

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

MARCH 16, 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
David Watts-Vial, 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:

04-207 WORK CARD PERMIT APPEAL – KEVIN LEE COMSTOCK

The appeal by Kevin Lee Comstock of the Sheriff's denial of his work card permit application was considered on Monday, March 15, 2004 prior to the Caucus meeting in the Commission Caucus Room, 1001 East Ninth Street, Second Floor, Reno, Nevada, with Commissioners Shaw, Sferrazza, and Weber present.

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

The appellant, Kevin Lee Comstock, as well as his wife Shannon Comstock, were present to offer testimony during the closed session. Also present was Maureen Thomas, Chief Records Clerk, Washoe County Sheriff's Office.

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

On motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried with Commissioners Galloway and Humke absent, the Board ordered that the appeal be approved and that the work card permit be granted to Kevin Lee Comstock subject to the condition that the parents of the children be advised of Mr. Comstock's conviction and sign a statement to that effect.

04-208 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the agenda for the March 16, 2004 meeting be approved.

PUBLIC COMMENTS

Marti Allison, 2004 Washoe County Board of Equalization member, said the Board worked through 1,600 appeals, and over 800 of the petitions submitted by Washoe County residents were completed incorrectly. She noted the costs involved in the entire process and stated that; out of the 1,600 appeals, the Board adjusted the values on 67 properties. She expressed her hope that in the future the District Attorney would have the option to examine the petitions when they are filed with the Assessor's office to make sure the petitions are completed correctly.

Sam Dehne, Reno resident, explained his background, his involvement in the community and sang his version of "Hail to the Chief."

Al Hesson, Reno resident, said he was proud of the people of Spain for throwing out the government that supported President Bush, and he wants President Bush removed from office. He noted the death toll in Iraq for Americans is up to 564. He voiced his support for Senator John Kerry.

Nancy Jackson, Golden Valley resident, requested the Board amend an ordinance from May 27, 2003. She pointed out that Washoe County Code (WCC) 55.125 should be amended because NRS Chapter 140 was not added that exempts livestock from many issues. She said she wanted the word "braying" taken out of the WCC 55.125. She explained that if land is zoned for livestock, a donkey should be allowed and it should be allowed to bray.

COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS

Commissioner Sferrazza said he had spoken to Nancy Jackson and he requested a future agenda item to include the review of WCC 55.125. He asked that the comments by Marti Allison be reviewed regarding the Board of Equalization.

Commissioner Weber requested a re-evaluation of the Board of Equalization.

Commissioner Galloway requested a future agenda item to look at how the Board of Equalization is constituted, how the greatest pool of applicants could be gathered to serve on the Board, and how fairness to the public could be maintained throughout the process.

Commissioner Humke requested, in regard to the comments on the Board of Equalization, that staff craft a form that could be sent to people so they could file an appeal of their assessment. He said he attended a recent meeting of the Nevada Commission on Aging, and he noted a number of items that would impact the aging population in Washoe County.

Chairman Shaw thanked Commissioner Weber for chairing the meeting last week in his absence.

04-209 INTRODUCTION OF NEW COUNTY EMPLOYEES

Chairman Shaw invited approximately 21 new Washoe County employees to come forward and introduce themselves to the Board. The Board members welcomed the new employees.

04-210 RESOLUTIONS OF APPRECIATION – BOARD OF EQUALIZATION MEMBERS

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following Resolutions, which Chairman Shaw presented to the appearing Board members, be adopted and the Chairman be authorized to execute same:

RESOLUTION

WHEREAS, The Board of Equalization may determine the valuation of any property assessed by the County Assessor; and

WHEREAS, The Board of Equalization may change and correct any valuation found to be incorrect whether adding thereto or by deducting therefrom such sum as is necessary to make it conform to the taxable value of the property assessed; and

WHEREAS, The Board of Equalization is comprised of five members appointed by the County Commission, and are appointed to a four-year term and meets annually for as long as necessary; and

WHEREAS, The Board of Equalization met for twenty-three consecutive hearings and served countless hours; and

WHEREAS, The Board of Equalization heard over 1200 parcel petition appeals; and

WHEREAS, Ron Fox is the Chairman of the 2004 Board of Equalization;

THEREFORE BE IT RESOLVED, The Washoe County Commission hereby expresses their appreciation and thanks to Ron Fox for his time and dedication as the Chairman of the 2004 Board of Equalization.

RESOLUTION

WHEREAS, The Board of Equalization may determine the valuation of any property assessed by the County Assessor; and

WHEREAS, The Board of Equalization may change and correct any valuation found to be incorrect whether adding thereto or by deducting therefrom such sum as is necessary to make it conform to the taxable value of the property assessed; and

WHEREAS, The Board of Equalization is comprised of five members appointed by the County Commission, and are appointed to a four-year term and meets annually for as long as necessary; and

WHEREAS, The Board of Equalization met for twenty-three consecutive hearings and served countless hours; and

WHEREAS, The Board of Equalization heard over 1200 parcel petition appeals; and

WHEREAS, Martha Allison is the Co-Chairman of the 2004 Board of Equalization;

THEREFORE BE IT RESOLVED, The Washoe County Commission hereby expresses their appreciation and thanks to Martha Allison for her time and dedication as a member of the 2004 Board of Equalization.

