791.50 be approved. It was noted that both requisitions are in support of the Child Abuse Prevention Statewide Outreach and Marketing Program funded by the State of Nevada, Department of Human Resources on behalf of the Community & Clinical Health Services Division of the Washoe County District Health Department.

**04-775            PURCHASE REQUISITION - BOARD OF REGENTS OF THE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA/ DESERT RESEARCH INSTITUTE - HEALTH**

Upon recommendation of Pamela Fine, Health Analyst, through Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that Purchase Requisition #3000001468 for Fiscal Year 2004/05 issued to the Board of Regents of the University and Community College System of Nevada, Desert Research Institute, Division of Atmospheric Sciences, for contractual services for evaluation of emissions sources in the amount of \$64,502 be approved. It was noted the purchase requisition funding was by the Federal Environmental Protection Agency Carryover Grant on behalf of the Air Quality Management Division.

**04-776            AGREEMENT - JBR ENVIRONMENTAL CONSULTANTS INC. - SPANISH SPRINGS VALLEY WATER RECLAMATION FACILITY PLANNING PROJECT - WATER RESOURCES**

Upon recommendation of Rick Warner, Engineer, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by

Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the agreement between Washoe County and JBR Environmental Consultants, Inc., concerning environmental assessments for the Spanish Springs Valley Water Reclamation Facility Planning Project in the amount of \$77,956, be approved and Chairman Shaw be authorized to execute the same.

**04-777            AGREEMENT - REGIONAL TRANSPORTATION COMMISSION  
- PASSENGER AMENITIES IN COUNTY RIGHT-OF-WAY -  
DISTRICT ATTORNEY**

Upon recommendation of Madelyn Shipman, Assistant District Attorney, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the agreement between Washoe County and the Regional Transportation Commission, concerning a license to locate passenger amenities within the unincorporated Washoe County right-of-way, be approved and Chairman Shaw be authorized to execute the same.

**04-778            RESOLUTION - GRANT PROGRAM CONTRACT - NEVADA  
HEALTH CENTERS, INC. - GERLACH HEALTH CLINIC -  
MANAGER**

Upon recommendation of Gabrielle Enfield, Grants Administrator, through Katy Singlaub, County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Grant Program Contract for Nevada Health Centers Inc. for Fiscal Year 2004/05 in the amount of \$87,800 to support the operation of the Gerlach Health Clinic be approved. It was further ordered that the following Resolution be adopted and Chairman Shaw be authorized to execute the 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 \$87,800 in funding is needed to address the basic health care needs of the uninsured and underinsured of Gerlach; now, therefore, be it

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

1. The Board hereby grants to Nevada Health Centers, Inc., a nonprofit organization created for religious, charitable or

educational purposes, a grant for fiscal year 2004-2005 in the amount of \$87,800 (Community Support).

2. The Board finds that in making this grant a substantial benefit will be provided to the inhabitants of the County by providing basic health care to low income, uninsured, and underinsured clients living in the Gerlach area.
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 was placed on file with the Clerk, incorporated herein by reference.

**04-779            MEMORANDUM OF LEGISLATIVE COOPERATION –  
LEGISLATIVE AFFAIRS**

Upon recommendation of John Slaughter, Strategic Planning Manager, through Katy Singlaub, County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Memorandum of Legislative Cooperation by and among the City of Reno, City of Sparks, Regional Planning Governing Board, Regional Transportation Commission, Washoe County, Washoe County District Health and Washoe County School District, concerning guidelines, processes and procedures for cooperation, communication and conflict resolution prior to and during the 2005 Nevada Legislative Session be approved and Chairman Shaw be authorized to execute the same.

**04-780            AGREEMENT AND RESOLUTION – APPOINTING INVESTORS  
BANK AND TRUST AS TRUSTEE AND SUCCESSOR TRUSTEE  
AGREEMENT FOR 401(A) PLAN - HUMAN RESOURCES**

Upon recommendation of Joanne Ray, Human Resources Director, through John Berkich, Assistant County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Successor Trustee Agreement between Washoe County and Investors Bank & Trust Company, concerning Trustee Services in connection with Washoe County's 401(a) Plan, be approved and Chairman Shaw be authorized to execute the same.

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

**RESOLUTION AMENDING RESOLUTION ADOPTED MAY 13, 2003, FOR  
THE PURPOSE OF APPOINTING INVESTORS BANK AND TRUST AS  
TRUSTEE FOR 'WASHOE COUNTY'S 401 (a) PLAN**

**WHEREAS,** On May 13, 2003, Washoe County adopted a Resolution entitled "Resolution of Board of County Commissioners of Washoe County Establishing the Washoe County 401(a) Plan and Appointing Allfirst Trust Company as Trustee;" and

**WHEREAS,** The Hartford, Washoe County's investment manager, administrator and record keeper for the 401(a) Plan notified Washoe County that Allfirst Trust Company was acquired by Manufacturers and Traders Trust Company (hereinafter "M&T Bank"); and

**WHEREAS,** M&T Bank has decided to no longer support their directed trustee services and wishes to resign as the Washoe County Plan's directed trustee; and

**WHEREAS,** The Hartford has recommended that Washoe County utilize the trust services of Investors Bank and Trust (hereinafter "IBT") of Boston, Massachusetts; and

**WHEREAS,** The Board of County Commissioners of Washoe County desires to amend its May 13, 2003 Resolution to substitute in IBT as Trustee for Washoe County's 401(a) Plan; now, therefore, be it

**RESOLVED** That the Resolution of May 13, 2003, is hereby amended to remove reference to Allfirst Trust Company, N.A., as Trustee of Washoe County's 401(a) Plan; and be it further

**RESOLVED,** That Investors Bank and Trust ("IBT") is hereby appointed as Trustee of Washoe County's 401(a) Plan with an effective date of June 1, 2004; and be it further

**RESOLVED** That all other provisions of the May 13, 2003 Resolution shall remain in full force and effect.

**04-781      AWARD OF BID - LAZY 5 WATER PLAY PARK - PUBLIC WORKS**

This was the time to consider award of bid for the Lazy 5 Water Play Park for the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on June 18 and 23, 2004. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

Northern Sierra Construction  
Building Solutions  
Gradex Construction  
West Coast Contractors

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the base bid and alternate one for the Lazy 5 Water Play Park for the Public Works Department be awarded to the low, responsive, responsible bidder, West Coast Contractors, in the amount of \$482,190 and Chairman Shaw be authorized to execute the contract documents upon presentation.

**04-782            AGREEMENT – BRISTLECONE FAMILY RESOURCES – ADULT DRUG COURT - SECOND JUDICIAL DISTRICT COURT**

Upon recommendation of Sheila Leslie, Specialty Courts Coordinator, 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 Adult Drug Court from July 1, 2004 through June 30, 2005 in an amount not to exceed \$565,200, be approved and Chairman Shaw be authorized to execute the same.

**04-783            ACCEPTANCE OF GRANT – BUREAU OF ALCOHOL AND DRUG ABUSE AND AGREEMENT – BRISTLECONE FAMILY RESOURCES – SHERIFF**

Upon recommendation of David Nickerson, Sergeant Detention Bureau, Dennis Balaam, Sheriff, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Grant Award for July 1, 2004 through June 30, 2005 in the amount of \$120,000 from the Bureau of Alcohol and Drug Abuse, concerning citizens brought in for civil protective custody to the Washoe County Detention Facility, be accepted. It was further ordered that the Agreement between Washoe County and Bristlecone Family Resources, concerning Substance Abuse Evaluation and Referral Services, be approved and Chairman Shaw and the Purchasing and Contracts Administrator be authorized to execute the same. It was also ordered that the Budget Division be directed to make following budget adjustments:

| <b>Account</b>   | <b>Increase Amount</b> |
|--|------------------------|
| Revenue: 10143-432100<br>State BADA/State Grants             | \$120,000              |
| Expenditure: 10143-710100<br>State BADA/Professional Service | \$120,000              |

**04-784            GRANT PROGRAM CONTRACT AND RESOLUTION – RESTART – EMERGENCY FAMILY SHELTER PROGRAM – GRANTS ADMINISTRATOR**

Upon recommendation of Gabrielle Enfield, Grants Administrator, through Katy Singlaub, County Manager, on motion by Commissioner Sferrazza,

seconded by Commissioner Weber, which motion duly carried, it was ordered that the Grant Program Contract between Washoe County and Restart to sub-grant Low Income Housing Trust Funds in the amount of \$170,644 with a five percent cash match of \$8,523 for Fiscal Year 2004/05 be approved and Chairman Shaw be authorized to execute the same. It was noted this grant provides assistance to families and seniors in danger of becoming homeless or who are homeless and are in need of assistance with utilities, security deposits, rent or a mortgage payment.

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

**RESOLUTION** - Authorizing the Grant of Public Money to a Private Nonprofit Organization

**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 private organization, not for profit, 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 inhabitants 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 Restart Inc., a private, nonprofit organization, a grant for fiscal year 2004-2005 in the amount of \$179,176 (\$170,644 LIHTF 5% cash match \$8,523) (Community Support).
2. The purpose of the grant, the maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Grant Program Contract, which Contract is attached hereto and incorporated herein by reference.

**04-785**      **APPEAL CASE NO. AX04-007 – MARURI AND BRACKETT -  
OLSON PARCEL MAPS CONTINUED FROM JULY 13, 2004**

**2:30 p.m.**      This was the time set for continuation of the public hearing on Appeal Case Number AX04-007 (Maruri and Brackett appeal of approval of Olson Parcel Maps) to appeal the Parcel Map Review Committee's decision on Parcel Map Case Numbers PM04-003 and PM04-004, which approved the creation of seven parcels ranging in size from 5.02 to 7.43 acres. Five of the parcels will be zoned Medium Density Rural (MDR) and two will be zoned Medium Density Rural (MDR) and Open Space (OS). The

property is located approximately 1/4 of a mile southeast of the intersection of Fawn Lane and the Mt. Rose Highway. The property is designated Medium Density Rural (MDR) and Open Space (OS) within the Forest Area Plan. The parcel is located within Section 36, T18N, R19E, MDM, Washoe County, Nevada. The property is within Washoe County Commission District No. 2 (APN 150-080-030).

Roger Pelham, Community Development Planner, said the meeting with Commissioner Humke, the applicant, and the appellants took place on July 16th but no resolution was reached between the parties. Mr. Pelham said the 60-day timeframe outlined in the Development Code was nearly over; and, if the Board does not take action by then, the appeal would be decided automatically in favor of the appellant.

Mr. Pelham said it had been the practice of Washoe County to allow an applicant, when the applicant chooses to do so, to submit a series of parcel maps to create more than four parcels rather than a tentative subdivision map. The review and conditions of approval on the parcel maps are, for all intents and purposes, identical to those that would be placed on a tentative subdivision map. He said this process was in accordance with State law as explained by staff and Assistant District Attorney Madelyn Shipman.

