

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

TUESDAY

2:00 P.M.

APRIL 27, 2004

PRESENT:

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

**Amy Harvey, County Clerk**  
**Nancy Parent, Deputy County Clerk**  
**Katy Singlaub, County Manager**  
**John Rhodes, Assistant District Attorney**

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

**04-344      AGENDA**

In accordance with the Open Meeting Law, on motion by Commissioner Weber, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the agenda for the April 27, 2004 meeting be approved.

**PUBLIC COMMENTS**

Sam Dehne, Reno resident, stated he attends all the government meetings in the County, and he sang a song about the news media.

Al Hesson, area resident, read articles regarding the Bush tax cut and explained why it does not add up. He commented on a salary tax and how it would benefit corporations but not the people who are starting out with nothing.

**MANAGER'S/COMMISSIONERS' COMMENTS**

Commissioner Galloway announced the public grand opening of the Jan Evans Juvenile Justice Center on May 6, 2004 at 10:00 a.m. at Parr Boulevard. He noted he attended the ribbon cutting for the trailhead at Keystone Canyon.

Commissioner Weber said April 24, 2004 was a great day at the North Valleys Regional Sports Complex. She described the events that took place, from the grand opening of the baseball fields to the opening day ceremony for the Little League.

She said there were many youth participating, and she thanked the taxpayers and voters for making it all happen.

Commissioner Humke explained he has been participating on a Juvenile Detention Alternative Initiative, under the direction of Leonard Pugh, Juvenile Services Director. He said it is a positive move that Mr. Pugh and Judge Doherty are working on to keep the numbers down at the Detention Center. He stated he attended a livestock 4-H Show where many Washoe County kids and families participated. He acknowledged the events held at the Livestock Event Center are the best work of the Reno-Sparks Convention and Visitor's Authority.

Katy Singlaub, County Manager, explained two future agenda items for the May 18, 2004 meeting. She said one item would concern a discussion on allowing all County Commissioners to function as alternates to the Nevada Association of Counties. The second item would be a discussion concerning whether or not Board of Equalization members should be appointed specific to Districts.

Commissioner Sferrazza requested a report back on the cracks in the floors at the Jan Evans Juvenile Justice Center before the grand opening and before the Commission signs off on it. Ms. Singlaub said she had the report and she would get it to the Commissioner. He further requested the Ballardini Ranch access be placed on a future agenda for a report and possible action.

Ms. Singlaub noted County efforts to protect public access is an agenda item for today, and she confirmed the item Commissioner Sferrazza requested is scheduled to come to the Board in May.

**04-345            PROCLAMATION - MAY 2004 FOSTER CARE MONTH –  
SOCIAL SERVICES**

Chairman Shaw read the Proclamation declaring May 2004 Foster Care Month and presented it to Michelle Sion and Binnie Lopez.

Ms. Sion, foster and adoptive mom, expressed her joy in being a foster and adoptive mom and encouraged other citizens to consider helping the children in Washoe County by becoming foster parents.

Ms. Lopez, Social Services, thanked the foster parents who serve the children of Washoe County everyday. She said foster parents are the key piece in the County's care for children in need. She explained the new ribbon campaign being announced at the beginning of May this year to bring awareness to foster care.

Upon recommendation by Colette Imasaki, Social Worker III, through Mike Capello, Social Services Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following Proclamation be adopted and Chairman Shaw be authorized to execute the same:

**PROCLAMATION BY WASHOE COUNTY  
DECLARING MAY 2004 AS FOSTER CARE MONTH**

**WHEREAS**, the family, serving as the primary source of love, identity, self-esteem, and support is the very foundation of our communities and our State;

**WHEREAS**, in Washoe County there are over 500 children and youth in foster care being provided with a safe, secure, and stable home along with the compassion and nurturing of a foster family;

**WHEREAS**, foster families, who open their homes and hearts to children whose families are in crisis, play a vital role in helping children and families safety, permanency and well-being so as to lead children into successful adulthood;

**WHEREAS**, dedicated foster families frequently adopt foster children, resulting in a greater need for more foster families;

**WHEREAS**, there are numerous individuals, and public and private organizations who work to increase public awareness of the needs of children in and leaving foster care as well as the enduring and valuable contribution of foster parents;

**BE IT RESOLVED**, that the Washoe County Board of Commissioners honors all the dedicated families who foster children by proclaiming May as FOSTER CARE MONTH in Washoe County, Nevada.

**04-346      PROCLAMATION – NATIONAL DNA DAY- APRIL 30, 2004**

Commissioner Humke presented the Proclamation to Dr. Robbin Palmer, a genetic counselor in Washoe County. He acknowledged the help and assistance genetic counselors give to families throughout the nation.

Dr. Palmer thanked the Commissioners for the Proclamation and recognized April 30, 2004 as the first National DNA Day. She stated that genetics is revolutionizing medicine.

Upon recommendation of Rita Lencioni, Assistant to the County Manager, through County Manager Katy Singlaub, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the following Proclamation be adopted and Chairman Shaw be authorized to execute the same:

**PROCLAMATION**

**WHEREAS**, National DNA Day commemorates the completion of the Human Genome Project in April 2003 and the discovery of DNA's double helix a half century ago; and

**WHEREAS**, The National Society of Genetic Counselors (NSGC), in cooperation with the National Human Genome Research Institute (NHGRI), the American Society of Human Genetics, and the Genetic Alliance want to help inspire the next generation of scientists and health care providers who will use the human genome sequence to benefit human health; and

**WHEREAS**, For this special event, Human Genome Research Institute is offering a series of teaching tools and online web casts to educators and students. A complete list of these resources is available on the DNA Day page from the NHGRI website; and

**WHEREAS**, Of special note, many Genetic Counselors have already signed up as mentors in the Mentor Network. If you are an NSGC member who would like to participate in the program, or if you are an educator who would like to contact a local mentor please visit the American Society of Human Genetics mentor network; now, therefore, be it

**PROCLAIMED**, That April 30, 2004 is hereby recognized as National DNA Day by the Washoe County Board of Commissioners.

**04-347            SETTLEMENT OF LAWSUIT - PEACOCK VS. WASHOE COUNTY – RISK MANAGEMENT**

Upon recommendation of Jim Jeppson, Risk Manager, through John Sherman, Finance Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the proposed settlement of the lawsuit filed by Mr. Peacock be approved.