RESOLUTION

WHEREAS, The Board of Equalization may determine the valuation of any property assessed by the County Assessor; and

WHEREAS, The Board of Equalization may change and correct any valuation found to be incorrect whether adding thereto or by deducting therefrom such sum as is necessary to make it conform to the taxable value of the property assessed; and

WHEREAS, The Board of Equalization is comprised of five members appointed by the County Commission, and are appointed to a four-year term and meets annually for as long as necessary; and

WHEREAS, The Board of Equalization met for twenty-three consecutive hearings and served countless hours; and

WHEREAS, The Board of Equalization heard over 1200 parcel petition appeals; and

WHEREAS, Jon Obester is a member of the 2004 Board of Equalization;

THEREFORE BE IT RESOLVED, The Washoe County Commission hereby expresses their appreciation and thanks to Jon Obester for his time and dedication as a member of the 2004 Board of Equalization.

RESOLUTION

WHEREAS, The Board of Equalization may determine the valuation of any property assessed by the County Assessor; and

WHEREAS, The Board of Equalization may change and correct any valuation found to be incorrect whether adding thereto or by deducting therefrom such sum as is necessary to make it conform to the taxable value of the property assessed; and

WHEREAS, The Board of Equalization is comprised of five members appointed by the County Commission, and are appointed to a four-year term and meets annually for as long as necessary; and

WHEREAS, The Board of Equalization met for twenty-three consecutive hearings and served countless hours; and

WHEREAS, The Board of Equalization heard over 1200 parcel petition appeals; and

WHEREAS, Gary Schmidt is a member of the 2004 Board of Equalization;

THEREFORE BE IT RESOLVED, The Washoe County Commission hereby expresses their appreciation and thanks to Gary Schmidt for his time and dedication as a member of the 2004 Board of Equalization.

RESOLUTION

WHEREAS, The Board of Equalization may determine the valuation of any property assessed by the County Assessor; and

WHEREAS, The Board of Equalization may change and correct any valuation found to be incorrect whether adding thereto or by deducting therefrom such sum as is necessary to make it conform to the taxable value of the property assessed; and

WHEREAS, The Board of Equalization is comprised of five members appointed by the County Commission, and are appointed to a four-year term and meets annually for as long as necessary; and

WHEREAS, The Board of Equalization met for twenty-three consecutive hearings and served countless hours; and

WHEREAS, The Board of Equalization heard over 1200 parcel petition appeals; and

WHEREAS, Steven Sparks is a member of the 2004 Board of Equalization;

THEREFORE BE IT RESOLVED, The Washoe County Commission hereby expresses their appreciation and thanks to Steven Sparks for his time and dedication as a member of the 2004 Board of Equalization.

RESOLUTION

WHEREAS, The Board of Equalization may determine the valuation of any property assessed by the County Assessor; and

WHEREAS, The Board of Equalization may change and correct any valuation found to be incorrect whether adding thereto or by deducting therefrom such sum as is necessary to make it conform to the taxable value of the property assessed; and

WHEREAS, The Board of Equalization is comprised of five members appointed by the County Commission, and are appointed to a four-year term and meets annually for as long as necessary; and

WHEREAS, The Board of Equalization met for twenty-three consecutive hearings and served countless hours; and

WHEREAS, The Board of Equalization heard over 1200 parcel petition appeals; and

WHEREAS, Marcia McCormick is a member of the 2004 Board of Equalization;

THEREFORE BE IT RESOLVED, The Washoe County Commission hereby expresses their appreciation and thanks to Marcia McCormick for her time and dedication as a member of the 2004 Board of Equalization.

Chairman Shaw noted that Mr. Fox and Ms. Allison had submitted their resignations and would not serve on the Board in 2005. He acknowledged their hard work and long hours serving on the Board. He further acknowledged staff from the

Clerk's Office, District Attorney, and the Assessor's Office and thanked them for their diligent efforts.

Gary Schmidt stated it had been an honor to serve with his fellow Board members and especially with Chairman Fox who did an excellent job as Chairman.

Jon Obester thanked the Commissioners for the recognition. He acknowledged his fellow Board members and Chairman Fox for clarifying the jurisdiction and responsibilities of the Board in a professional manner.

Steven Sparks commended all the Board members for their dedication, and he acknowledged the appraisal staff of the Assessor's Office for their professionalism. He said without the work of the Clerk's Office and the District Attorney, the Board would still be in session.