Mr. Pelham said he had drafted three additional conditions for approval that he believed addressed the issues that were raised, which the Board can impose if they are based on the review criteria set forth in the Development Code. He then went on to read the additional conditions, which were placed on file with the Clerk. He said the access proposed by the applicant was within documented public access easement and there was no manner in which the applicant can be denied access to his project through those easements. Mr. Pelham said the applicant had obtained a revocable easement through Forest Service property, which was not the level of easement that would serve the development.

Commissioner Galloway asked if the additional conditions would only be added if the parcel map was approved, and Mr. Pelham said they would be added to the approval of the second parcel map.

In response to Chairman Shaw, Mr. Pelham said this was the first time the appellant and the applicant were seeing these conditions, but they were discussed at length during the mediation meeting.

Chairman Shaw reopened the public hearing continued from the last meeting by calling on anyone wishing to speak concerning the appeal.

Francine Maruri, Fawn Lane resident, said she had a map, a copy of which was placed on file with the Clerk, which shows access was granted through the Mt. Rose Highway and through the Spitler estate.

Terry Thomas, Maruir's attorney, said he had filed a Quiet Title Action over emergency access, and a copy of the complaint was placed on file with the Clerk.

Jeffrey Church, Fawn Lane resident, said he had proof he was never noticed on the comprehensive plan amendment. He said he owned property that the developer plans to cut a 33-foot swath across. He said the developer refused to meet with him contrary to Board requests that the developer meet with the neighbors, the developer filed motions opposing him being added as an appellant, and he was prohibited from speaking at the mediation meeting. Mr. Church stated the map now presented is not the one approved by the Planning Committee, cuts across three new parcels, and adds 500 feet to the cul-de-sac. He said he met with the Nevada Division of Forestry (NDF), and the map was not NDF approved. Mr. Church said Mr. Olson lacks water rights for all seven parcels and there was never a Citizen Advisory Board (CAB) meeting on this parcel map.

Bruce Delaney, Fawn Lane resident, said he was never noticed and only heard about this issue a week ago from Mr. Church. He said the right-of-way was taking 33 feet from his property. Mr. Delaney said water and fire access should be looked at before making a decision. Ron Nahas, affected property owner, agreed with Mr. Delaney and said he had not been noticed.

Sam Dehne, local resident, said he believed in the concept of neighborhood self-determination. He said the neighbors should vote on zoning changes.

Stefanie Sharp, applicant's representative, said Mr. Olson had made all reasonably expected accommodations. She said this was a very well planned, low impact development. She hoped the Commission would not be swayed by passion and prejudice and would not impose any stricter conditions on Mr. Olson than would be imposed on anyone seeking parcel maps.

Paul Olson, applicant, said the map the Maruri's presented was from an application he filed with the Forest Service to obtain a revocable easement that he has not yet received. He said because of the Quiet Title action, he asked condition number one not be included unless the Board felt it was absolutely necessary.

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

Commissioner Sferrazza said, based on past experiences with the City of Reno, he does not favor using repetitive parcel maps to create a subdivision as he felt was happening. He said he would rather send this back through the process to come forward as a tentative subdivision map through the Planning Commission. He questioned which roads were being designated as access roads and whether there were legal and enforceable easements for those roads.

Commissioner Weber supported Commissioner Sferrazza's remarks. She asked the District Attorney to comment on how the Board should proceed in light of the court action.

Madelyn Shipman, Legal Counsel, said the lawsuit should not be taken into consideration in acting on the application. She said the County can make the choice about how to deal with parcel maps, tentative subdivision maps, and repetitive parcel maps; but the rules cannot be changed in process, and this cannot be sent back to be refiled as a tentative map. The Code does allow second and subsequent parcel maps; and, if the Board does not want to allow them, the Board would have to amend the Code.

Commissioner Galloway asked about the issue of map differences, and Ms. Shipman said the Board had very little discretion when reviewing the first parcel map. Regarding access, the Board could only determine if there was access not where it was located. She said the second map was where the Board had discretion. Mr. Pelham responded to Commissioner Galloway that he did not believe the maps had changed other than defining the primary and secondary accesses.

Commissioner Galloway asked if there was anything else that should be considered, such as not being noticed for land use change and the comprehensive plan amendment, in taking action. Ms. Shipman said the comprehensive plan amendment was not before the Board and was not a legal matter for this hearing.

Commissioner Galloway said the time limit on this item was approaching; and if no action were taken because someone may not have been noticed, a defacto decision would be made. He asked Legal Counsel if the Board should take appropriate action and if the noticing problem would trigger a new opportunity for people to bring this back. Ms. Kvas said the appeal must be determined by the August 22nd, which was 60 days from when it was first placed on the agenda.

After discussion on the importance of noticing and claims by Mr. Delaney and Mr. Nahas that they were not noticed, Sharon Kvas, Planning Manager, said notice was mailed to Mr. Delaney. After some discussion with Mr. Nahas about when he acquired the property, it was determined the notice was mailed to the previous owner, Tolle.

Commissioner Sferrazza said he opposed the denial of the appeal and he believed the appellants had shown there are questionable easements.

Commissioner Humke said he had worked with all involved parties and looked at all alternate easements, but the Nevada Department of Transportation (NDOT) does not want additional access points into Mt. Rose Highway. He said he was satisfied staff had evaluated the easements for primary and secondary access and found they rose to the level of the patent that was granted by the federal government when those parcels were put into private hands. Commissioner Humke said the Maruris and Ms. Brackett had both signed documentation on their recorded maps that referenced those easements. He said he had hoped in mediation to decide the primary and secondary access points but was not successful. Commissioner Humke felt there was no legal reason not to vote. Chairman Shaw agreed.

Upon recommendation of Roger Pelham, Planner, through Adrian Freund, Community Development Director, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza voting “no,” Chairman Shaw ordered that the appeal of the Parcel Map Case Numbers PM-04-003 and PM04-004 be denied, and the Parcel Map Committee’s approval be upheld subject to the following findings and the following conditions as amended:

**FINDINGS:**

1. That the division is in conformance with the Comprehensive Plan and the Forest Area Plan;
2. That the proposal will adequately provide for access, floodwaters, utilities, wastewater disposal, water supply and fire protection; and
3. That the Committee gave reasoned consideration to the information contained within the staff report and information received during the meeting.

With one additional finding that states:

4. The Washoe County Commission gave reasoned consideration to the information contained within the reports transmitted to the County Commission from the Washoe County Parcel Map Review Committee, and the information received during the Washoe County Commission public hearings.

**CONDITIONS:**

**FOR THE PURPOSES OF CONDITIONS IMPOSED BY WASHOE COUNTY, “MAY” IS PERMISSIVE AND “SHALL” OR “MUST” IS MANDATORY.**

**GENERAL CONDITIONS**

**ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES SHALL BE PROVIDED IN AN APPROPRIATE FORM AND AMOUNT, TO THE SATISFACTION OF THE PUBLIC WORKS DEPARTMENT, PRIOR TO FINALIZATION OF THE TENTATIVE PARCEL MAP, UNLESS OTHERWISE STATED.**

**COMPLIANCE WITH THE CONDITIONS OF THIS TENTATIVE PARCEL MAP IS THE RESPONSIBILITY OF THE DEVELOPER, ITS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST.**

**SPECIFIC CONDITIONS for PARCEL MAP CASE NO. PM04-003**

1. The final map shall be in substantial compliance with all plans and documents submitted as part of this tentative parcel map application, and with any amendments imposed by the Parcel Map Review Committee. All documentation necessary to satisfy the conditions noted below shall accompany the final map when submitted to the County Engineer and the Community Development Department.
2. The applicant shall comply with all the conditions of approval and shall submit a final map for signature by the Director of the Department of Community Development within twenty-two months from the date of approval by the Parcel Map Review Committee. Each agency responsible for imposing conditions may determine whether its conditions must be fully completed or whether the applicant shall be offered the option of providing financial assurances as a means of assuring compliance.
3. Any regulations, procedures, and conditions adopted by the Washoe County District Health Department must be met. The applicant shall provide verification to the Department of Community Development that all conditions from the District Health Department have been satisfied prior to recordation of a final map.
4. An advisory note shall be included on all final maps recorded for this parcel map that states the following information:

|   |  |
|---|--|
| Medium Density Rural<br>Regulatory Zone for Review<br>Purposes as of April 1, 2004<br>DOES NOT PRECLUDE<br>FURTHER DIVISION OF LAND | (Number of Lots on Parcel Map = 4<br>Lots) |
| Minimum Lot Area Required   | 4 acres                                    |
| Minimum Lot Width   | 200 feet                                   |
| Minimum Front Yard  | 30 feet                                    |
| Minimum Side Yard   | 15 feet                                    |
| Minimum Rear Yard   | 30 feet                                    |
| Maximum Building Height   | 35 feet                                    |
| <i>Variances to these standards may be processed as per Washoe County Code.</i>   |  |

5. The final map shall contain the following jurat:

This final map is in substantial compliance with the tentative map, PM04-003, and all conditions of approval have been met. Therefore, this parcel map is approved on this \_\_\_ day of \_\_\_\_\_ 200\_.

\_\_\_\_\_  
Adrian P. Freund, AICP, Director of Community Development

6. The applicant shall provide verification to the Department of Community Development that all requirements of the Nevada Division of Forestry, Fire Protection District have been satisfied. Compliance with this condition shall be determined by the Department of Community Development and the Nevada Division of Forestry.
7. The following conditions shall be completed prior to approval of any final map by the Engineering Division. The County Engineer shall determine compliance with these conditions.
  - a) Minimum public access width is 50' for a road with ditches and 42' for a road with curb and gutter. The public portion of the access must reflect one of these widths.
  - b) The 22' private access right-of-way is inappropriate. The private street minimum is 36'.
  - c) Add a 50' radius turnaround to the end of the public access easement.
  - d) Add approved street name for roadway.
  - e) Add the granting of all easements to the Owner's Certificate.
  - f) Provide more accurate location of the project on the vicinity map.
  - g) The applicant shall submit a letter from a PLS certifying that the roadway improvements from Fawn Lane to Parcel 1 are within the documented access and do not exceed a 14% gradient.
  - h) Provide a plan for surface drainage for review and approval.
  - i) Add a drainage easement for surface drainage.
  - j) Because the cul-de-sac length exceeds 1500 feet and/or the ADT exceed 300, the applicant shall provide recorded documentation for any emergency access road and shall construct the emergency access road in accordance with County Code.
  - k) Any access way shall be upgraded to a gravel road that will allow emergency vehicle travel, issuance of a building permit and take drainage into consideration.
  - l) Provide evidence of documented access that favors the applicant from Fawn Lane to the access on site.