**04-348            ACCEPTANCE OF DONATION – AUTOMATIC EXTERNAL DEFIBRILLATOR – RISK MANAGEMENT**

Commissioner Galloway acknowledged the Regional Emergency Medical Services Authority (REMSA) for the donation of an automatic external defibrillator.

Upon recommendation of Jim Caughron, Risk Management Division Safety Officer, through John Sherman, Finance Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the donation of the Automatic External Defibrillator from REMSA for use in cardiac emergencies be accepted with the Board's gratitude.

**04-349            AMENDMENT #2 – STATE OF NEVADA - CHILD SUPPORT ENFORCEMENT SERVICES - DISTRICT ATTORNEY**

Upon recommendation of Madelyn Shipman, Assistant District Attorney, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that Amendment #2 to the contract between Washoe

County (District Attorney) and the State of Nevada (Welfare Division), concerning extending the term of the original agreement for the provision of child support enforcement services from June 30, 2004 to December 31, 2004 be approved and Chairman Shaw be authorized to execute the same.

**04-350            RECLASSIFICATION OF FIVE OFFICE ASSISTANT II POSITIONS – 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 the reclassification of five existing Office Assistant II positions be approved as follows:

<b>Department</b>	<b>Current Job Class</b>	<b>Pay Grade</b>	<b>Recommended Class</b>	<b>Pay Grade</b>
Sheriff	Office Assistant II	E	Property Inventory Clerk	E

**04-351            BUDGET AMENDMENTS - FY 2003/04 - HEALTH EDUCATION AND PROMOTION PROGRAM – HEALTH**

Upon recommendation of Pamela Fine, Health Analyst, through Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the following amendments to the District Health Department Fiscal Year 2003/04 Health Education and Promotion Program budget in the amount of \$10,000, to support a new grant award for a public health advertising campaign, be approved and the Comptroller be directed to record the amendments in the following accounts:

<b>Account Number</b>	<b>Description</b>	<b>Amount of Increase</b>
2002-IO-10405-431100	Federal Reserve	\$10,000
2002-IO-10405-710546	Advertising	\$10,000
	<b>Total Expenditures</b>	<b>\$10,000</b>

**04-352            BUDGET AMENDMENTS – FY 2003/04 - PUBLIC HEALTH PREPAREDNESS PROGRAM – HEALTH**

Upon recommendation by Pamela Fine, Health Analyst, through Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the following amendments to the District Health Department Fiscal Year 2003/04 Public Health Preparedness Program budget in the amount of \$60,000 to support updating the Multicasualty Incident Plan, integration of data bases into Permits Plus, purchase of tablet PC’s for epidemiology staff, and tuition to the Great Basin Public Health Leadership Institute be approved and the Comptroller be directed to record the amendments in the following accounts:

<b>Account Number</b>	<b>Description</b>	<b>Amount of Increase</b>
2002-IO-10024-431100	<b>Federal Reserve</b>	<b>\$60,000</b>
2002-IO-10024-710100	Other Professional Services	30,000
-710509	Registration	10,000
-711504	Computer Laptops	20,000
	<b>Total Expenditures</b>	<b>\$60,000</b>

**04-353            ACCEPTANCE OF CASH DONATIONS – SUN VALLEY POOL  
WATERSLIDE PROJECT - PARKS**

Commissioner Galloway acknowledged the cash donations for the Sun Valley Pool Waterslide Project. He noted the amount "Pennies for the Pool" had raised for the project that was sponsored by the Sun Valley General Improvement District (GID).

Upon recommendation of Rosemarie Entsminger, Parks Fiscal Compliance Officer, through Karen Mullen, Parks and Recreation Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the following donations in the amount of \$25,387.97 be accepted with the Board's gratitude:

Sun Valley GID Pennies for the Pool	\$18,307.97
Scolari's Food and Drug	\$ 5,000.00
Washoe County Sheriff's Auxiliary	\$ 1,000.00
Hobey's Restaurant & Casino	\$ 1,000.00
Garth Elliot, Resident	\$ 25.00
Anything Iron/Garth Elliot	\$ 25.00
Pauline McBrearty, Resident	\$ 20.00
Saundra Banning, Resident	<u>\$ 10.00</u>
Total	\$25,387.97

**04-354            TAHOE TO PYRAMID BIKE PATH GROUP - PARKS**

County Manager Katy Singlaub explained that the request by the Tahoe to Pyramid Bike Path Group for \$20,000 in matching funds is contingent upon approval of a Recreation and Trails Grant request. She said it does not obligate the County, and staff would return to the Board if the grant request was approved for actual dollars to be allocated.

Commissioner Galloway clarified that the Board is not approving the use of contingency funds, but the request is that \$20,000 for a portion of the path would be included in the next fiscal year's budget contingent on the approval of State Question 1.

Upon recommendation of Karen Mullen, Parks and Recreation Director, through Michelle Poché, Assistant County Manager, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman

Shaw ordered that the request for \$20,000 in matching funds from the Tahoe to Pyramid Bike Path group for construction of the Mogul to Verdi bike path link, contingent on the approval of the State Question 1 grant, be approved and the Finance Department be directed to include this as part of the 2004/05 budget.

**04-355            MEMORANDUM OF UNDERSTANDING – LAKE TAHOE PATH SYSTEM - PARKS**

Upon recommendation of Karen Mullen, Parks and Recreation Director, through Michelle Poché, Assistant County Manager, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that Washoe County enter into a Memorandum of Understanding concerning the Lake Tahoe Path System to establish a cooperative working relationship between Washoe County, Douglas County and Carson City and Chairman Shaw be authorized to execute the same. It was noted this cooperative effort would be to support common goals and interests in planning, developing and maintaining the Lake Tahoe Path System as identified in the State Bond Question 1.

**04-356            AGREEMENT – ROBERT Z. HAWKINS AMPHITHEATER - BARTLEY RANCH REGIONAL PARK – 2004 SUMMER SEASON**

Commissioner Weber asked for budget information on the events and concerts. Rosemarie Entsminger, Parks Fiscal Compliance Officer, reported the number of concerts, described the contract, and stated it provides for a wide variety of programming for the general public. Commissioner Weber said she was not sure if she could support this in the future because the agreement provides a place for Artown. She acknowledged she would work with the Parks Department on this issue.