04-211 RESOLUTION OF RECOGNITION - SUN VALLEY SLIDE PROJECT – PARKS

Upon recommendation of Karen Mullen, Parks and Recreation Director, on motion by Commissioner Weber, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the following Resolution presented by Commissioner Weber, to recognize Jennifer Budge, Moira Shea and Doug Mullens for their success in both envisioning and raising funds for the Sun Valley Slide Project, be adopted and the Chairman be authorized to execute same:

RESOLUTION

WHEREAS, Washoe County's Organizational Value Statement places great emphasis on Community, Quality Public Service and Teamwork; and

WHEREAS, These key elements of our Organizational Value Statement were utilized in achieving a successful fund raising campaign; and

WHEREAS, Staff worked with other agencies, non-profit organizations and local businesses to reach the desired fund raising goal; and

THEREFORE, BE IT RESOLVED that the Washoe County Board of County Commissioners does hereby recognize Jennifer Budge, Moira Shea and Doug Mullens for their teamwork and dedication to their organization and community in achieving their fund raising goal for the purchase and installation of a waterslide at the Sun Valley Neighborhood Pool.

Commissioner Weber acknowledged Ms. Budge for her consistent attendance at the Citizen Advisory Board meetings and her involvement in a community where she does not live. Commissioner Weber thanked staff for their hard work and for making this happen for the citizens in Sun Valley.

Mr. Mullens said he appreciated the unexpected recognition and thanked all the businesses that were a part of the project. Ms. Budge thanked the Commissioners and said Sun Valley is a great community.

04-212 FINAL BUDGET ADJUSTMENTS – FY 2003/04
SECOND JUDICIAL DISTRICT COURT

Chief Judge James Hardesty reviewed the agenda memorandum dated February 24, 2004 giving background information on the funding request for the District Court. He referred to the memorandum dated May 16, 2003, which was placed on file with the Clerk, that outlined the four percent reduction in the Court's budget and confirmed the Courts had upheld their cost-saving efforts. Judge Hardesty noted the District Court was not receiving new positions to the exclusion of other County departments or agencies. The District Court proposed, as its budget plan, to seek other alternative funding sources to replace the sacrifices that were made with the money for specialty court. He verified that what was discussed with the Commission was if the Courts could replace the funding, these positions would be made available, and he acknowledged the requested positions.

Sam Dehne, local resident, spoke in favor of the positions and asked about the increase in the Probate Commissioner's salary.

Judge Hardesty explained the current Probate Commissioner was not an attorney. He said as the probate business has grown, it has become necessary to have an attorney fill the position. The salary increase was intended to make the position consistent with other Master positions. He stated this was part of the plan to defer adding another judge. He said probate is a highly specialized area of law requiring legal experience in probate law and estate planning. He confirmed any probate or estate-planning lawyer would make at least twice to three times this salary level, and the Court would be working hard to fill the position with a very qualified lawyer.

Commissioner Sferrazza inquired about the salary of the Justice of the Peace, the Probate Commissioners, and the Master positions. He said he could not vote today without having this information.

County Manager Katy Singlaub explained that what staff attempted to do was provide a comparison with the base salary levels of the Justices of the Peace and the base salary levels for the Master positions at the maximum of the range. She confirmed the base salary levels for the Justices of the Peace included annual cost of living adjustments, so the salaries that were adopted several years ago have been adapted to include the general wage adjustments that have occurred for confidential and exempt employees.

Commissioner Sferrazza stated with that additional information he could support the item.

In response to Commissioner Galloway, Ms. Singlaub clarified that these salaries do not come under the Hay System, but they were evaluated consistent with Hay positions; and the Board had previously heard a report on that subject.

Upon recommendation of Judge Hardesty, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the following actions be taken contingent upon the receipt of funding, effective April 5, 2004:

1. The creation of two full-time equivalent Deputy Clerk I positions, salary range of \$24,273.60-\$37,627.20, be authorized;
2. The existing salary range for the Probate Commissioner of \$42,806.40-\$66,310.40 be abolished and a new salary range for the Probate Commissioner of \$68,307.20-\$105,892.80 be established;
3. The creation of one part-time, non-benefited .22 FTE Master position be authorized;
4. The creation of one part-time, non-benefited .25 FTE Master position be authorized; and
5. One existing intermittent hourly .25 FTE Master position be abolished.

It was further ordered that the following items, as outlined in the May 16, 2003 letter, be approved:

1. Drug Court funding in the amount of \$121,832 be restored;
2. The Assistant Family Court Administrator position be restored; and
3. The various line item budget reductions in the amount of \$35,000 be restored.

It was noted that approval of this item was contingent upon the receipt of revenue in an amount equal to or greater than the cost of the items and would increase the expenditure authority for the District Court by approximately \$228,000 for the balance of fiscal year 2003-2004. Upon receipt of additional AB 29 revenues, the Board of County Commissioners would receive a request to augment the General Fund in the amount at minimum that would offset the fiscal impact for this item. The fund augmentation would be brought back to the Board as a separate item when the funds were obtained.