- m) Comply with the conditions of the Washoe County technical check for this map.
  - n) Add a Security Interest Holder's Certificate to the map if applicable.
8. Dry sewer mains shall be constructed in accordance with the adopted Capital Improvement Plans and Facility Plans. The Department of Water Resources shall be responsible for determining compliance with this condition.
  9. The division shall be in conformance with the water quality protection policies of the Washoe County District Health Department.
  10. A recorded waiver of protest to the formation and funding of a sewer improvement district shall be provided to the Department of Community Development staff prior to/ or in combination with the recordation of the map. The Department of Community Development shall determine compliance with this condition.
  11. The roadside drainage swale shall be maintained by the parcel owners to prevent pools of water from forming as a result of erosion of the drainage way. The following maintenance requirements shall be included in the Conditions, Covenants and Restrictions (CC&R's) for the parcels created:

All vegetation and debris must be removed from the bottom and three feet up the sides of the drainage swale, the bottom of the drainage way shall be graded and accumulated sediment removed, not later than May 31 every year.

Operational compliance with this condition shall be determined by the District Health Department, Vector-Borne Diseases. Inclusion of the statement in the Conditions, Covenants and Restrictions (CC&R's) shall be determined by the Department of Community Development.

12. The following conditions shall be completed prior to approval of any final map by the Department of Water Resources. The Department of Water Resources shall determine compliance with these conditions.
  - a) Water rights in accordance with the Forest Area Plan shall be dedicated to Washoe County. The water rights must be in good standing with the State Division of Water Resources and shall reflect the point of diversion, place of use, and manner of use satisfactory to the DWR.
  - b) Revise signature block on map to read "*Washoe County Department of Water Resources.*"
  - c) The Applicant shall pay the DWR the sum of \$50.00 per newly created lot prior to approval of the parcel map. This fee shall represent the

development's prorated share of the completed water and wastewater facilities plan for the South Truckee Meadows.

**SPECIFIC CONDITIONS for PARCEL MAP CASE NO. PM04-004**

1. The final map shall be in substantial compliance with all plans and documents submitted as part of this tentative parcel map application, and with any amendments imposed by the Parcel Map Review Committee. All documentation necessary to satisfy the conditions noted below shall accompany the final map when submitted to the County Engineer and the Community Development Department.
2. The applicant shall comply with all the conditions of approval and shall submit a final map for signature by the Director of the Department of Community Development within twenty-two months from the date of approval by the Parcel Map Review Committee. Each agency responsible for imposing conditions may determine whether its conditions must be fully completed or whether the applicant shall be offered the option of providing financial assurances as a means of assuring compliance.
3. Any regulations, procedures, and conditions adopted by the Washoe County District Health Department must be met. The applicant shall provide verification to the Department of Community Development that all conditions from the District Health Department have been satisfied prior to recordation of a final map.
4. An advisory note shall be included on all final maps recorded for this parcel map that states the following information:

|   |  |
|---|--|
| Medium Density Rural<br>Regulatory Zone for Review<br>Purposes as of April 1, 2004<br>DOES NOT PRECLUDE<br>FURTHER DIVISION OF LAND | (Number of Lots on Parcel Map = 4<br>Lots) |
| Minimum Lot Area Required   | 4 acres                                    |
| Minimum Lot Width   | 200 feet                                   |
| Minimum Front Yard  | 30 feet                                    |
| Minimum Side Yard   | 15 feet                                    |
| Minimum Rear Yard   | 30 feet                                    |
| Maximum Building Height   | 35 feet                                    |
| <i>Variances to these standards may be processed as per Washoe County Code.</i>   |  |

5. The final map shall contain the following jurat:

This final map is in substantial compliance with the tentative map, PM04-004, and all conditions of approval have been met. Therefore, this parcel map is approved on this \_\_\_day of \_\_\_\_\_200\_\_.

6. Prior to the recordation of a final map, the applicant shall provide verification to the Department of Community Development that all requirements of the Nevada Division of Forestry, Fire Protection District have been satisfied. Compliance with this condition shall be determined by the Department of Community Development and the Nevada Division of Forestry.
7. The following conditions shall be completed prior to approval of any final map by the Engineering Division. The County Engineer shall determine compliance with these conditions.
  - a) Minimum public access width is 50' for a road with ditches and 42' for a road with curb and gutter. The public portion of the access must reflect one of these widths.
  - b) The 22' private access right-of-way is inappropriate. The private street minimum is 36'.
  - c) Add a 50' radius turnaround to the end of the public access easement.
  - d) Add approved street name for roadway.
  - e) Add the granting of all easements to the Owner's Certificate.
  - f) Provide more accurate location and depiction of the project on the Vicinity Map.
  - g) Provide evidence that all existing roadway improvements meet County standards.
  - h) The applicant shall submit a letter from a PLS certifying that the roadway improvements from Fawn Lane to Parcel 1 are within the documented access and do not exceed a 14% gradient.
  - i) Street improvement is a condition of this map. Prior to final approval and recordation, provide construction drawings, including profile grades, street cross-sections, culvert locations, drainage patterns and improvements. Street signs and centerline street monuments must be installed. An asphalt roadway with curb and gutter shall be constructed (per Standard Details for Public Works Construction under "Washoe Drawing No. W-1.4, Page 4"). The plans shall include sufficient drainage improvements to provide for runoff. Upon approval of the aforementioned construction drawings, a bond or letter of credit for 140% of the estimated cost must be submitted to Washoe County to insure the completion of the proposed plans. The

applicant must also complete a Parcel Map Improvement Agreement (Subdivision Improvement Agreement) with Washoe County prior to final approval and recordation of the map.

- j) Provide a plan for surface drainage for review and approval.
  - k) Add a drainage easement for surface drainage.
  - l) Comply with the conditions of the Washoe County technical check for this map.
  - m) Add a Security Interest Holder's Certificate to the map if applicable.
8. Dry sewer mains shall be constructed in accordance with the adopted Capital Improvement Plans and Facility Plans. The Department of Water Resources shall be responsible for determining compliance with this condition.
9. The division shall be in conformance with the water quality protection policies of the Washoe County District Health Department.
10. A recorded waiver of protect to the formation and funding of a sewer improvement district shall be provided to the Department of Community Development staff prior to/ or in combination with the recordation of the map. The Department of Community Development shall determine compliance with this condition.
11. The roadside drainage swale shall be maintained by the parcel owners to prevent pools of water from forming as a result of erosion of the drainage way. The following maintenance requirements shall be included in the Conditions, Covenants and Restrictions (CC&R's) for the parcels created:
- All vegetation and debris must be removed from the bottom and three feet up the sides of the drainage swale, the bottom of the drainage way shall be graded and accumulated sediment removed, not later than May 31 every year.
- Operational compliance with this condition shall be determined by the District Health Department, Vector-Borne Diseases. Inclusion of the statement in the Conditions, Covenants and Restrictions (CC&R's) shall be determined by the Department of Community Development.
12. The following conditions shall be met, to the satisfaction of the Nevada Division of Forestry, Fire Protection District prior to the recordation of a final map:
- a) A complete fire flow water system capable of meeting residential calculated flow requirements as prescribed in the Uniform Fire Code,

Appendix III-A shall be installed. This must be completed prior to any delivery of combustible materials on project.

- b) All fire hydrant locations shall be reviewed and approved by the Nevada Division of Forestry Prevention Bureau and shall be in proximity to streets so that snow accumulations at the hydrant may be removed during routine snow plowing operations.
  - c) All roadways within the project shall meet the requirements of paved all-weather surface and shall be designated no-parking zones where less than 24 feet wide.
  - d) There shall be a minimum of two 24-foot wide project access roadways from the public ways. Amounting to two-ways-in, two-ways-out of the development. Completed prior to delivery of any combustible materials on project.
  - e) A fuels management/reduction program around all structures shall be maintained a minimum 30 feet in accordance with Uniform Fire Code, Appendix II-A-16.
  - f) Clearance of vegetative growth from roadways, in accordance with Uniform Fire Code, Appendix II-A-17.
  - g) A fuels modification plan for the entire acreage shall be accomplished to the satisfaction of the Nevada Division of Forestry Resource Forester and shall be completed prior to the County Commissioners approval of any final map. (775-849-2500)
  - h) All structures shall be constructed with fire retardant roofing materials in compliance with N.R.S. 472-100.
  - i) All cut banks, slopes 2:1, drainage plans, creek crossings, and soil stabilization must be reviewed and approved by the Nevada Division of Forestry Resource Forester.
  - j) A Timberland Conversion Certificate in compliance with N.R.S. 528.082 through 528.086 could be required prior to any ground-breaking or start of any construction on project. Contact Nevada Division of Forestry Resource Forester.
  - k) A Knox Box is required for emergency access on gated communities.
13. The following conditions shall be completed prior to approval of any final map by the Department of Water Resources. The Department of Water Resources shall determine compliance with these conditions.

- a) Water rights in accordance with the Forest Area Plan shall be dedicated to Washoe County. The water rights must be in good standing with the State Division of Water Resources and shall reflect the point of diversion, place of use, and manner of use satisfactory to the DWR.
- b) Revise signature block on map to read “*Washoe County Department of Water Resources.*”
- c) The Applicant shall pay the DWR the sum of \$50.00 per newly created lot prior to approval of the parcel map. This fee shall represent the development's prorated share of the completed water and wastewater facilities plan for the South Truckee Meadows.

(The Board of County Commissioners added the following three conditions.)

- 14. The applicant shall complete the primary (southern) access to the development and the emergency (northern) access, and install a locked gate on the northern access that shall remain locked, except for access by emergency personnel and emergency exit. The Department of Community Development, prior to the recordation of a final map, shall determine compliance with this condition.
- 15. The applicant shall place a note on the map that the gate on the northern access shall remain locked at all times except in case of an emergency. The Department of Community Development, prior to the recordation of a final map, shall determine compliance with this condition.
- 16. Should it be necessary to remove fencing during the course of construction of the primary and secondary accesses fencing shall be replaced adjacent to the improvements. Construction drawings shall provide for this contingency and relocation shall be bonded for prior to the recordation of the final map. Compliance with this condition shall be determined by the Department of Community Development.

**04-786            ACQUISITION OF BALLARDINI RANCH – RESOLUTION OF CONDEMNATION**

Karen Mullen, Parks and Recreation Director, said the approximately 419 northern acres of the Evans Creek LLC property known as Ballardini Ranch are located in the Truckee Meadows Service area and in the City of Reno’s sphere of influence while the approximate 600 acres to the south was not and had limited development potential. She reviewed the history of past purchase attempts, the three current options recommended by staff to purchase all or part of Ballardini Ranch, and the fiscal impact to the County of each option. She said staff had been notified two months ago that a community member was willing to loan up to \$20 million to bridge the financing for the County for the acquisition of the property.