Sam Dehne, Reno resident, inquired about the amphitheater and how it operates. He said he has never seen anything about how a performer would audition to entertain at the theater, and he would like to see local talent have the opportunity to perform there.

County Manger Katy Singlaub explained the Bartley Ranch Amphitheater was a donation from the Robert Z. Hawkins foundation, and they are very happy with the County's use of the facility and excited to have so many people coming to the park.

Upon recommendation of Ms. Entsminger, through Karen Mullen, Parks and Recreation Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Professional Services Agreement between Washoe County and Jeff Cotton dba Imoe Co./Encore Presentations for on-site production services for the Robert Z. Hawkins Amphitheater, to provide all the services associated with advance preparation and day-of show production of musical concerts, be approved and Chairman Shaw to authorized to execute the same.

**04-357            REQUEST - 4-DAY, 10-HOUR WORK SCHEDULE – PUBLIC WORKS**

Upon recommendation by Jean Ely, General Services Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the decision of previous County Commissioners granting the Director of Public Works permission to annually implement a four-day, ten-hour work schedule for certain staff in Equipment Services, Roads and Engineering Divisions of Public Works in response to seasonal changes in the local construction community be ratified unless requests for changes are made or the Board of County Commissioners decides otherwise.

**04-358            REJECTION OF ALL BIDS – SILVER KNOLLS FIRE STATION IMPROVEMENTS**

Sam Dehne, area resident, inquired why the bids were being rejected and what impact the action would have on the fire station. Katy Singlaub, County Manager, stated this is a companion piece to Item No. 04-359. She explained a Washoe County employee found a metal building that was available for sale, and for the County to buy a building rather than build one from scratch would save approximately \$70,000. She confirmed the construction bids must be rejected so a request for proposals for installation of a building that was found for sale could be put forward.

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that all bids for the Silver Knolls Fire Station Improvements be rejected.

**04-359            APPROVAL OF PURCHASE - SILVER KNOLLS FIRE STATION IMPROVEMENTS – PUBLIC WORKS**

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the purchase of a metal building for the Silver Knolls Fire Station Improvements in the amount of \$34,000 be approved.

**04-360            AWARD OF BID – SUN VALLEY POOL SLIDE – PUBLIC WORKS**

This was the time to consider award of bid for the "Sun Valley Pool Slide" project for the Public Works Department.

Bids were received from the following vendors:

West Coast Contractors

Dennis Banks Construction  
Gradex Construction

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the award of bid for the "Sun Valley Pool Slide" project for the Public Works Department be awarded to West Coast Contractors in the amount of \$62,450 and Chairman Shaw be authorized to execute the documents upon presentation.

**04-361            APPROVAL OF PURCHASE - ADDITIONAL LAND COVERAGE  
- INCLINE VILLAGE MAINTENANCE FACILITY - PUBLIC  
WORKS**

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the purchase of 1,954 square feet of additional land coverage from the Nevada Division of State Lands in the amount of \$50,000 for the Incline Village Maintenance Facility be approved and the Public Works Director be authorized to execute the necessary documents.

**04-362            EMPLOYEE HOUSING AGREEMENT - DEPUTY SHERIFF -  
GERLACH AREA - PUBLIC WORKS**

Upon recommendation of Jean Ely, General Services Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Employee Housing Agreement with Sheriff's Deputy Tracey Bloom, to ensure coverage for public safety in the Gerlach area, be approved and Chairman Shaw be authorized to execute the same.

**04-363            INTERLOCAL COOPERATIVE AGREEMENT - FEDERAL AID  
CONGESTION MITIGATION /AIR QUALITY PROGRAM -  
PUBLIC WORKS**

Upon recommendation of Rod Savini, Deputy Public Works Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Interlocal Cooperative Agreement between Washoe County, the Reno City Council, the Sparks City Council and the Regional Transportation Commission (RTC) for projects included in the Federal Aid Congestion Mitigation/Air Quality Program, the RTC's fiscal year 2004 Regional Road Impact Fee Street and Highway Program of Projects, and the fiscal year 2004 Sales Tax Street/Highway Preventive Maintenance Project be approved and Chairman Shaw be authorized to execute the same.

**04-364            RESOLUTION - INCREASE CHANGE FUND – DISTRICT  
HEALTH - TREASURER**

Upon recommendation of Bill Berrum, Treasurer, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Shaw be authorized to execute the same:

**RESOLUTION**        Increase Change Fund from \$1,500 to \$2,500 for the Washoe County District Health Department

**WHEREAS**, The Board of County Commissioners of Washoe County, pursuant to NRS 354.609, has the authority to create and fund change and petty cash fund accounts; and

**WHEREAS**, The Washoe County District Health Department has requested an increase in their change fund from \$1,500.00 to \$2,500.00 to assist in the administration of that office; now, therefore, be it

**RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA** as follows:

1.        That, pursuant to the provisions of NRS 354.609, the County Treasurer and the County Comptroller are hereby authorized and directed to take all necessary steps to establish and account for a \$1,000.00 increase in the change fund (for a total of \$2,500) for the Washoe County District Health Department.
2.        That the above additional \$1,000.00 will be transferred from the Washoe County Treasurer’s Commercial Bank Account.
3.        That said change fund be used exclusively for transactions related to the Washoe County District Health Department.
4.        That the Administrative Health Services Officer shall henceforth be held accountable for the change fund authorized by this resolution.
5.        That the County Clerk is directed to distribute copies of this Resolution to the Washoe County Treasurer, Comptroller, Internal Auditor, District Health Department and the Nevada Department of Taxation.

**04-365            RESOLUTION - INCREASE PETTY CASH FUND – SOCIAL  
SERVICES - TREASURER**

Upon recommendation by Bill Berrum, Treasurer, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly

carried, it was ordered that the following Resolution be adopted and Chairman Shaw to authorized to execute the same:

**RESOLUTION**        Increase Petty Cash Fund from \$250 to \$1,000 for the Washoe County Department of Social Services

**WHEREAS**, The Board of County Commissioners of Washoe County, pursuant to NRS 354.609, has the authority to create and fund change and petty cash fund accounts; and

**WHEREAS**, The Washoe County Department of Social Services has requested an increase in their petty cash fund from \$250 to \$1,000 to assist in the administration of that office; now, therefore, be it

**RESOLVED, BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA**, as follows:

1.        That, pursuant to the provisions of NRS 354.609, the County Treasurer and the County Comptroller are hereby authorized and directed to take all necessary steps to establish and account for a \$750 increase in the petty cash fund (for a total of \$1,000) for the Washoe County Department of Social Services.