04-213 SEXUAL ASSAULT MEDICAL CARE PAYMENT – DISTRICT ATTORNEY

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for 34 victims of sexual assault in an amount of \$17,417.65 for initial emergency care, and in an amount of \$3,962.25 for follow-up treatment, totaling \$21,379.90 as set forth in a memorandum from Lidia Osmetti, Office Manager, District Attorney's Office, dated February 26, 2004 and placed on file with the Clerk.

04-214 REVISION - PRO TEM JUSTICE OF THE PEACE LIST – HUMAN RESOURCES

Upon recommendation of Joanne Ray, Human Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that a revised list of Pro Tem Justices of the Peace be approved. It was noted that the list would include additional names and delete those who were no longer able to serve.

04-215 ACCOUNT ADJUSTMENTS – FY 2003/04 – FIRST AND SECOND QUARTER SALARY SAVINGS - BUDGET

Upon recommendation of Darin Conforti, Acting Budget Manager, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the following account adjustments for fiscal year 2003/04 first and second quarter salary savings be approved and that the following actions be taken:

1. The General Fund salary and benefit accounts be reduced in the amount of \$645,626;
2. The General Fund contingency account be increased by \$645,626.

04-216 TRAVEL APPROVAL – E-911 ADVISORY COMMITTEE MEMBERS – PUBLIC WORKS

Upon recommendation of the E-911 Emergency Response Advisory Committee, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that four E-911 Advisory Committee members be authorized to attend the National Emergency Number Association's Annual Conference and Trade Show in Tampa, Florida, June 13-17, 2004. It was noted funds previously identified and reserved for travel are available, and individuals attending on behalf of the E-911 Advisory Committee may not be Washoe County employees.

04-217 AUTHORIZE PAYMENT – TRAVEL EXPENSES – GEORGE FURMAN, MD – HEALTH

Upon recommendation of Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that travel expenses for District Board of Health Member, George Furman, MD, for travel costs associated with attendance at the National Association of Local Boards of Health Annual Conference in Denver, Colorado, July 28 through 31, 2004, be approved.

04-218 STREET NAME APPROVAL – SKY TAVERN ROAD – PUBLIC WORKS

Upon recommendation of the Regional Street Naming Committee, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the naming of a privately maintained unnamed easement Sky Tavern Road be approved effective March 16, 2004. It was noted the road is located off the Mt. Rose Highway.

04-219 EXTENSION OF AGREEMENT – CHARTER COMMUNICATIONS – PURCHASING/COMMUNITY RELATIONS

Sam Dehne, Reno resident, stated his concern was that SNCAT must be included in the agreement, and the televising of live government meetings must continue because the meetings are critical for the community.

County Manger Katy Singlaub stated there was no consideration to eliminate televising the meetings, and that was part of the proposal for the future contract.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, and Kathy Carter, Community Relations, through John Berkich, Assistant County Manager, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the current, non-exclusive, Cable TV Franchise Agreement between Washoe County and Charter Communications be extended on a month-to-month basis until a new franchise agreement is approved and that the Purchasing and Contracts Administrator be authorized to execute the extension agreement.

04-220 ACCEPTANCE OF DONATION – COMPUTER AND VIDEO HARDWARE AND SOFTWARE - SHERIFF

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the donation totaling \$6,935.59, for computer and video hardware and software from the Washoe County Honorary Deputy Sheriff's Association,

to provide the Sheriff's Office the capability to draft and create its own training DVD disks, be accepted with the Board's gratitude.

04-221 SOLE SOURCE PURCHASE – COURTROOM AUDIO/VIDEO SYSTEM – JAN EVANS JUVENILE JUSTICE CENTER

Ron Longtin, District Court Administrator, explained the Family Court has had the Jefferson Audio Video Systems, Inc. equipment for approximately 12 years, and to change the system would require additional training of staff.

Commissioner Sferrazza stated the purchase was not necessary, and the item should have gone out to bid. He said he did not accept the need for additional training as justification for this sole source purchase.

Francis Doherty, District Court Judge, stated she respected the comments that had been made, and she holds the Court accountable for assuring efficiencies in technology and costs. She said the Juvenile Court that has been established at the Jan Evans Juvenile Justice Center would be the most heavily used Court, and with respect to going out to bid or sole sourcing this item, she confirmed the County is best served by using the same system providers and technologies.

In response to Commissioner Galloway, Roger Van Alyne, Capital Projects Division Director, said that other systems were not studied in terms of comparable costs. Commissioner Galloway stated he would support the item, but he requested that every system used by the County be evaluated prior to any major repair or replacement.

Upon recommendation of Mr. Van Alyne, through Tom Gadd, Public Works Director, on motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza voting "no," Chairman Shaw ordered that the purchase of the courtroom audio/video system for the Jan Evans Juvenile Justice Center from Jefferson Audio Video Systems, Inc., in the amount of \$46,843, be approved.