Gary Schiff, Forest Service, said the Forest Service was interested in the southern portion of the property as access to the national forest. He said if the Forest Service were to receive the rest of the property, a management agreement would be developed, which would include trails and an education center. The decision rests with the Secretaries of Agriculture and the Interior on whether or not to be a willing agency.

Commissioner Galloway said the options were based on an appraised value, but Evans Creek LLC was disputing it. He asked what would happen if the value of the property was found to be substantially greater than the County's appraisal.

Madelyn Shipman, Legal Counsel, said, if the County goes through the legal process rather than by negotiation, the County would have to find a way to fund the difference in value as determined by the jury, and would have to deposit the funds within 30 days. The County has the right to abandon a condemnation within 30 days following a judgment, but would have to pay the attorney fees and costs associated with the proceeding, which could be significant.

Commissioner Sferrazza stated he had not seen the appraisal and asked was it sufficient for condemnation. Ms. Shipman replied the appraisal was not a public document because it was a work product, and the numbers would be good until January according to the appraiser. She said the current appraisal would be used for negotiation, but prior to filing any action it would be updated. Commissioner Sferrazza said he was concerned the Board would not know the price if they voted today. Ms. Shipman said, because of increased market values between January and today, there would be an increase. She said condemnation proceedings often end with a value higher than the government appraised value because of working within a jury system.

Chairman Shaw asked if an appraisal had ever been received from the property owners, and Ms. Mullen replied no.

Commissioner Humke said a citizen had asked if the acquisition included any water rights. Ms. Mullen said the water rights were included in the value of the property, and Ms. Shipman said she believed the water rights were creek rights in Evans Creek.

Commissioner Humke said he wanted to know the terms of the loan from the lender. Katy Singlaub, County Manager, said whether the money was borrowed from the proposed lender or from a bank or lending institution, there were no terms and agreements specified, so the debt service was based on the typical terms for borrowing from a bank today.

Commissioner Humke said e-mails from some taxpayers do not favor this acquisition, and they wanted to make sure the Board knew what it was getting into in condemning the property.

Ms. Singlaub responded to Commissioner Galloway stating, if alternative sources of funding cannot be secured, the required Department of Taxation fallback was funding would come from the General Fund, which would require significant budget management to fund \$2.2 plus million per year. Commissioner Galloway said the Forest Service acquiring some of the property could reduce the debt at some future time. Ms. Singlaub said this scenario had not been investigated or approved at the federal level and was not guaranteed.

Frank Thompson, Erwin & Thompson LLP, Evans Creek LLC, said the County could not afford to purchase Ballardini Ranch at fair market value at the highest and best use, which was residential development. The County proposal asks Evans Creek LLC to sell the property at a small fraction of its fair market value. According to Evans Creek LLC research, an acre of comparable land in the same area currently sells for \$125,000 to over \$600,000 making the County's proposal unrealistic. He said the County's proposal to seize the property was forbidden by state and federal law without payment of just compensation and unless there was a need for public use. Nevada law does not allow the seizure of private property for open space nor passive recreational use. The County's proposed action was unprecedented and without legal authority.

Mr. Thompson said there was no reason to impose a tax burden on County residents when Evans Creek LLC had agreed to provide trail access to County open space abutting the national forest on approval of its final parcel map for the Toiyabe Ranch subdivision. He said CC&Rs had been established to mitigate the impact of development on wildlife.

Mr. Nelson, Evans Creek LLC, said there were 609 acre-feet of surface water rights worth in excess of \$2 million. He said Evans Creek LLC would sell Ballardini Ranch to the County for its present fair market value under the following terms: Price was to be established by an appraisal by three independent appraisers preferably from outside of Nevada with no business, contract, family, social, or political affiliation with any employees, officers, representatives, officials, interest holders of Evans Creek LLC, Washoe County, City of Reno, City of Sparks, Bureau of Land Management, United States Forest Service, Nevada's elected federal officials, any person or group who had opposed or supported the Evans Creek LLC development of the Ballardini Ranch or opposed or supported Washoe County's acquisition of Ballardini Ranch or who owned any direct or indirect interest in any real property or business in the Truckee Meadows or who had any affiliation with any attorney who represented or has represented any of the foregoing. The appraisers would be chosen from a panel of 15 appraisers selected by the executive director of a nationally recognized real property appraisers association. The property owner and the County would rank the panel members and the three appraisers with the highest weighted average rank would be selected. The appraisal would be for the highest and best use of Ballardini Ranch with Evans Creek LLC and Washoe County paying one half of the appraisal fees in advance.

Mr. Nelson said the Agreement would be signed on or before August 10, 2004; and Washoe County would deposit in escrow a nonrefundable earnest money

deposit of \$4,000,000, which represents the funds it claimed it had on hand to pay for the purchase of the ranch. The appraisal would be completed within 90 days; and, when the appraisal was completed, Washoe County would pay the full, appraised fair market value in cash within five days at which time Evans Creek LLC would execute a deed for Ballardini Ranch to Washoe County. Each party would have all legal and equitable remedies if the other party breached its obligations under the agreement.

Chairman Shaw asked why this proposal was not provided to the Board before 4:40 p.m. today. Mr. Nelson replied it was being worked on until right before the start of the meeting.

Commissioner Galloway asked when the County would have to pay, and Mr. Nelson replied within five days upon completion of the appraisal, which gives the County 90 days to arrange financing. Commissioner Galloway asked why Evans Creek LLC would not allow more time after the appraisal was completed so the borrowing could be arranged once the actual amount was known. Mr. Nelson replied the amount of the borrowing could be in flux while the appraisals were completed. Commissioner Galloway asked if the five days was flexible, and Mr. Nelson said he believed a reasonable time could be accommodated.

Commissioner Galloway said the Evans Creek LLC examples of highest and best use were of highly developed land, which this property was not zoned for nor did it have those improvements. Mr. Nelson said the appraisers using accepted appraising standards would determine the highest and best use and the property value. Under current land use designations the total acreage would allow 184 lots that support a value many times in excess of the County's appraised value.

Commissioner Sferrazza asked if fair market value was paid when Evans Creek LLC bought the property in 1998 for \$8.5 million, and Mr. Nelson replied there were extenuating circumstances involved, but the purchase price was not pertinent to the fair market value as determined by an appraisal.

Commissioner Humke asked Mr. Nelson for a written copy of the proposal, and Mr. Nelson replied that for this evening he would rather rest on his presentation for the record.

Chairman Shaw asked how three appraisers would be able to determine highest and best use and the fair market value. He believed the first step should be to find some commonality between the County and Evans Creek LLC regarding the value and to negotiate from there. Mr. Nelson said Evans Creek LLC had not seen a copy of the County's appraisal, so it was hard to determine how the appraiser dealt with fair market value and highest and best use. He said it could be agreed that the property would be appraised using fair market value and highest and best use and that having three appraisers reaching a decision together would be fair.

Phil DeManczuk, wildlife photographer and Reno resident, said many of his most notable images were from the Ballardini Ranch, and he was asking the Board to save it. Mr. DeManczuk presented 15 slides showing the abundant wildlife at the Ranch and spoke about the need to save it as a buffer zone between the forest animals and homes.

Greta Mestre read a letter, from Paul Tueller, Ph.D. that summarized his October, 2000 Opinion and Report Regarding the Impact of the Development of the Ballardini Ranch on the Ecology of the Carson Range. The letter and report was placed on file with the Clerk.

Steve Walther stated the Arrowcreek developer agreed to a transfer in density and dedicated 1,400 acres to Washoe County as access to the national forest and it was envisioned that Ballardini Ranch would increase that acreage to 2,500 acres. He compared this area to Central Park in New York City and said it was important to the area's wildlife.

Mr. Walther said the people stopped a proposed freeway from going through this area that included the Ballardini Ranch. He said the freeway was moved into the central part of the valley even though this move significantly increased the cost. He then addressed the efforts taken since then to protect the area that includes the Ballardini Ranch. He asked the necessary steps be taken to protect Ballardini Ranch including a resolution invoking the power of eminent domain if no agreement with the owner can be reached.

Mary Conelly read the letter from Harry Reid, United States Senator, and Jim Gibbons, United States Representative, who said they would do whatever they could help secure federal funding for the County to acquire Ballardini Ranch. Ms. Conelly also described some of the funds available that could be used to acquire the property.

Commissioner Galloway asked if the Land and Water Conservation Fund money was used to acquire the Ranch, who would hold title; and Ms. Conelly said the Federal government.

Commissioner Weber asked if Southern Nevada Public Land Management Act Funds could be used on condemned properties, and Ms. Conelly said it had just been verified that they could be used.

Chairman Shaw indicated the number of Request to Speak Cards received concerning the County acquiring the Ballardini Ranch. There were 485 cards that indicated the person was in favor of acquiring the property, nine were opposed, and 12 did not indicate whether they favored or opposed the acquisition. There were 27 people who spoke expressing their views who are included in the above count.

Chairman Shaw asked the Commissioners if they had enough information, and Commissioners Humke, Weber and Sferrazza said they did. Commissioner Galloway

said, if someone had compelling new information that the Board should not do this, they should come forward, because everything he had heard so far said the Board should acquire Ballardini Ranch.

Chairman Shaw said all letters, e-mails, and the document from Evans Creek LLC supporting their position would be entered as part of the record. Ms. Singlaub related the Evans Creek LLC document was received today at about 10:30 a.m., and it was provided to the Reno-Gazette Journal yesterday at 7:30 p.m.

Mr. Thompson said the County's position that the property must be sold for pennies on the dollar or it will condemn the property was the most coercive negotiation tactic imaginable. He said it might appear Evans Creek LLC had no allies in the chamber, but they have allies in the United States and Nevada Constitutions and in the Washoe County taxpayers who will have to pay the tax bill of hundreds of millions of dollars who are not here. There was no public need for this taking because Evans Creek LLC had granted public access across the Ballardini Ranch upon approval of the final parcel map. This was a pretext for private citizens to take the property of another for their own purposes.

Mr. Nelson said he had heard the public need for this property was declared in the \$4 million line item for purchase of the Ballardini Ranch that was part of the Parks and Open Space bond issue. He said if the true value of the property had been discussed, there would have been no indication of public will to purchase Ballardini Ranch as part of the bond issue.

Commissioner Galloway asked for Legal Counsel's comments on the Evans Creek LLC position that proposed uses were not considered public uses and were not allowed by law. Ms. Shipman said there would be any number of public purposes that would satisfy the Constitutional requirement for the exercise of eminent domain. She said outside counsel had assured her that it would be considered a public purpose and the record further established this tonight.

Commissioner Sferrazza said there was past precedent for condemning private property for public use, and he would be proud to support a motion to go forward with the acquisition of the property.