2.        That the additional \$750 will be transferred from the Washoe County Treasurer's Commercial Bank Account.

3.        That said change fund be used exclusively for transactions related to the Washoe County Department of Social Services.

4.        That the Director of Social Services shall henceforth be held accountable for the change fund authorized by this resolution.

5.        That the County Clerk is directed to distribute copies of this Resolution to the Washoe County Treasurer, Comptroller, Internal Auditor, Department of Social Services and the Nevada Department of Taxation.

**04-366        PROFESSIONAL SERVICES AGREEMENT – NEW PRICING SCHEDULE - TREASURER**

Upon recommendation of Tammi Davis, Deputy Treasurer, through Bill Berrum, Treasurer, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the new pricing schedule for the Professional Services Agreement between the Treasurer's Office and Assessment Management Group, Inc., as shown in Exhibit "B" which was placed on file with the Clerk, be approved and Chairman Shaw be authorized to execute the same.

It was noted that the original agreement for outsourcing the billing/collections of Special Assessment Districts was approved on May 13, 2003 by the Board of County Commissioners.

**04-367            ADJUSTMENT TO 1996 RETAIL WATER SERVICE BOUNDARY  
- TRUCKEE MEADOWS WATER AUTHORITY - WATER  
RESOURCES**

Upon recommendation of Paul Orphan, Water Resources Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the adjustment of the 1996 Retail Water Service Boundary to allow Truckee Meadows Water Authority to provide water service to APN 049-351-01 be approved.

**04-368            WATER RIGHTS DEED - WATER SALE AGREEMENT -  
TRUCKEE MEADOWS WATER AUTHORITY - WATER  
RESOURCES**

Upon recommendation of Paul Orphan, Water Resources Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the following actions be taken regarding the Hilton Parcel Map, APN 049-351-01:

1. Water Rights Deed for 2.28 acre-feet, and corresponding Water Sale Agreement for 1.52 acre-feet of surface water rights from a portion of Claim 86, between Washoe County and Truckee Meadows Water Authority, be approved and Chairman Shaw be authorized to execute the same.
2. The Engineering Manager be directed to record the Water Rights Deed and Water Sale Agreement with the Washoe County Recorder.

**04-369            INTERLOCAL AGREEMENT - SOUTH TRUCKEE MEADOWS  
GENERAL IMPROVEMENT DISTRICT - CURTI RANCH II  
DEVELOPMENT - WATER RESOURCES**

Upon recommendation of John Collins, Utility Services Division Manager, and Paul Orphan, Water Resources Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that an interlocal agreement between South Truckee Meadows General Improvement District and Washoe County for wheeling water to serve the Curti Ranch II development be approved and Chairman Shaw be authorized to execute the same.

**04-370            APPOINTMENT – SENIOR SERVICES ADVISORY BOARD**

County Manager Katy Singlaub explained that staff completed an intensive advertising campaign at the Board's request at the Senior Center and libraries in Washoe County, and this was the only application received to fill the long-term vacancy on the Senior Services Advisory Board.

Commissioner Sferrazza inquired concerning who recommends the appointments to the Board, the current makeup of the Senior Services Board, the Districts the members live in, the District the person who left the Board lived in, and he asked for this information on Enoch Coleman. He further requested this type of information be made available for all Boards when appointments are being made, and Ms. Singlaub confirmed she would provide this information to the Commissioners.

Later in the meeting, Ms. Singlaub established that the individual whose seat this recommended appointee would fill was from District Four. Chairman Shaw acknowledged that was his District and he did not have a problem with someone from Commissioner Humke's District filling the position.

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that Enoch Coleman be appointed to the Senior Services Advisory Board with the term of May 1, 2004 through June 30, 2008.

**04-371            APPOINTMENT - INTERIM JUSTICE OF THE PEACE –  
GERLACH TOWNSHIP**

Commissioner Sferrazza noted that in the past the Justice of the Peace had to live in the township where they served as Justice of the Peace, and it would be impossible for Terry Graham to live in two townships simultaneously.

Commissioner Humke explained that pursuant to the ordinance that was passed on April 20, 2004 it is now a two-township Justice of the Peace District. He commented on the dollar savings under the new ordinance.

County Manager Katy Singlaub clarified this is an interim appointment. She stated the matter had been reviewed by the District Attorney's Office, and they opined it was an appropriate way to proceed under the circumstances, considering the court's action regarding an Interim Order that suspended Justice of the Peace Philip Thomas.

Commissioner Galloway requested clarification as to whether or not these Districts are merged, and if the Board has the ability to appoint a non-resident as the interim Justice of the Peace.

Upon recommendation of John Berkich, Assistant County Manager, through Ms. Singlaub, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the appointment of Terry Graham as interim Justice of the Peace for the Gerlach Township be approved, subject to an opinion from the District Attorney's Office regarding whether the Districts have been merged and if the Board has the ability to appoint a non-resident as the interim Justice of the Peace.

**04-372            DEED RESTRICTION AGREEMENT – CAMINO VIEJO  
INVESTMENTS, LLC – WATER RESOURCES**

County Manager Katy Singlaub explained the recharge water service area provisions stipulate that if a property would never have a well on it, it would be exempted from the provisions of that recharge water service area. She said Camino Viejo Investments, LLC has committed that no well would be on the property, and the company certified that to the satisfaction of the District Attorney's office and Water Resources.

Commissioner Sferrazza said there was controversy when this District was formed, primarily from people who wanted their property exempt because they were not going to have a well on their property. He stated the Board was told that these property owners could not be exempted. He noted the District should have been involved and had some input into this. He believed there were ten other people who claimed the same position as this company, and their requests were denied.

Ms. Singlaub stated this is a different issue from a configuration of property. She explained the company has submitted binding deed restrictions saying that there would never be a domestic well on the property, and they meet the requirements for an exemption.

John Rhodes, Legal Counsel, confirmed the Ordinance that was passed by this Commission, and acting as the District, provided a specific exemption if someone was willing to execute a binding covenant enforceable by the County that they would never have a domestic well on that property. He confirmed that this case meets the requirements for the exemption, and this is the only owner who has come forward with the required documents.