04-222 RIGHT OF ENTRY AGREEMENT – RENO 52, LLC – SANITARY SEWER LINE - HIDDEN VALLEY REGIONAL PARK - PARKS

County Manager Katy Singlaub read into the record sections from an e-mail she received from Karen Mullen, Parks and Recreation Director, addressing the Board's questions from the Caucus.

Commissioner Sferrazza inquired why the County was accepting the Assessor's appraised value on the property when the usual process for buying or selling property was to hire an appraiser.

Ms. Mullen explained staff has consistently used the Assessor's appraised value on these small easements to avoid incurring the cost of hiring an appraiser for each easement. Commissioner Sferrazza pointed out that the value would be \$151,000 an acre, and he requested comparable sales from the Assessor.

Commissioner Humke explained the only way he would vote for this item would be to state that it does not set precedence. He said he does not appreciate anything crossing this park, and he does not want it to be parceled out for further development. He acknowledged that the Commission would hear from him again and again about this park because it has a big target on it which has to end.

Ms. Mullen said the applicant did request a storm drainage easement, and that was denied because it would give no benefit to the park. She explained the only reason the alignment would be approved was because it would benefit the park in the future by tying in all of the facilities.

In response to Chairman Shaw, Ms. Mullen verified that all of the parties involved were made aware that the project was to be completed to provide restroom facilities.

Commissioner Galloway inquired if staff was reasonably sure that no future development would cover the maintenance easement, and Ms. Mullen confirmed this to be true.

Bill Thomas, representing Reno 52, LLC, explained the pictures given to the Board to show the extent of the easement. He reviewed the history of the project and the steps taken by the company to construct the sewer line. He said the only visible, physical evidence in the park would be two manhole covers in the road. He further explained how they arrived at the dollar amount, and noted that the one-mile extension of sewer line would directly benefit 30 property owners. He stated that the company did not want to pay anything to the County because of the great public benefit the extension would bring about, but they understood some compensation was needed; and the amount agreed upon was equitable in this case.

In response Commissioner Sferrazza, Mr. Thomas explained the compensation given to the property owner affected by the sewer line extension.

Commissioner Sferrazza said he did not like the idea of sewer lines running through parks and setting a precedent. He would not support the approval of the Right of Entry Agreement.

Upon recommendation of Ms. Mullen, on motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza voting "no," it was ordered that the Right of Entry Agreement with Reno 52, LLC to construct a sanitary sewer line through Hidden Valley Regional Park be approved and Chairman Shaw be authorized to execute the same.

It was further ordered that \$22,350 be accepted and deposited in the Hidden Valley Park Subdistrict 3A fund 4417 in exchange for the right of entry.

3:42 p.m. The Board recessed.

3:53 p.m. The Board reconvened with Commissioner Sferrazza absent.

3:55 p.m. Commissioner Sferrazza returned during the following item.

04-223 **APPEARANCE: ED ROBINSON – LAKE TAHOE BIG BLUE RUN MOTORCYCLE RALLY**

Ed Robinson presented information on the Big Blue Run Motorcycle Rally, scheduled for June 11-13, 2004 at Lake Tahoe. He reviewed the information handout he had given to the Board, which was placed on file with the Clerk, pointing out the dates, location, the amount of money involved for the participants and the Website that provides all the details.

In response to Commissioner Galloway, Mr. Robinson indicated the event would use highways only and there was no set path because it was not a race, but rather a ride to enjoy Lake Tahoe. Commissioner Galloway suggested that Mr. Robinson check with Tahoe Regional Planning Agency (TRPA) for approval, and Mr. Robinson confirmed he had already spoken to TRPA and they had no problems with the planned event.

Sam Dehne, Reno resident, said he was glad the motorcycle rally would be at Lake Tahoe and not in Reno. He stated illegal mufflers on motorcycles are an attack on the community, and he suggested law enforcement be present to make the owners dismantle them. He asked that ear plugs be given to the public.

04-224 **DISCUSSION – PROPOSED WASHOE / LYON COUNTY BOUNDARY CHANGE – MANAGER'S OFFICE**

Leroy Goodman, Chairman of the Lyon County Board of County Commissioners, stated what was to be considered was a proposed boundary line change that would adjust the 1861 boundary between Washoe and Lyon Counties. He presented and explained a map identifying present and proposed boundary lines, which was placed on file with the Clerk. He commented the adjustment would involve approximately 4,000 acres of land and no structures or inhabitants currently reside on the land. Commissioner Goodman further described the land, its features and the location. He acknowledged that the City of Fernley was growing rapidly with plans for additional development and many homes. He gave details about the population growth, numbers of homes projected, and expansion of services for Fernley. He explained if this area remained in Washoe County it may develop into a residential area and services would have to be contracted with Washoe County, with the City of Fernley and Lyon County for fire protection, school services, wastewater, and more. Commissioner Goodman

confirmed that Lyon County believes it makes more sense to make the boundary line adjustment now when there is no development on the land, versus waiting to do this in the future. He said \$45,000 in taxes comes into Washoe County currently from this land according to Assessor's records. Commissioner Goodman invited the Washoe County Commissioners to come and see the land in question.