Commissioner Weber said this was a hard decision for her to make, but she could not support taking anyone's property. She said she believed the people did support the bond issue and did want Ballardini Ranch, but do not want condemnation.

Chairman Shaw said he was disappointed that Evans Creek LLC had not brought their proposal to the Board earlier because an agreement might have been reached.

Commissioner Humke said support comes from every area of the County and is not restricted to just the southwest, and Commissioner Sferrazza agreed.

In response to Commissioner Sferrazza, Ms. Shipman said the resolution does not initiate the condemnation, as that would be done by proper complaint and pleadings in court; and there would be an update to the Board prior to initiation of any court proceedings.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber voting “no,” it was ordered that acquisition of the entire 1,019 acres of the Ballardini Ranch be approved, staff be directed to review the Evans Creek LLC proposal and, if consistent with public interest, to reach an agreement to establish a purchase price for the property. It was also ordered that Chairman Shaw be authorized to execute the following Resolution if no agreement with Evans Creek LLC can be reached by the August 10th meeting and Chairman Shaw or the County Manager be authorized to execute the necessary documents to pursue the condemnation action. It was further ordered that staff be directed to continue exploration of all possible funding sources.

**RESOLUTION -- RESOLUTION OF CONDEMNATION - EVANS CREEK LLC - OPTION NO. ONE**

**WHEREAS**, on July 27, 2004 the Board of County Commissioners of Washoe County has heretofore approved and authorized the acquisition of the real property described in Attachment 1 by negotiation and, if a negotiated acquisition is not successful within thirty (30) days, by the exercise of eminent domain. As of the date of the execution of this Resolution, acquisition through a negotiated agreement does not appear likely and the County's last offer for purchase has not been accepted BY Evans Creek LLC.

**WHEREAS**, the County of Washoe has determined that the public interest and necessity require the acquisition of the real property described in Attachment 1, and in recognition of the public benefit of the acquisition of the described real property for open space, and the fact that the purchase agreement for the needed property rights has not been reached, the County of Washoe must seek acquisition of the property rights described below through an alternative legal process.

**NOW, THEREFORE, BE IT RESOLVED** that the public interest and necessity requires the acquisition of the described real property;

**BE IT FURTHER RESOLVED** that the District Attorney of the County of Washoe is hereby authorized and directed:

To acquire, or cause to be acquired, in the name of, and on behalf of, the County of Washoe, the specific rights and interests now held by the owner(s) in and to the real property and improvements hereinafter described, by the exercise of the power of eminent domain in accordance with the provisions of chapters 37 and 342 of the Nevada Revised Statutes; and

To commence and prosecute, or cause to be commenced and prosecuted, in the name of the County of Washoe, condemnation proceedings in the proper court or courts having jurisdiction thereof, to condemn said real property and interests therein; and to make application to said court for an order permitting the County to take possession and use of said property, to deposit with the Clerk of such court, a sum equal to the value of the premises sought to be condemned as appraised by the County, and to acquire the following real property.

**Property Description:** All right, title and interest in and to that certain real property described in Attachment "1", as attached hereto and made a part hereof.

**7:05 p.m.** The Board recessed.

**7:35 p.m.** The Board reconvened with all members present.

**04-787      RESOLUTION – RENEWABLE ENERGY**

Katy Singlaub, County Manager, introduced the item and noted the Board discussed removing or changing the last "Whereas" at the Caucus meeting. Commissioner Galloway stated he wants to support renewable energy from a strong position, and he does not believe that paragraph is supported.

Joe Johnson, who drafted the resolution, stated the information included in the agenda packet does support all of the statements in the resolution. He also noted the economic benefits of the geothermal projects.

Shuman Moore, Nevada Energy Park, expressed his company's support of the renewable energy concept. He pointed out that the ability to provide renewable energy, rather than using fossil fuels, is available.

Steve Taber, CEO of Energy Nevada, stated the Northern Nevada Alternative Energy Workgroup was formed three years ago; and the workgroup identified renewable energy as a driver for economic development and job growth. He stated their goal is to make northern Nevada the Silicon Valley of renewable energy and attract to the region world-class manufacturers of renewable energy equipment. He credited Michelle Poché, and John Berkich, Assistant County Managers, for the time and effort they have contributed to the project.

Chairman Shaw read comment cards in support of the resolution from Mary Winston, Jeneane Harter of HiTech Communications, Donna Potter of Empire Geothermal Power, Larry Marshall and Robert Oliver of Sunrise Sustainable Energy Group, Susan Lynn of Public Resource Associates, Grayson Omans and Grace Potorti of Nevada Conservation League, Mike Robinson, Christy Morris and Daniel Schochst of Ormat Nevada, Inc., and David Rumsey of Parker Ranch.

Shaaron Netherton, Friends of Nevada Wilderness Executive Director, encouraged the Board to adopt the resolution as is stating that protecting the resources, the water and the air in northern Nevada are very important.

Commissioner Sferrazza moved to adopt the resolution as written. Chairman Shaw seconded the motion. Commissioner Galloway explained that there are statements of fact in the last "Whereas" that he does not know to be fact. Commissioner Sferrazza stated he would amend the resolution in order to get a unanimous vote. Mr. Johnson and Ms. Poché stated there is supporting documentation for those statements in the information submitted. Commissioner Galloway stated he could accept adding the words "in many cases" following "renewable facilities have been shown."

Upon recommendation of Michelle Poché, Assistant County Manager, through Katy Singlaub, County Manager, on motion by Commissioner Sferrazza, seconded by Chairman Shaw, which motion duly carried, it was ordered that the following Resolution supporting renewable energy development be adopted as amended and Chairman Shaw be authorized to execute the same:

**RESOLUTION IN SUPPORT OF RENEWABLE ENERGY  
WASHOE COUNTY COMMISSION**

**WHEREAS**, The Nevada State Legislature finds that:

(a) Energy is essential to the economy of the State and to the health, safety and welfare of the people of the State.

(d) Planning for energy conservation and future energy requirements should include consideration of state, regional and local plans for land use, urban expansion, transportation systems, environmental protection and economic development.

(e) Government and private enterprise need to accelerate research and development of sources of renewable energy and to improve technology related to the research and development of existing sources of energy.

(f) While environment and private enterprise are seeking to accelerate research and development of sources of renewable energy, they must also prepare for and respond to the advent of competition within the electrical energy industry and are, therefore, encouraged to maximize the use of indigenous energy resources to the extent competitively and economically feasible," and

**WHEREAS**, Sierra Pacific Power Company has testified that the six non-solar renewable projects contracted by Sierra Pacific Resources in 2003 produce \$15.8 million in energy savings over the California-Oregon Boarder price; and

**WHEREAS**, Renewable energy generation limits the stress placed on scarce water resources; and

**WHEREAS,** The risk of electricity cost increases from future pollution regulations may be reduced through diversified energy portfolios that add clean energy resources to the generation mix; and

**WHEREAS,** Lowering power sector emission with clean energy may decrease the need to add costly pollution controls to other industrial and manufacturing facilities to comply with federal, state and local air quality requirements; and

**WHEREAS,** For equivalent kW/hr production, renewable facilities have been shown in many cases to provide a higher taxable base, an increased employment (Construction and O & M), and less community and environmental impact than fossil fueled plants; now, therefore, be it

**RESOLVED,** That the Washoe County Board of Commissioners supports renewable energy development; and

**RESOLVED,** That the Washoe County Commission directs staff to review existing Policies, Ordinances and Plans and submit proposals for Commission consideration that will promote the development of renewable energy in Washoe County.

**04-788            TRUCKEE MEADOWS GROWTH MANAGEMENT TASK FORCE – MANAGER**

Chuck Alvey, President and CEO, Economic Development Authority of Western Nevada (EDAWN), reported on the progress that has been made. He said they feel the most important aspects of the task force is that it be a citizen-based initiative, with elected participation, and as broad-based as possible. He requested the Board direct staff to work with the staffs of the Cities of Reno and Sparks, as well as the stakeholders. John Breternitz, Q & D Construction, agreed with Mr. Alvey's comments and stressed they want to work with the entire community. Harry York, CEO of Reno-Sparks Chamber of Commerce, stated working with the community to develop a new community plan would help the Board and the Councils make some of the difficult decisions they are asked to make.

Chairman Shaw read comment cards expressing support from Joe Johnson, Reno resident, and Mike Dillon, Builders Association of Northern Nevada.

Susan Lynn, area citizen, agreed with the comments, said the region is starting into a new regional planning process, and a growth management task force would fit very well into that process. Commissioner Galloway asked for Ms. Lynn's thoughts on staffing the task force considering it is the staffs of the entities that do not always agree on matters. Ms. Lynn said a mediator might be necessary. Mr. Breternitz stated he feels staff should be there for support and input, but the task force would be making the decisions.

Commissioner Sferrazza suggested that the National Association of Counties should be approached for assistance possibly from their scholarship source. He also stated he would rather see more representation from the stakeholder categories and less from the governmental entities, especially the Truckee Meadows Regional Planning Agency.

Ms. Singlaub explained staff is seeking input and direction from the Board and the stakeholders and will then report back to all three elected bodies. Mr. Breternitz stated they do not want to get in a situation where they have each entity approving portions of the project, but rather they want to work as a citizens group and are asking the Board and Councils to support their efforts.

Commissioner Humke stated this is a County-driven issue and the County should be protective of it with balanced cooperation. He said he would like to see the City of Sparks participate and suggested the group should not talk about consolidation or annexation. Commissioner Humke also agreed that the Regional Planning Agency is the problem and should not be part of this task force. He said the proposed timeframe is too ambitious. He said he strongly agreed that bona fide citizens need to be the backbone of this project, and there should not be so many elected officials and governmental staff involved.

Commissioner Weber said she feels the project needs a new name, the task force should develop its own mission statement, and Washoe County should be the lead agency. She also said she feels the group should set its own timeline, rules and guidelines; and agreed that the task force should be citizen based with less elected officials involved.

Chairman Shaw agreed and said there would be more cooperation from Reno and Sparks if it were truly a citizen-based initiative.

Commissioner Galloway said the idea is to manage growth, and he does not want it to evolve into something else such as consolidation. He suggested the elected officials be non-voting liaisons so there could be more general public representation.

Commissioner Sferrazza asked for a list of who would be invited to participate. Ms. Singlaub suggested the Board members provide their nominations and staff will contact them. Commissioner Weber suggested waiting until the comments and suggestions from Reno and Sparks are received.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that staff be directed to continue working with the core group and others to refine the mission and membership of the growth management task force in accordance with the Board members' comments, including more citizen participation, fewer elected representatives, and a firm definition of "general public" representation.