In response to Commissioner Sferrazza, Mr. Rhodes did confirm the cost would be distributed among the total number of people who benefit, and this property owner would receive no benefit.

Commissioner Galloway pointed out few people have come forward saying they would guarantee that there would not be a well on their property. He said there is no reason to question the Ordinance on the basis of one person following the direction of the Ordinance. He affirmed he was inclined to honor the Ordinance because it passed through a public hearing process as the Board directed, he would not want to

deviate from that unless the Ordinance is amended, and he sees no need to do that for one anticipated case.

Upon recommendation of Randy VanHoozer, Senior Hydrogeologist, and Jerry McKnight, Finance and Operations Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Camino Viejo property be exempt from the Golden Valley Artificial Recharge Water Service Area, and Chairman Shaw be authorized to execute the Agreement. It was noted that appropriate documentation has been prepared by the District Attorney's office and has been agreed to by Camino Viejo Investments, LLC as required by Ordinance 1189.

**04-373            GROUNDWATER RESOURCES DATA CENTER - WELL  
MITIGATION PROGRAM IMPLEMENTATION PLAN – WATER  
RESOURCES**

Steve Bradhurst, Water Resources Director, explained the effort to bring about the Groundwater Resources Data Center and the Well Mitigation Program Implementation Plan. He acknowledged the labor of the members of the Regional Water Planning Commission and the task force that worked on these projects.

Jim Smitherman, Water Management Planner, stated the program proposed in the implementation plan does not infringe on the State Engineer's statutory authority to oversee the issue of what is a reasonable amount of water table draw down as a result of pumping from a well and the affect on nearby wells. He reviewed the Groundwater Resource Data Center and Well Mitigation Program Implementation Plan, dated April 27, 2004, which was placed on file with the Clerk. Mr. Smitherman explained the edits made to the Implementation Plan, and gave additional information on the Well Mitigation Program. He described the process to be followed to locate interested citizens to serve on the Well Mitigation Hearing Board (WMHB), and those citizens would be presented to the Board of County Commissioners for appointment.

Dan Dragon, Hydrogeologist, Water Resources Program Manager, summarized the purpose, activities and staffing of the Groundwater Resource Data Center referencing the Groundwater Resource Data Center and Well Mitigation Program Implementation Plan, dated April 27, 2004. He stressed the importance of the collection of data and explained how this would benefit the County.

In response to Commissioner Galloway's questions, Mr. Smitherman explained there would be three people and alternates on the WMHB, and he further explained the authority of the Board. Mr. Bradhurst outlined the procedures to be followed regarding deepening a well versus tying into the municipal water system, and he noted the State Engineer makes the final decisions in those situations.

Commissioner Humke inquired if there would be funds to help a property owner hook up to the municipal water system if the line was 1,000 feet away. Mr.

Bradhurst said if mitigation was necessary the citizen would have an opportunity to pursue funding to pay for the system to be extended to the property. Commissioner Humke referenced the Implementation Plan and the statement regarding aiding in real estate transactions by making buyers aware of the costs, value and responsibilities of owning a well. He said he wanted to be sure that this would not become a real estate deal killer. He noted it is voluntary for citizens to provide well samples to the Health District.

In response to Commissioner Humke's further questions, Mr. Smitherman stated the mapping information on failed wells comes from the State Engineer, and the Water Resources Department acknowledges the current map that was put together a year ago is out-of-date. He said staff would go back to the State Engineer's database and create an updated map.

Commissioner Sferrazza inquired about the funding source, and Mr. Smitherman said everyone who pays into the Regional Water Management Fund would contribute. Commissioner Sferrazza stated he did not support that and said new development is causing the expansion of the system and should be charged for it. It should be a separate fee for them because everyone else is already in the system and paid for their water when they came in.

Commissioner Sferrazza asked about the State Engineer's denials for well deepening, and Mr. Bradhurst commented that the State Engineer would not deny a person water, but when well deepening is denied there are other options that could be pursued for the domestic well owner.

Commissioner Weber asked if the hydrologist was a part-time position, and Mr. Smitherman explained there would be a redistribution of duties in the Water Resources Department to allow a person who is already in the department to perform those duties.

Chairman Shaw said he valued the information in the report from Mr. Dragon, and he inquired how the public could find out more about the program. Mr. Smitherman said a brochure would be mailed directly to domestic well owners, and they would be informed of a website set up specifically for domestic well owners. He said workshops could be set up in neighborhoods if the word was not getting out to citizens. Mr. Bradhurst noted that citizens would be informed through this meeting, Washoe Works Even Better, the Community Relations staff, and coverage in newspapers.

In response to Commissioner Galloway, Mr. Smitherman confirmed that the Regional Water Management Fund would pay for the mitigation program as far as a staff person who would act as the contact for the domestic well owner. The staff person would be responsible to compile the information to present to the WMHB, would pull the WMHB together and manage that part of it.

Commissioner Humke asked if there was a limit to the amount a well owner could receive for mitigation, and Mr. Smitherman stated that \$20,000 is the limit

per parcel with a well. Commissioner Humke inquired about the role of the State Engineer in regard to the purveyors, and Mr. Smitherman explained the remedies available to the State Engineer in working with the purveyors. Commissioner Humke disclosed that he is a well owner.

Chairman Shaw asked if the costs would be lower in the second year, and Mr. Smitherman said the costs should be lower.

Commissioner Sferrazza inquired where the mitigation funds would come from, and Mr. Smitherman said they would come out of the budgets of the respective purveyors. Mr. Bradhurst added it would be built into the rates of current customers. Commissioner Sferrazza noted that an alternative would be to collect it from hook ups, and he favored this approach. Mr. Bradhurst said it is hard to say that new growth would be primarily responsible for the draw down of the water table.

In response to Commissioner Weber, Mr. Bradhurst explained that Mr. Dragon has been doing a lot of the activities of the hydrogeologist all along, in terms of answering questions from citizens about their domestic wells, working with people in the Heppner Subdivision and people throughout the County. He said his view is that the hydrogeologist position would be filled by Mr. Dragon who would perform the duties he is already doing, but the duties would be acknowledged because he is funded in part by the County Utility Fund. He stated it is in the County's best interest to use the Utility Fund money for this purpose because the Utility needs to be aware of the issues people have with respect to their domestic wells.