Commissioner Humke said there is a road in Storey County that could accommodate Washoe County's needs, and he asked staff to explore a three County consortium that could be put together to have one bill presented to the legislature to make some of these changes.

Commissioner Galloway asked if there was a period of time over which the property tax would be apportioned between the County that gives up the territory and the County that receives the territory. Commissioner Goodman said he believed that could be worked out between the two counties during the legislative process.

In response to Chairman Shaw, Commissioner Goodman verified that the Tribe was made aware of this through meetings in Fernley and City Council meetings, but they have minimal involvement because the area just borders the Federal Indian Reservation, and it would not take any part of that Indian reservation. Chairman Shaw invited Commissioner Goodman to attend a Town Hall Meeting in Wadsworth on March 18, 2004 to give the citizens additional information on this item.

Commissioner Weber disclosed that she had met with Commissioner Goodman and the Wades prior to this meeting. She inquired what benefit this would bring to Washoe County, and Commissioner Goodman said Washoe County would not have to provide services to the area should a residential area be developed. He noted the area is not part of the County's land use plan.

County Manager Katy Singlaub stated Washoe County could provide services to the area by contracting for the services or by pursuing an unincorporated town in that area.

Commissioner Sferrazza requested numbers from staff regarding property taxes that would be lost by giving up the property, and the affect on the sales tax because sales tax is based partly on population. He said he has not received any of the numbers yet, but he would be prepared to move this forward and give staff direction to negotiate with Lyon County and the developers to see if a mutually satisfactory agreement could be reached. He disclosed that he had met with Commissioner Goodman and the Wades.

Chairman Shaw said staff should be directed to look at all possible options in that area and not give the idea that the Commission is ready to join hands and go down to the legislature with Lyon County and the developers. He acknowledged there are projects being proposed out in that area in Washoe County that would generate a lot of tax revenue for Washoe County and this needs to be explored further.

Commissioner Goodman confirmed he wanted discussions to continue with Washoe County and Lyon County. In reference to Commissioner Sferrazza's comments, he verified there is no sales tax in that area currently because there is nothing there.

Commissioners Galloway and Humke disclosed they had previously met with representatives from Lyon County and the Wades.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that staff be directed to continue meeting with Lyon County and the developers in order to explore all the options regarding a boundary line change north of the City of Fernley.

04-225 APPEARANCE - MIKE CAPELLO – STATUS REPORT – FAMILY CAMPUS ACTIVITY CENTER

Mike Capello, Social Services Director, reviewed the agenda memorandum dated March 5, 2004 giving background information on the status of the Family Campus Activity Center.

Perry DiLoreto, area resident, described the project and presented a video on the Family Campus Activity Center that he uses in his fund raising efforts.

In response to Commissioner Galloway, Mr. DiLoreto explained how the Reno Rodeo Foundation was involved and how fund raising efforts were moving forward.

Commissioner Humke complimented Mr. DiLoreto on the quality of the video and said it would fulfill its intended purpose. He commented on the way the children were tastefully dealt with in the video, protecting their identities and confidentiality, and he thanked him for acknowledging the Washoe County staff involved at Kids Kottage.

Sam Dehne, Reno resident, complimented Mr. DiLoreto on his involvement with children.

Upon recommendation of Mr. Capello, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the status report on the Family Campus Activity Center be accepted.

04-226 APPEARANCE – GLEN WILLIAMS AND JACQUES ETCHEGOYHEN - TERRA FIRMA ASSOCIATES – PONDEROSA RANCH PROJECT

Glen Williams, Terra Firma Associates, presented a PowerPoint presentation on the Ponderosa Ranch Project. He referred to the agenda memorandum

dated March 2, 2004 giving background on the Ponderosa Ranch and the owner's desire to give public agencies an opportunity to purchase the property.

Jacques Etchegoyhen, Terra Firma Associates, acknowledged the people who had worked on this project, and he thanked the Anderson family and David Gettis for giving Nevada and the nation this opportunity. He said the Ponderosa Ranch in public hands creates the kind of opportunity that the Nevada Commission on Tourism is looking for to encourage tourism. He explained the benefits and the long term good of the project.

Commissioner Galloway disclosed he had spoken to Mr. Etchegoyhen in the past. He said it would be wise for local government to reserve some of the land. He explained there has never been a place for a transportation hub in the Incline Village area and a section could be utilized in this manner. He desired to see the Incline Railway operate again as railway.

Gary Schmidt, Washoe County resident, stated he was in support of the action before the Board and would certainly like to see the Western town preserved.

Commissioner Sferrazza described a way to raise money for the project and to preserve the history of the Ranch.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that staff be directed to explore all the possibilities of this multifaceted approach to the uses of the land as proposed by Terra Firma Associates, the Anderson family and Mr. Gettis and that this be completed in close consultation to ensure all the interests and governmental groups at Lake Tahoe are brought into that process.