**RECONVEYANCE – MT. ROSE DEVELOPMENT COMPANY –  
SLIDE MOUNTAIN SKI AREA**

Area citizens Ted Short, Phil Miller, James Johnson, Maurice Palermo and Gary Schmidt spoke in support of the reconveyance of Washoe County Slide Mountain property to the Mt. Rose Development Company and encouraged the Board to approve the reconveyance. Chairman Shaw also read written comments into the record submitted by approximately ten people supporting the reconveyance.

Commissioner Sferrazza stated he did not support the reconveyance because there is no guarantee that the Mt. Rose Development Company is going to be a local group forever, and he does not believe this is a good deal for the citizens of Washoe County. He noted the Board earlier voted to pay up to \$20,000 per acre to acquire the Ballardini Ranch, but is giving this property away for the same price the County paid for it 50 years ago.

Commissioner Galloway expressed concerns that staff was not able to negotiate a better deal, but noted the restrictions on the property also restrict the value. He said, with this agreement, the lodge that has been promised for years will now be built. He requested a commitment for when the lodge would be built.

Stephen Mollath, Attorney representing the Mt. Rose Development Company, stated they would build the lodge in accordance with the Forest Service plan, which specifically provides a five-year timeframe for construction. Commissioner Galloway requested a more binding commitment. Madelyn Shipman, Assistant District Attorney, pointed out that paragraph C on page 3 of the Reconveyance Agreement provides for compliance with the Forest Service plan. She suggested adding another paragraph to specifically state that construction of the lodge will begin in the five-year timeframe. Mr. Mollath stated he would work with Ms. Shipman to amend the agreement as stated. He also requested that, when they do begin to construct the lodge, the County not place any onerous conditions on the project. Ms. Shipman said the parties could agree to cooperate in good faith in the planning and permitting process for the lodge, but no guarantees of approval or permits could be made at this point.

Upon recommendation of Michelle Poché, Assistant County Manager, through Katy Singlaub, County Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza voting “no,” it was ordered that the Board finds that maintenance of the property by the County solely is unnecessarily burdensome; that the amended reconveyance contract with Mt. Rose Development Company be approved; that Chairman Shaw be authorized to execute the amended Reconveyance Agreement and the parcel map upon presentation; and that the donation of \$200,000 from the Mt. Rose Development Company be accepted.

04-790

**ORDINANCE NO. 1243 - BILL NO. 1423 - AMENDING CHAPTER 5 – CREATING MANAGEMENT SERVICES PROGRAMS AND MANAGEMENT SERVICES DIRECTOR - MANAGER**

**5:30 p.m.** This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on July 16, 2004 to consider second reading and adoption of Bill No. 1423. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

Commissioner Sferrazza expressed opposition to the creation of another County position. Katy Singlaub, County Manager, explained it is not another position; it is converting John Slaughter's position to consolidate other responsibilities under him. Commissioner Sferrazza asked if the fiscal impact of \$7,500 is the salary increase. Ms. Singlaub responded that was correct.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that Ordinance No. 1243, Bill No. 1423, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING THERETO PROVISIONS CREATING MANAGEMENT SERVICE PROGRAMS WITHIN THE OFFICE OF THE COUNTY MANGER; 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,**" be approved, adopted and published in accordance with NRS 244.100.

04-791

**ORDINANCE NO. 1244 - BILL NO. 1424 - AMENDING CHAPTER 5 – MERIT PERSONNEL ORDINANCE**

**5:30 p.m.** This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on July 16, 2004 to consider second reading and adoption of Bill No. 1424. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

Madelyn Shipman, Assistant District Attorney, responded to questions from Commissioner Sferrazza concerning removing eligible names from the lists.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that Ordinance No. 1244, 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 PROPERTY RELATING THERETO,**" be approved, adopted and published in accordance with NRS 244.100.

**04-792            APPRAISAL AND FACILITY ASSESSMENT REPORTS – 220**  
**AND 350 S. CENTER STREET**

Commissioner Sferrazza stated he was not in favor of buying and rehabilitating old buildings. He further stated the building at 350 S. Center is old and rundown, and the parking garage stinks from urine.

Katy Singlaub, County Manager, pointed out that page three of the staff report provides a detailed analysis of the improvements that will be required to bring the properties up to very good condition. She further said those improvements will cost approximately \$3.6 million; and, even with the \$9.7 million to acquire the building, the County would still be ahead versus constructing or buying a new building.

Upon recommendation of Tom Gadd, Public Works Director, John Sherman, Finance Director, and Mike Capello, Social Services Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza voting "no," Chairman Shaw ordered that the appraisal and facility assessment reports be accepted as presented and staff be directed to proceed with the acquisition of the properties known as 350 S. Center Street and 220 S. Center Street. It was further ordered that a purchase agreement be brought back to the Board for approval.

**04-793            RESOLUTION – GENERAL OBLIGATION (LIMITED TAX)**  
**BUILDING BONDS – SERIES 2004 - FINANCING PURCHASE 220**  
**AND 350 S. CENTER STREET**

Commissioner Sferrazza's objections were included in the previous item (see 04-792).

Upon recommendation of John Sherman, Finance Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza voting "no," it was ordered that the following Resolution be adopted and Chairman Shaw be authorized to execute the same:

**RESOLUTION NO. 04-793**

**A RESOLUTION OF INTENT, PROPOSING THE ISSUANCE OF, AND AUTHORIZING THE PUBLICATION OF NOTICES RELATING TO GENERAL OBLIGATION (LIMITED TAX) BUILDING BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) SERIES 2004 IN THE MAXIMUM PRINCIPAL AMOUNT OF \$11,900,000 FOR THE PURPOSE OF FINANCING AN OFFICE BUILDING LOCATED AT 350 S. CENTER STREET; PROVIDING THE MANNER, FORM AND CONTENTS OF THE NOTICE THEREOF; RATIFYING ACTION HERETOFORE TAKEN NOT INCONSISTENT HERewith; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.**

**WHEREAS**, Washoe County in the State of Nevada (the "County" and the "State", respectively) is a county duly organized and created under the provisions of Nevada Revised Statutes ("NRS") Section 243.340; and

**WHEREAS**, the County pursuant to NRS §§ 244A.011 to 244A.065, inclusive (the "County Bond Law"), is authorized to acquire, construct, improve, and equip building projects within the County, including public buildings to accommodate or house lawful county activities including, without limitation, records, county personnel, offices, supplies, and equipment, as provided in NRS 244A.019 (the "Project"); and

**WHEREAS**, the Board of County Commissioners of the County (the "Board") pursuant to the County Bond Law, chapter 350 of NRS and all laws amendatory thereof which includes the Local Government Securities Laws, being NRS §§ 350.500 through 350.720 and all laws amendatory thereof, is authorized to borrow money and to issue general obligation bonds of the County for the purpose of defraying wholly or in part the cost of the Project; and

**WHEREAS**, the Board proposes to issue up to \$11,900,000 of general obligation bonds of the County (the "Bonds") for the Project; and

**WHEREAS**, such Bonds will be additionally secured by a pledge of certain of the consolidated tax revenues received by the County pursuant to NRS 377.080 (the "Pledged Revenues"); and

**WHEREAS**, based on the following revenue study prepared with the assistance of the County's staff, the Board has determined and does hereby determine that the "Pledged Revenues" will at least equal the amount required in each year for the payment of interest and principal on the Bonds:

**WHEREAS**, the Board proposes to incur this general obligation without an election unless a petition signed by the requisite number of registered voters of the County is presented to the Board requiring the Board to submit to the qualified electors of the County for their approval or disapproval the following proposal:

**GENERAL OBLIGATION BUILDING BOND  
ADDITIONALLY SECURED BY PLEDGED REVENUES  
PROPOSAL:**

**Shall the Board of County Commissioners of Washoe County in the State of Nevada, be authorized to incur a general obligation indebtedness on behalf of the County by the issuance at one time, or from time to time, of the County's general obligation (limited tax) building bonds, in one series or more, in the aggregate principal amount of not exceeding \$11,900,000 for the purpose of financing, wholly or in part, the acquisition, construction, improvement and equipment of building projects, including public buildings to accommodate or house lawful county activities including, without limitation, records, county personnel, offices, supplies, and equipment, as provided in NRS 244A.019, the bonds to mature commencing not later than five (5) years from the date or respective dates of the bonds and ending not later than thirty (30) years therefrom, to bear interest at a rate or rates not in excess of the statutory maximum rate in effect at the time bonds are sold, to be payable from general (ad valorem) taxes (except to the extent pledged revenues and other moneys are available therefor), and to be issued and sold at par, or below or above par, and otherwise in such manner, upon such terms and conditions, and with such other detail as the Board may determine, including at its option but not necessarily limited to provisions for the redemption of bonds prior to maturity without or with the payment of a premium?**

(the "Proposal"); and

**WHEREAS**, pursuant to Sections 350.011 to 350.0165, inclusive, Nevada Revised Statutes ("NRS"), the Board has submitted the Proposal to the Debt Management Commission of Washoe County (the "Commission"); and

**WHEREAS**, the Commission has heretofore approved the Proposal; and

**WHEREAS**, subsection 3 of NRS § 350.020 in effect provides that if the payment of a general obligation of the County is additionally secured by a pledge of the revenues of a project to be financed by its issue, and the governing body (i.e., the Board) determines that the pledged revenues will at least equal the amount required in each year for the payment of interest and principal, the County may incur the general obligation without an election, unless a petition requesting an election signed by 5% of the registered voters is presented to the Board within 90 days after the publication of a notice of the adoption of this resolution of intent; and

**WHEREAS**, Subsection 3 of NRS § 350.020 also requires that a public hearing be held before the Bonds are issued.

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

Section 1. This resolution shall be known as and may be cited by the short title "Resolution of Intent to Issue 2004 Building Bonds" (this "Resolution").

Section 2. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the Board and the officers of the Board directed:

- (a) Toward the Project to be financed by the Bonds; and
- (b) Toward the issuance of the Bonds to defray, in part, the cost thereof, be, and the same hereby is, ratified, approved and confirmed.

Section 3. The County and the officers of the County be, and they hereby are, authorized and directed to publish a notice of the adoption of the resolution of intent relating to the Board's Proposal to issue the Bonds in a newspaper of general circulation in the County, at least once, such notice to be published in substantially the form on file with the Clerk.

Section 4. The County Clerk is authorized and directed to publish once, at least 10 days before the date of the public hearing described in the following notice, in a newspaper of general circulation in the County a notice of public hearing, at least as large as 5 inches high by 4 inches wide, in substantially the form on file with the Clerk.

Section 5. A public hearing on the Bonds is hereby ordered to be held before the Board at the time, date and place specified in the notice set forth in Section 4 hereof, or as otherwise specified by the Director of Finance of the County.

Section 6. The Bonds, in the event no petition is filed during the period allowed by NRS § 350.020(3), shall be authorized by an ordinance or ordinances to be effective after the expiration of the above specified 90-day period after publication.