Robert Cameron, Washoe County resident, said data is the key, and he voiced his strong support of the data center being approved by the Board.

Commissioner Humke made a motion to accept the proposal as outlined by staff, Commissioner Weber seconded the motion and discussion followed.

Commissioner Humke acknowledged the people who worked on this project. He noted the Groundwater Task force, the State Engineer, the District Health Department, Truckee Meadows Water Authority, the Water Resources Department, the Sun Valley General Improvement District, Utility, Inc., various businesses, hydrologists, geologists and citizens, Mr. Cameron, Ginger Pierce, and Kathy Bowling.

Chairman Shaw encouraged staff of the Water Resources Department to send a thank you letter to the people who participated in this to express appreciation for a job well done.

Commissioner Galloway said he was encouraged by the statement that the WMHB would be professionally competent hydrologists who would have the ability, if there was a case where the pumping of a utility well was only a small fraction of the problem, to indicate that and prevent a property owner who is only causing 10 percent of the problem from paying 100 percent of the cost.

Commissioner Sferrazza said he had no problem with the Groundwater Resource Data Center or the Well Mitigation Program, but the funding was a problem. He made a motion to amend the motion to provide that a percentage of the cost come from connection fees and that percentage would be equal to the amount that the Board determines to be caused by the new development hook ups or new groundwater use by new consumers. He noted that under this proposal the only cost paid by new customers would be a small percentage of the prorata share. The motion died for lack a second.

Commissioner Humke said he would not be willing to amend the motion at this time, but the issue could be revisited when necessary. He stated he believed it would not be an equitable way to deal with the situation. Chairman Shaw stated this is a good starting point, and a review could be made in one year in regard to the funding.

Upon recommendation of Mr. Smitherman, and Jeanne Ruefer, Water Resources Planning Division Manager, through Mr. Bradhurst, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the Groundwater Resources Data Center and Well Mitigation Program Implementation Plan, with funding not to exceed \$107,000 from the Regional Water Management Fund and funding not to exceed \$107,000 from the Water Resources Department, be approved.

**3:53 p.m.** The Board recessed.

**4:05 p.m.** The meeting reconvened with Commissioner Sferrazza absent.

**04-374 BUDGET AUGMENTATION - INCLINE LIBRARY – FINANCE**

Katy Singlaub, County Manager, noted the bids have gone out a couple of times, and the latest bid is in excess of the budget; but staff has been able to fund the project by distributing the excess over a two-year period.

Upon recommendation of Kim Carlson, Senior Fiscal Analyst, through John Sherman, Finance Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion carried with Commissioner Sferrazza absent, it was ordered that the transfer of \$200,000 in fiscal year 2003-04 from CF890370-710100 to PW920896-781080 be approved, and the Comptroller be directed to make the necessary cash adjustments. It was further ordered that a transfer of \$600,000 be budgeted in fiscal year 2004-05 from the Capital Facilities Fund to the Public Works Construction Fund.

**04-375 AWARD OF BID - INCLINE VILLAGE LIBRARY - PWP-WA-2004-76**

This was the time to consider award of bid for the construction of the Incline Village Library for the Public Works Department. The Notice to Bidders for

receipt of sealed bids was published in the *Reno Gazette-Journal* on February 20, 25, and 27, 2004. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

West Coast Contractors  
Bison Construction  
Frank Lepori Construction  
MGM Construction

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, it was ordered that Bid No. PWP-WA-2004-76 for construction of the Incline Village Library for the Public Works Department be awarded to the low, responsive, responsible bidder, West Coast Contractors, in the amount of \$3,550,230, and Chairman Shaw be authorized to execute the contract documents upon presentation.

**4:10 p.m.** Commissioner Sferrazza returned during the following item.

**04-376      STATUS REPORT – PRESUMED PUBLIC ROADS PROGRAM –  
COUNTY ROAD 250 – PUBLIC WORKS**

Ron Savini, Deputy Public Works Director, reviewed the agenda memorandum dated April 6, 2004 giving background on the status of the Presumed Public Roads Program and County Road 250.

Jack Holmes, County Surveyor, explained the map presented to the Commissioners, which was placed on file with the Clerk, and clarified that the road being discussed is the road that fronts the Forest Service property. Mr. Holmes pointed out that, where it crosses into the ArrowCreek property, an agreement was reached that the developers would relocate the road as development occurs, construct it in a manner that emergency vehicles could travel on it, and grant the easement. He verified for Commissioner Galloway that Lone Tree Lane is in current dispute and that is where the no trespassing signs are located.

John Rhodes, Legal Counsel, said the agenda item is broad for discussion purposes and any road on the presumed list could be discussed; however, he advised no action could be taken in terms of specific direction to staff. Commissioners could note their comments to staff on an individual basis.

Mr. Savini reviewed the agenda memorandum dated September 29, 2003, giving background on the ten action items presented to the Board on October 14, 2003. He gave an update on the work completed on each item, which was placed on file with the Clerk.

Carl Adams, Washoe County Backcountry Coalition, requested timely implementation of the staff recommendations. He noted the text of a letter from the Washoe County Backcountry Coalition, which was placed on file with the Clerk. He said County roads throughout the area are going to be affected by development; and, as roads are cut off, there will be publicity and public outcry. He urged the Board to come up with policies and procedures on these roads to keep them open to avoid having to address each road individually. He stated the County must have some claim of ownership in order to put a road on a map, and any claim to the road has value because it is part of the public property. Mr. Adams expressed that the County should not dispose of ownership claims of these roads intentionally or inadvertently without due process. The County has an absolute right to designate public roads from the Nevada Revised Statutes. He confirmed it is time to declare that the roads on the map are actual roads, to provide staff with whatever resources and direction are necessary to protect the roads, and to send out a road crew to take down fences and reopen the roads to the public.

John Satterfield, area resident, referred to an article in the *Reno Gazette-Journal* and the comments made by the attorney regarding public access to the Ballardini Ranch property. Mr. Satterfield clarified there has not been a long-standing effort to keep the public off Ballardini Ranch, and there has been public access and trails in the past. He described the area he would walk and said the locked gate had not been there before.