**04-227 AGREEMENT – RECLAIMED WATER - CITY OF SPARKS –
LAZY 5 REGIONAL PARK**

Upon recommendation of Karen Mullen, Parks and Recreation Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Agreement for Sale of Treated Effluent and User Held Effluent Discharge Permit with the City of Sparks, regarding supply of reclaimed water at Lazy 5 Regional Park, be approved and Chairman Shaw be authorized to execute the same. It was further ordered that the payment of the associated Infrastructure Connection Fee to the City of Sparks, in the amount of \$118,439.94, be approved.

**04-228 LETTER OF INTENT - SPANISH SPRINGS SEPTIC TO SEWER
CONVERSION PROJECT – WATER RESOURCES**

Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza,

seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that:

1. The Letter of Intent to the Nevada Board for Financing Water Projects for an AB 198 grant application for sewer system improvements in the Spanish Springs Septic to Sewer Conversion Project be approved.
2. The Director of the Department of Water Resources be directed to sign the Letter of Intent for state funds in the amount of \$4,000,000.

**04-229 PURCHASE AUTHORIZATION – LIQUID CHROMATOGRAPH/
MASS SPECTROMETER - SHERIFF**

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that purchase of a liquid chromatograph/mass spectrometer, for use in the toxicology section of the Sheriff's Office Crime Laboratory, in the approximate amount of \$225,000, be approved.

It was noted that the equipment would enhance the capabilities of the toxicology section, make current instrumentation more efficient, lessen maintenance requirements for current instrumentation, and decrease turnaround time for toxicology cases.

**04-230 SOLE SOURCE AUTHORIZATION – GC-HEADSPACE
ANALYZER – SHERIFF**

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the sole source purchase of a Perkin-Elmer TurboMatrix HS-100 GC-Headspace Analyzer, for use in the toxicology section of the Sheriff's Office Crime Laboratory, be approved.

It was noted that this unit is identical in design, operating principles and implementation to a smaller unit already in use in the laboratory. It was also noted that the purchase, in the amount of \$28,080, would be paid for with funding from internal order 10059 (2001 SCAAP-Alien Assistance).

**04-231 AWARD OF BID – LEMMON VALLEY WATER SYSTEM - BID
NO. PWP-WA-2004-103 – WATER RESOURCES**

This was the time to consider award of bid for the Lemmon Valley Water System Improvements – Heppner Waterline Extension Phase I Schedule C for the Water Resources Department. The Notice to Bidders for receipt of sealed bids was published in

the *Reno Gazette-Journal* on January 14-16, 21-23, and 28-30, 2004. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

Rapid Construction
Canyon Construction
Paragon Associates
Mike's Trenching
Sierra Nevada Construction
Canyon Creek
Hardline Excavating
A & K Earthmovers
Granite Construction

Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that Bid No. PWP-WA-2004-103 for Lemmon Valley Water System Improvements – Heppner Waterline Extension Phase I Schedule C for the Water Resources Department be awarded to the lowest responsible, responsive bidder, Rapid Construction, in the amount of \$399,993. It was further ordered that Chairman Shaw be authorized to execute the documents upon receipt, and the Engineering Manager be authorized to issue the Notice to Proceed.

04-232 REFUND OF TAXES – R.R. DONNELLEY & SONS CO.
DISTRICT ATTORNEY

Blaine Cartlidge, Deputy District Attorney, reviewed his Opinion 6427 dated March 3, 2004 giving background information on the request for a refund of a portion of paid personal property taxes from R.R. Donnelley & Sons Co.

In response to Commissioner Galloway, Mr. Cartlidge explained that pursuant to Nevada Revised Statute the statute of limitation limits tax refunds to the prior three years, and he verified how the refund fit into the required time frame.

Commissioner Sferrazza said he would like more time to review the request with the Deputy District Attorney.

Commissioner Sferrazza inquired about the excuse for the delay in the application for refund. Billy Weaver, attorney representing R.R. Donnelley & Sons Co., explained that as part of the expansion project there were other valuation issues being brought before the Assessor's office between 1999 and 2002. The actual personal property tax bill dropped due to the valuation issue with certain equipment and the removal of certain equipment from the plant that was no longer on the tax rolls. He said because an outside firm was involved with the preparation of property tax returns during

the years in question, the actual tax liability was not being monitored. In early 2002 Kathy Gilbertson, the Controller in the Reno plant, brought to his attention the abatement and inquired if the company was receiving it because the numbers did not match up. He further explained that through his research of the situation he determined an incorrect assessment had been made, and he contacted Tom Sokol, Assistant Chief Deputy of the Assessor's Office. Mr. Weaver concluded it was a communication error between the Nevada Commission on Economic Development (NCED), the Assessor's Office and R.R. Donnelley & Sons Co. The company's responsibility in the matter was to report the assets as they were acquired, and the abatement had to be applied by the Assessor's Office according to the directive given by the NCED. Mr. Weaver stated the company did not apply for a refund until May of 2002 because the liability was not being monitored and the reductions were not being matched against the abatement that had been applied to the expansion.