Section 7. The authority to issue the Bonds designated in the Proposal set forth in the notice shall be deemed and considered a continuing authority to issue and deliver the Bonds designated in such Proposal at one time or from time to time, in one series or in more than one series, all as ordered by the Board. Neither the partial exercise of the authority so conferred nor the lapse of time shall be considered as exhausting or limiting the full authority so conferred.

Section 8. The officers of the Board be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 9. All resolutions, or parts thereof, in conflict with the provisions of this resolution, are hereby repealed to the extent only of such inconsistency. This repealer shall not be constructed to revive any resolution, or part thereof, heretofore repealed.

Section 10. If any section, paragraph, clause or other provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this resolution.

Section 11. This resolution shall become effective and be in force immediately upon its adoption.

**04-794            THIRD AMENDMENT – WATER DEDICATION AGREEMENT –  
NELL J. REDFIELD FOUNDATION – SOUTHWEST POINTE  
ASSOCIATES, LLC – ARROWCREEK SUBDIVISION**

Commissioner Galloway advised he had a very extensive conversation with Steve Bradhurst, Water Resources Director, expressing his concerns regarding reducing the water dedication requirement due to the varied lot sizes in ArrowCreek, with some of them being very large lots. He also questioned whether it was premature to make this assessment and whether the original deal was based on actual water usage with or without a security margin. He asked if the recommendation was to go down to the figure of .88 acre-feet per lot.

Mr. Bradhurst stated that was correct and advised the use has gone down from 1.12 acre-feet, which was the original agreement, to .965 acre-feet based on the first audit done in 2001. He said the current audit suggests it should go down to .8816, and the actual use for the 386 homes that were audited was .728. He cautioned there would come a time, probably in approximately two years when buildout (certificates of occupancy--CofO's) reaches 90 percent, that it will have to be adjusted down to the actual usage.

Commissioner Galloway suggested a workshop for the Commissioners before the final audit to explain how it would be done because there will be known future

uses that are not actual uses at that time which should be forecast. He said the workshop should also include the overall issue of the water rights situation for groundwater in that hydrobasin.

Mr. Bradhurst stated there was also a concern regarding the custom home lots with the large lots using more water than they are using now and presented the example of orchards and peach trees. He stated the ArrowCreek CC&R's do not allow that and do provide for maximum coverage as far as outdoor irrigation. Mr. Bradhurst also discussed the South Truckee Meadows facility plan and projected usage and perennial yield in the Mt. Rose alluvial fan.

Commissioner Sferrazza expressed his concern regarding equity in that other people in the community have been required to dedicate more water rights. He asked if other people would be receiving a refund. He also asked how actual usage was determined. Mr. Bradhurst responded they took the actual use from a sample of 386 homes out of a total of 683 homes.

Commissioner Sferrazza stated actual use changes from year to year and asked what would happen if in ten years the residents are using more than they dedicated. Mr. Bradhurst responded the County would then fall back on the facilities plan. He explained this agreement has been in effect for some time and part of the original agreement was that the County would adjust the dedication requirement over time until the development gets to 90 percent of the buildout.

Upon recommendation of Paul Orphan, Engineering Manager, through Mr. Bradhurst, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that:

1. The Third Amendment to Water Dedication Agreement between Nell J. Redfield Foundation, a non-profit corporation, Southwest Pointe Associates, LLC, a Delaware limited liability company, and Washoe County be approved;
2. Chairman Shaw be authorized to execute the Third Amendment to the Water Dedication Agreement; and
3. Staff be directed to conduct the afore-mentioned workshop.

**04-795**

**APPROVAL OF TRAVEL – 911 EMERGENCY RESPONSE  
ADVISORY COMMITTEE MEMBERS OR REPRESENTATIVES**

Upon recommendation of Susan Harris, 911 Emergency Response Advisory Committee Chair, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that travel by the 911 Emergency Response Advisory Committee members or representatives to attend the Association of Public Safety Communications Officials (APCO) International

Annual Conference in Montreal, Canada on August 8-12, 2004 be approved. It was noted the estimated cost of travel is \$6,660.

**04-796**            **PLANNING COMMISSION LETTER TO NEVADA**  
**DEPARTMENT OF TRANSPORTATION – NORTH LAKE**  
**TAHOE FIRE PROTECTION DISTRICT – RIGHT-OF-WAY**

Upon recommendation of Sharon Kvas, Planning Manager, through Adrian Freund, Community Development Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the letter from the Washoe County Planning Commission concerning the grant of permission to the North Lake Tahoe Fire Protection District to enter state right-of-way to remove dead and dying trees be forwarded to the Nevada Department of Transportation.

**04-797**            **REQUEST FOR PROPOSAL – REPRESENTATIVE PAYEESHIP**  
**SERVICES - NO. 2443-04 – SOCIAL SERVICES**

This was the time to consider the award of the Request for Proposal (RFP) for Representative Payeeship Services for the Social Services Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on April 28, 2004. Proof was made that due and legal Notice had been given.

Proposals were received from the following vendors:

E&R Solutions  
ReStart, Inc.

In response to questions at Caucus, Katy Singlaub, County Manager, advised approximately 101 people are served annually; and during 2003/04 all of those clients were able to be housed and not be homeless.

Ken Retterath, Adult Services Division Director, explained that the payee program takes the client's entitlement benefit and pays their bills to ensure the necessary services, such as housing, clothing, utilities, are paid. Commissioner Galloway asked if this program is audited to make sure the money goes where it is supposed to go. Ms. Singlaub advised there is an audit by Social Security.

Upon recommendation of Charlene Collins, Purchasing, through John Balentine, Purchasing and Contracts Administrator, and Mike Capello, Social Services Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Request for Proposal No. 2443-04 for Representative Payeeship Services for the Social Services Department be awarded to ReStart Inc. in the annual amount of \$50,000, the following Resolution be adopted and Chairman Shaw be authorized to execute the same:

## RESOLUTION

1. **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; and

2. **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; and

3. **WHEREAS**, ReStart, Inc. is a non-profit charitable organization within the meaning of NRS 372.3261; and

4. **WHEREAS**, ReStart, Inc. provides a program that provides representative payee services to the chronic mentally and/or physically ill population, in order to ensure that these individuals use any available income for shelter, food, medical/psychiatric, and social service needs; and

5. **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;

**NOW THEREFORE, BE IT RESOLVED THAT** the Board of County Commissioners of Washoe County, Nevada approves this resolution and enters into a grant agreement in the amount of FIFTY THOUSAND DOLLARS (\$50,000) for fiscal year 2004/2005 with ReStart, Inc. to carry out its mission.

It was further ordered that the Purchasing and Contracts Administrator be authorized to execute the grant agreement with ReStart, Inc. for a one-year period with four additional one-year renewal options.

**04-798      AWARD OF BID – JANITORIAL SERVICES – REGIONAL  
SAFETY TRAINING FACILITY - BID NO. 2440-04 – PUBLIC  
WORKS**

This was the time to consider the award of the bid for Janitorial Services for the Regional Safety Training Facility for the Public Works 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:

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

Commissioner Sferrazza said he could not support the recommendation because the County was contracting these services out to companies that pay their employees less and have no benefits.

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 Chairman Shaw, which motion duly carried with Commissioner Sferrazza voting “no,” it was ordered that Bid No. 2440-04 for Janitorial Services for the Regional Safety Training Facility for the Public Works Department be awarded to the lowest, responsive and responsible bidder meeting the specifications, terms and conditions, Qual-Econ U.S.A. Inc., in the amount of \$2,990 per month for a total bid award amount of \$35,880 for the 12-month period commencing August 1, 2004 through July 31, 2005 and the Purchasing and Contracts Administrator be authorized to execute the agreement with two one-year renewal options.

It was noted that pricing for any renewal Agreement would be subject to renegotiations between Qual-Econ U.S.A., Inc. and Purchasing.

**04-799            CREATION CITIZEN ADVISORY BOARD - COMMISSION**  
**DISTRICT 3 -- COMMUNITY DEVELOPMENT**

Commissioner Sferrazza said he wanted a District Council that represents everyone in District 3 for people to go to for, not just planning issues, but all County issues.

Commissioner Galloway said he believed the West Truckee Meadows Citizen Advisory Board (CAB) boundary needed adjustment. He asked if staff could address adjusting boundaries of other CAB's to avoid overlap so his entire district was part of the CAB. Katy Singlaub, County Manager, replied this would need to be brought back. Commissioner Galloway said the problem with the creation of the CAB for District 3 was, unless there was subsequent action, there would be overlapping CAB districts.

Bob Webb, Community Development Planning Manager, said it would depend on how the District 3 CAB would be formed. If the Board wanted it to be a separate CAB and exclude the other CAB's, then boundaries would need adjustment. Commissioner Galloway said he had no problem with taking this action today and then making future adjustments.

Commissioner Weber said she opposed this action because every citizen has the opportunity to provide input by attending Board meetings and by being involved with the districts that are already established. She said the Commissioners needed to look at the existing CAB's, because she felt there was some duplication of what the City of Reno does with their Neighborhood Advisory Boards (NAB's). Chairman Shaw said he agreed.

Commissioner Sferrazza said he would like to eliminate all of the CAB's if he was restricted from having a District CAB. He stated NAB's are not the same as CAB's because they do not address County issues including budget issues. He said he disagreed that there was any duplication between the two Advisory Boards.

Commissioner Galloway agreed stating that under City of Reno rules, NAB members cannot vote on development proposals whereas CAB's can. He said the CAB's are invaluable as a sounding board for this Board. He asked that Commissioner Sferrazza get his CAB and then any necessary boundary adjustments be made.

Commissioner Humke said the Golden Valley people had asked to remain attached to the North Valley CAB, which would fragment the new CAB. He said he would vote no, but staff should be directed to do a realignment of all of the CAB's.

Commissioner Sferrazza moved, and Commissioner Galloway seconded the motion, that a CAB be created for the Commission District 3. On call for the vote the motion failed with Chairman Shaw and Commissioners Humke and Weber voting "no."

**04-800            APPOINTMENT – FUND ADVISORS PANEL – TRUCKEE  
MEADOWS WATER AUTHORITY - TRUCKEE RIVER FUND  
WITHIN COMMUNITY FOUNDATION**

Commissioner Sferrazza said over his dissent the Truckee Meadows Water Authority (TMWA) Board had appropriated approximately \$300,000 to a foundation, which would be funded on an annual basis, with funds also solicited from the general public to provide grants for Truckee River improvements within the watershed. He said Dave Aiazzi, Reno City Council member, provided a list of seven nominees but he convinced the Board that the Cities of Reno and Sparks and Washoe County should each appoint three members, and the panel would start meeting as of the next meeting of the TMWA Board.