Gary Schmidt, Washoe County resident, pointed out three roads that he was familiar with, two having recorded easements on them, and the third road being a historic road. He said there is no signage to alert the public of the easements or the historical significance of the area, but there are posted no trespassing signs that intimidate and keep the public away from land that is for the public. The roads he referenced are located off Rhodes Road, Mt. Rose Highway, and Joy Lake Road.

Commissioner Galloway commented it is evident to him that the County needs a process and policy to handle these presumed roads. If a road is in dispute, the County should seek legal relief as a policy to keep the road open until a court determines if it is a public road or not. He requested this item be brought back to the Board, so he could make a motion to that affect, and to address how to enforce that policy if the road is on a presumed public list. Commissioner Galloway suggested the process would be complaint driven, and he explained how the process could work. He stated that the map needs to be broadened to identify accesses that are recorded easements open to the public that are not necessarily 2477 roads.

In response to Chairman Shaw, Mr. Savini said he did receive Mr. Adam's letter, he did speak to him today, and he has not gone up to the site of the gate. In regard to other comments by Mr. Adam's, he shared responses from staff, specifically from the District Attorney's office. Chairman Shaw agreed the County needed to have a policy addressing this issue.

Commissioner Sferrazza stated he agreed with Commissioner Galloway. He said the County would have the right to remove the fence or other blockage on a

presumed public road unless the property owner had a court order against the County. He declared that the Sheriff should not be citing people on presumed roads unless a court is declaring the roads are not public roads. He requested this be part of the Board's policy and that the Sheriff's office be advised as well.

Mr. Savini said he had noted Commissioner Galloway's recommendations; and as far as removal of obstructions to those roads, he would defer to the District Attorney's opinion and bring that information back to the Board.

Commissioner Weber said she disagreed with the comments being made, and she voiced her concerns about protecting the rights of private property owners. In response to Commissioner Weber's questions, Mr. Adams said his Coalition is not suggesting that the County go out and confiscate people's lands. He explained the Coalition believes that the fact that these roads are on a map is evidence that the County has claims to the land, and it is those legal claims the Coalition is interested in protecting.

Commissioner Galloway stated that a lot of the land being addressed was owned by the Federal government in the past, and the easements precede any subsequent parceling of the land. He explained people may own the land, but not the public easement that exists across it. He said, where the public has a right, it is the County's job to defend that but not to trample on private property rights.

Commissioners Sferrazza and Galloway requested the item return as an action item. Katy Singlaub, County Manager, stated it would be on the agenda for May 18, 2004.

Commissioner Humke said he wanted to hear from Legal Counsel about the appropriateness of the law. Mr. Rhodes identified that the appropriate place for the explanation would be within the future action item. Commissioner Humke said Legal Counsel should draft that opinion, and Mr. Rhodes confirmed they would outline the constraints that exist in relation to the requests that have been made.

**04-377      REQUEST FOR PROPOSAL NO. 2379-03 – INVESTMENT  
MANAGEMENT SERVICES – FINANCE**

This was the time to consider Request for Proposal No. 2379-03 for Investment Management Services for the Finance Department. Proposals were solicited by the Purchasing Office, in accordance with the provisions of NRS 332.039, and the Request for Proposal was duly advertised in the *Reno Gazette-Journal* on June 4, 2003. Proof was made that due and legal Notice had been given.

Proposals were received from the following:

HighMark Capital Management  
PFM Asset Management LLC and Hobbs, Ong and Associates, Inc.  
Bank of America Capital Management  
BondLogistix

Commissioner Sferrazza stated he received additional support from John Sherman, Finance Director, for changing the benchmark from the yield of a 5-year U.S. Treasury note to the Merrill Lynch 3-5 year Treasury Agency returns.

Commissioner Humke noted this item deals with large amounts of dollars, one of which is the limitation of \$100-million of investment pool. He said this is a proper limitation and may serve the County well. He acknowledged that staff, the contractor, and the Treasurer have been prudent in approaching this subject to make this change to seek improvement in the investment portfolio.

Upon recommendation of Mr. Sherman, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that the agreement for Investment Management Services with PFM Asset Management LLC and Hobbs, Ong and Associates, Inc., for one year with an optional four additional one-year renewals, for approximately \$177,500 annually, be approved and Chairman Shaw be authorized to execute the same.

**04-378            RESOLUTION – SHORT-TERM INTERFUND LOAN - PUBLIC WORKS - SPECIAL ASSESSMENT DISTRICT 36 FUND - FINANCE**

Upon recommendation of Kim Carlson, Senior Fiscal Analyst, through John Sherman, Finance Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following Resolution be approved and Chairman Shaw be authorized to execute the same:

**RESOLUTION**

**A RESOLUTION AUTHORIZING AN INTERFUND LOAN – PUBLIC WORKS CONSTRUCTION FUND (4002) TO THE SPECIAL ASSESSMENT DISTRICT 36 FUND (4236)**

**WHEREAS**, the Public Works Construction Fund of the County (Fund 4002) has sufficient cash resources to finance a short-term interfund loan in the amount not to exceed \$305,000 without adversely affecting its cash needs; and

**WHEREAS**, the Special Assessment District 36 Fund (Fund 4236) is in need of a short-term loan to cover expenses until receipt of bond proceeds for the Street improvements; and

**WHEREAS**, the short-term loan will not in any way have an adverse or deleterious effect upon the Public Works Construction Fund (4002) or the Special Assessment District 36 Fund (4236);

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

Section 1. The County Comptroller is hereby directed to transfer in amounts as needed, up to \$305,000, from the Public Works Construction Fund (4002) to the Special Assessment District 36 Fund (4236) until bond proceeds are received, and make appropriate accounting entries.

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

<u>Public Works Construction Fund (4002)</u>	Debit	Credit
Due from SAD 36 Fund	\$305,000	
Cash		\$305,000
<u>Special Assessment District 36 Fund (4236)</u>		
Cash	\$305,000	
Due to Public Works Construction Fund		\$305,000

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

Section 4. Interest will be charged at the rate of 2% per year on the outstanding balance on the loan.

Section 5. The Resolution shall be effective upon passage and approval.

Section 6. The County Clerk is hereby directed to distribute copies of the Resolution to the Department of Taxation, the Comptroller, the Budget division and the Department of Public Works Engineering Division within 30 days.