Commissioner Sferrazza said the company had the right to go before the Board of Equalization. He commented if he failed to seek corrections on the assessment of his home he could only go back to the previous year in question.

Mr. Weaver clarified that the Assessor's Office misinterpreted the decision from the NCED and the abatement was not properly applied.

In response to Commissioner Galloway, Mr. Weaver confirmed that this was a clerical error because the NCED informed the company they were entitled to the abatement going back to the original project.

Mr. Sokol verified the Board of Equalization does not handle abatements on personal property taxes. He said in his position he applies the abatements for the six or seven businesses within the County that have been granted the abatements by the NCED. Mr. Sokol explained he was notified of the abatement in 1999 through a letter, which was placed on file with the Clerk, and he explained how it determined when an application of an abatement begins. He started applying the abatement for R.R. Donnelley & Sons Co. to new property being brought into the County from 1999 forward. He further explained that when Mr. Weaver inquired as to the amount of the abatement in May 2002, Mr. Weaver's contention was that the abatement was to be applied to acquisitions made by the company prior to the granting of the abatement by the NCED. Mr. Sokol checked with the NCED and it was confirmed that it was to be applied as Mr. Weaver had reported.

Mr. Cartlidge stated he had a concern with the timing of the request for the refund in the beginning, but the facts in this case presented a different situation upon legal analysis as compared to situations that normally come before the Board. He said the NCED granted the abatement; and in a generalized letter, the NCED was not directive enough to its application.

5:38 p.m. The Board recessed.

5:46 p.m. The Board reconvened with all members present.

Commissioner Sferrazza made a motion to approve the exemption as recommended by staff and requested a review of the schedule be presented to the Board in the future, which was seconded by Commissioner Galloway.

Commissioner Humke stated it appeared that R.R. Donnelley & Sons Co. had pointed out the mistake and staff had conceded to their request. He was concerned with the role of the NCED and believed they caused the problem by issuing a vague order, and questioned if the Board would have an action against the NCED. He noted there could be a negotiation and it could be resolved through a piece of special legislation whereby the Legislature would acknowledge the error of the State agency and include an appropriation to the County of Washoe.

In response to Commissioner Weber, County Manager Katy Singlaub clarified that the issuance of the abatement is the jurisdiction of the NCED, and they made the decision, and they negotiated an agreement with R.R. Donnelley & Sons Co. to support their expansion. She said it was not something other businesses would be rushing forward to retroactively seek from the Board. The NCED made that determination and none of this was the fault of R.R. Donnelley & Sons Co.

Commissioner Sferrazza withdrew the motion.

Gary Schmidt, Washoe resident, said if an error was made in the taxable evaluation of one's property by the Assessor one can go back three years to request a refund. He stated there is no obligation to discover the error in a timely manner. He confirmed he supported the refund and did not believe it would be wise to pursue suing the NCED.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the item concerning the tax refund for R.R. Donnelley & Sons, Co. be continued until the April 13, 2004 meeting, giving staff time to gather information to bring back to the Board to assist in their decision.

04-233 2002 REGIONAL PLAN SETTLEMENTS

Adrian Freund, Community Development Director, said staff has been pursuing a special meeting with the Reno City Council regarding possible non-contiguous annexations and how the City intends to proceed on those. He confirmed that scheduling conflicts would not allow a special meeting before April 1, 2004.

In response to Commissioner Weber, Katy Singlaub, County Manager, stated no meeting would be scheduled by March 25, 2004. She said staff would be

drafting a letter to request the City of Reno stay any further actions on non-contiguous annexations until a special meeting could be scheduled for discussion. She verified that the next Joint Meeting was scheduled for April 30, 2004.

04-234 REPORTS/UPDATES FROM COUNTY COMMISSION MEMBERS

Commissioner Weber stated her concerns of the April 30, 2004 Joint Meeting conflicting with the Republican State Convention that would be held on the same day.

Chairman Shaw thanked all the members of the Board for their attendance at the retreat held earlier in the day.

Commissioner Galloway congratulated Adrian Freund, Community Development Director, for his election as the President of the Nevada Chapter of Planning Associates.

COMMUNICATIONS AND REPORTS

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

04-235 COMMUNICATIONS:

- A. Copy of fully executed Notice of Completion between Washoe County Water Resources and JDC Excavating for the Blue Gem/Oasis Mobile Home Estates Waterline Extension in Washoe County.

04-236 REPORTS – Annual (Fiscal Year 2003)

- A. Grand View Terrace General Improvement District - December 31, 2003

04-237 REPORTS – Monthly (January 2004)

- A. Washoe County Clerk
- B. Washoe County Clerk (Amended)

04-238 REPORTS – Quarterly (December 2003)

- A. Washoe County School District

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There being no further business to come before the Board, the meeting adjourned at 6:05 p.m.

JAMES M. SHAW, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Lori Rowe, Deputy County Clerk*