Commissioner Galloway asked if there was a requirement that the members are TMWA customers, and Commissioner Sferrazza replied no. Commissioner Galloway says he has a problem because ratepayer money was being used for other things besides their water service, and individual ratepayers may not choose to make these donations if it were up to the individual.

After discussion about who should be nominated, Commissioner Humke said he agreed with Commissioner Sferrazza's original statement that this was an inappropriate use of ratepayer funds, and he did not want to do this at all. He asked Legal Counsel if there was any way this could be challenged. Madelyn Shipman, Legal Counsel, replied TMWA had the same powers as the Cities and County by NRS 244.1505 to grant monies to nonprofits for something that will benefit the community as a whole. She said Sylvia Harrison, TMWA General Counsel, stated the foundation was an existing 501C3 which could have money granted to it, but the staff reports seems to

indicate the foundation was being created. The issue is not granting the monies, but the creation of the foundation without legislation.

Commissioner Sferrazza said the existing 501C3 called the Community Foundation receives money from a lot of groups. He said this foundation allows for advisory boards to direct how the money was spent. Commissioner Sferrazza said he did not believe Washoe County should be left out of the process. But in the mean time, he would like Legal Counsel to explore a way stop this foundation from spending the money.

Commissioner Weber suggested the Board hear from the TMWA representatives before making a decision. Ms. Singlaub recommended this item be continued.

Commissioner Sferrazza asked if staff could contact the nominees to verify they are interested, and Ms. Singlaub said staff would contact them.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the appointment of three members to the Truckee Meadows Water Authority's Truckee River Fund within the Community Foundation be continued until August 10, 2004 because of issues with the use of ratepayer funds for charitable contributions and that TMWA defer the County Commissioners' appointments should this turn out to be a legal expenditure of ratepayer money.

**04-801            RESOLUTION AUTHORIZING MEDIUM-TERM OBLIGATIONS**  
**- BUILDING BOND - SPARKS JUSTICE COURT**

**5:30 p.m.**        This was the time set in a Notice of Public Hearing published in the *Reno-Gazette Journal* on July 16, 2004 to consider a resolution authorizing medium-term obligations for financing the Sparks Justice Court building project. Proof was made that due and legal Notice had been given.

Chairman Shaw opened the public hearing by calling on anyone wishing to speak for or against the proposal. There being no response, the public hearing was closed.

On motion by Commissioner Galloway, who noted this had been approved by the Washoe County Debt Management Commission, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Shaw be authorized to execute the same:

**RESOLUTION NO. 04-801**

**A RESOLUTION AUTHORIZING MEDIUM-TERM  
OBLIGATIONS IN AN AMOUNT OF UP TO**

**\$13,900,000 FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE COST OF FINANCING THE SPARKS JUSTICE COURT BUILDING PROJECT; DIRECTING THE OFFICERS OF THE COUNTY TO FORWARD MATERIALS TO THE DEPARTMENT OF TAXATION OF THE STATE OF NEVADA; AUTHORIZING THE FINANCE DIRECTOR TO ARRANGE FOR THE SALE OF THE COUNTY'S MEDIUM-TERM BONDS; PROVIDING CERTAIN DETAILS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF.**

**WHEREAS**, the Board of County Commissioners of Washoe County, Nevada (the "Board", "County", and "State", respectively) proposes to incur up to \$13,900,000 in medium-term obligations of the County under Chapters 350.087 to 350.095, inclusive, of Nevada Revised Statutes (the "Project Act" and "NRS", respectively), in order to finance all or a portion of the cost of acquiring, improving, constructing and equipping a building project, including a public building or complex of buildings to accommodate or house lawful County activities, including, without limitation, courts, records, County personnel, offices, supplies and equipment (the "Project"); and bearing interest at a rate or rates which do not exceed by more than 3 % the "Index of Twenty Bonds" most recently published in The Bond Buyer before bids are received for such medium-term obligations or a negotiated offer is accepted, and maturing within 10 years of the date of issuance thereof, in order to pay the costs of the Project; and

**WHEREAS**, the Board has determined that legally available funds of the County will at least equal the amount required in each year for the payment of interest and principal on such medium-term obligations; and

**WHEREAS**, NRS § 350.087 requires that a notice of intention to authorize medium-term obligations be published not less than 10 days prior to the consideration of a resolution authorizing medium-term obligations; and

**WHEREAS**, a notice of intention to act upon the resolution authorizing such medium-term obligations has been duly published in a newspaper of general circulation in the County not less than 10 days prior to the date hereof pursuant to NRS § 350.087; and

**WHEREAS**, all comments made at the public hearing held on this date on the adoption of this resolution have been duly considered by the Board.

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

Section 1. The Board hereby finds and determines that the public interest requires medium-term obligations for the Project in a principal amount not exceeding \$13,900,000.

Section 2. The facts upon which the finding stated in § 1 above are:

(a) There is a continuing need to meet the demands of and to serve the existing and future residents of the County and those needs are likely to persist or increase in the future due to the growth of the County.

(b) It is in the best interests of the County and its inhabitants, and would best serve the health and welfare thereof, if the Project is now accomplished, thereby assisting in alleviating the needs mentioned in (a) above.

(c) It is not feasible to finance the Project from other funds of the County, among other reasons, because of restraints on the County's budget for the current fiscal year and other demands on and needs for existing funds of the County.

Section 3. The sources of revenues of the County that are anticipated to be used to repay the medium-term obligations and the dollar amount expected to be available from each such source are monies derived from the County's Capital Facilities Fund in an amount of not less than \$1,808,000 per year are anticipated to be available to repay the medium-term obligations.

Section 4. The medium-term obligations shall not be paid in whole or in part from a levy of a special tax exempt from the limitations on the levy of ad valorem tax, but shall be paid from the other legally available funds of the County mentioned in Section 3.

Section 5. The County proposes to borrow a sum not to exceed \$13,900,000 at an annual interest rate estimated to be 4.85 % to be repaid over a period of not more than 10 years. Such medium-term obligations shall be evidenced by the issuance by the County of medium-term negotiable bonds (the "Bonds"), in one or more series, which mature not later than 10 years after the date of issuance and the interest rate shall in no event exceed by more than 3 percent the "Index of Twenty Bonds" which is most recently published before bids are received or a negotiated offer is accepted. The estimated useful life of the Project to be acquired with the proceeds from the medium-term obligations is at least 10 years. The Bonds shall mature at such times in such amounts as not to exceed the useful life of the Project.

Section 6. The Finance Director is hereby authorized to arrange for the issuance and sale of the Bonds in a total principal amount of not more than \$13,900,000 to finance the cost of the Project, in accordance with Project Act and the Bond Act. He is authorized to specify the terms of the Bonds, the method of their sale, the final principal amount of the Bonds, the terms of their repayment and security therefor, and other details of the Bonds, and if deemed appropriate by him, to advertise the Bonds for sale, subject

to the Project Act and the Bond Act and subject to ratification by the Board. Such Bonds shall be issued on such other terms and conditions as the Board determines, all as provided in the Project Act and NRS 350.500 to 350.720, inclusive, (the "Bond Act") and as specified by the adoption of one or more bond ordinances and the execution of a certificate of the Finance Director specifying the Bond terms and details approving and ratifying their sale (the "Bond Ordinance").

Section 7. The officers of the County are hereby authorized to take all action necessary or appropriate to effectuate the provisions of this resolution, including without limitation, (a) updating the County's capital improvement plan, if required, to reflect the Project, (b) forwarding all necessary documents to the Executive Director, Department of Taxation, Carson City, Nevada, (c) assembling of financial and other information concerning the County and the Project, and the Bonds, and (d) preparing and circulating an official statement for the Bonds, and, if deemed appropriate by the Finance Director, preparing and circulating a preliminary official statement, a notice of bond sale for the Bonds, or both, in the forms specified by the Finance Director. The Finance Director is authorized to deem the official statement or preliminary official statement to be a "final" official statement on behalf of the County for the purposes of Rule 15c2-12 of the Securities and Exchange Commission.

Section 8. This Resolution shall become effective upon the approval hereof by the Executive Director of the Department of Taxation of the State of Nevada as provided in NRS § 350.089.

**04-802            2002 REGIONAL PLAN SETTLEMENTS**

Madelyn Shipman, Legal Counsel, said there was a status conference with the Court this morning and she believed some things were resolved. She said she would provide a written update prior to the August 10, 2004 meeting.

**COMMUNICATIONS AND REPORTS**

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

**COMMUNICATIONS:**

- 04-803**            A.     Copy of fully executed NDOT Contract No. 3207, Project Nos. SPSR-0431(010), SPF-0395-2(027) and STP-0028(003), on SR 431, Mount Rose Highway, from 0.26 miles west of Timberline Drive to Wedge Parkway, on US 395 Freeway from 0.07 miles south of the Mount Rose Interchange to 0.43 miles north of the Mount Rose Interchange and on SR 28, Tahoe Boulevard, at the Junction with Northwood Boulevard/Southwood Boulevard, Washoe County, Q & D Construction, Inc., Contractor. (documents forwarded to Public Works)

**04-804** B. Copy of the letter dated June 1, 2004 from Paiute Pipeline Company (Paiute) regarding an application with the Federal Energy Regulatory Commission (FERC) for authorization to construct and operate new natural gas compression facilities in Washoe County, Nevada. Paiute also proposed to abandon certain other facilities in Pershing County and Churchill County. A copy of the Landowner Notification Packet was received, which Paiute is required to provide to all affected landowners, towns/communities, local, state and federal governments and agencies involved and/or impacted by the project. (copies forwarded to Community Development)

**04-805** C. Resolution adopting the International Urban-Wildland Interface Code by the North Lake Tahoe Fire Protection District.

**04-806** **REPORTS – Monthly (May 2004)**

- A. County Clerk
- B. Court Clerk

**04-807** **REPORTS – Monthly (June 2004)**

- A. County Clerk
- B. Court Clerk

**04-808** **REPORTS – Quarterly (June 2004)**

- A. Civil Fees and Commissions – Sheriff
- B. County Clerk
- C. Court Clerk
- D. Justice Court – Sparks Township
- E. Justice Court – Verdi Township

**ANNUAL FISCAL REPORTS**

- 04-809** A. Washoe County
- 04-810** B. Washoe County School District
- 04-811** C. Gerlach General Improvement District

**BUDGETS – 2004-2005**

- 04-812** A. Washoe County School District
- 04-813** B. Washoe County School District (2004 augmented)

\* \* \* \* \*

There being no further business to come before the Board, the meeting adjourned at 9:25 p.m.

---

**JAMES M. SHAW**, Chairman  
Washoe County Commission

**ATTEST:**

---

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

*Minutes Prepared by  
Jan Frazzetta, Deputy County Clerk  
Sharon Gotchy, Deputy County Clerk*