**04-379      CAPITAL IMPROVEMENTS PROGRAM STREETS AND ROADS LIST - FY 2005-2009 - FINANCE**

Commissioner Sferrazza requested a breakdown by Commission District because he believes his District is getting short-changed in the distribution of general fund dollars. Katy Singlaub, County Manager, stated it is listed by geographic area and that is how the paver program is managed. She said the staff report, dated April 7, 2004, specifies how the money is broken down by the various geographic areas that the Roads crews serve.

Tom Gadd, Public Works Director, explained the agenda memorandum dated April 7, 2004 is a programming document. Staff will return to the Board next month with the contract to be awarded and a full list of the slurry seals and overlays proposed for the next fiscal year that will be broken down by Commission District.

Upon recommendation by Kim Carlson, Senior Fiscal Analyst, through John Sherman, Finance Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza abstaining, Chairman Shaw ordered that the fiscal year 2005-2009 Washoe County Capital Improvements Program Streets and Roads projects list be approved.

**04-380**            **CAPITAL IMPROVEMENTS PROGRAM WATER PROJECT  
LISTS - FY 2005/2009 - FINANCE**

Commissioner Sferrazza stated he would abstain from the vote because he was not at Caucus, he did not review the materials, and he did not want to take staff time to explain the item to him.

Upon recommendation of Kim Carlson, Senior Fiscal Analyst, through John Sherman, Finance Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza abstaining, Chairman Shaw ordered that the fiscal year 2005-2009 Washoe County Capital Improvements Program Water, Wastewater and Storm water projects list be approved.

**04-381**            **HEALTH BENEFITS PROGRAM – FY 2004/05 - RISK  
MANAGEMENT**

County Manager Katy Singlaub explained that the County has an Insurance Negotiating Committee, which is a result of collective bargaining; and representatives from each of the employee bargaining associations, as well as a management representative, make up the group. This allows for one negotiation in regard to health benefits instead of eight different negotiations. She said the role of the Board is to accept or reject those recommendations; and, if the Board wishes to reject the recommendations of the Insurance Negotiating Committee, it is referred back to the Committee because the Board does not have the authority to make unilateral changes based on the collective bargaining agreement.

Jim Jeppson, Risk Manager, described the amended Exhibit B, which was placed on file with the Clerk, which amounts to approximately \$.36 increase to the cost of the dental premium. He stated in 2003 there was one bill passed by the legislature and a regulation passed by the Insurance Commissioner. The Insurance Negotiating Committee responded to both and proposed amendments to the benefit plan to meet those mandates. He said one concerned screenings for colorectal cancer and the other dealt with dental benefits for minors under the age of seven.

Commissioner Humke said the Organizational Effectiveness Committee took action as to whether or not to include retirees in certain labor organization health plans. He inquired if Mr. Jeppson was aware of this action, and he asked if it would touch a concern in this health plan. Mr. Jeppson noted he had read about that opinion, and he said he believed it allows employers to exclude retirees from health plan coverage.

He confirmed there is nothing proposed in this health benefit plan that would have any impact on the County's retirees.

Commissioner Sferrazza disclosed that he has a conflict on part of the Health Benefits Program. He stated a major concern was the methodology used to determine what is covered and what is not. He said he has asked for representation before and has been told the Board could not have representation because it is subject to collective bargaining. The bottom line is that all employees who are not represented by a union are having their benefits determined by the unions and also with input from the management of the County. He requested representation be provided for people who are not represented by collective bargaining units and this representation not be the County's labor negotiator. Commissioner Sferrazza asked deductibles be addressed with regard to the plan year. Another major concern was the entire appeals process and the exclusion waiver process. He noted that he found no mention in the plan about the appeals committee and their own set of rules, which include secret meetings to make determinations behind closed doors without the appellant being able to hear the discussion. He voiced his strong opposition to this and called for an open forum to afford due process for the appellant to be in the room during the discussion.

Commissioner Sferrazza called for the Board to reject the plan today, send it back to staff and ask for committee representation of people not represented. He said unless it is rejected today, the committee would not agree to this; and he asked for proportional representation.

Ms. Singlaub acknowledged she was aware of Commissioner Sferrazza's concerns about the Insurance Committee methodology, but said she had never heard the request to have representation on the committee for non-union employees but staff could move that through the process. She informed the Board of the importance of the adoption of the program due to open enrollment beginning May 15, 2004 for the plans. She noted that the Insurance Committee and staff have worked hard to make sure that benefits are competitive and within fiscal responsibility.

Ms. Singlaub said the Board could give staff direction to pursue a different configuration at the bargaining table, but the Board could not unilaterally change the composition of the committee at this point.

Steve Watson, Labor Relations Manager, confirmed that labor agreements set forth the composition of the committee. He said he is the current management representative on the committee; and he has asked to be removed, opening up an opportunity to place an additional member on the committee as an unrepresented representative. Mr. Watson noted the Board could direct staff and the Insurance Committee to look at the processes governed by the plan. He stated a modification of the plan design could take place with few difficulties from the labor associations. He said he had not heard there were issues with the appeal process other than defining the benefit level and staff could be directed to look into that.

Commissioner Weber said Commissioner Sferrazza raised good points and she would accept the health benefits program if there was some way to address his concerns.

John Rhodes, Legal Counsel, said the Board does have the option of sending the plan back to the committee.

Ms. Singlaub said her understanding is that the process of appeal and the review of claims are not part of the benefit program, but they are procedures that are internal to the way the committee works. She stated the Board could give direction to discuss those procedures, but the actual benefits are the subject of the Board's action today. She added that representation for Board members and other unrepresented people on the committee could be potentially dealt with in cooperation with the Board.

Mr. Rhodes said he understood that the exclusion waiver and the appeals process are part of the entire health benefit program as it now stands; and an affirmative motion on this agenda item, which is to approve the health benefits program, would approve the existing exclusion waiver and appeals process. Mr. Watson confirmed that to be true, and said it is necessary that the plan be approved today.

Ms. Singlaub clarified that benefits are bargainable, so it is conceivable that the Board could adopt the program with the direction that the process be reviewed and further recommendations be brought back to the Board before next year. Mr. Watson said the exclusion waiver and the appeals process are not covered by the collective bargaining agreement.

Commissioner Sferrazza said the appeals committee has adopted bylaws, which are contrary to this appeals process; and the committee determines cases using them. He requested that, in adopting the plan, it be noted that the Board is not approving anything that is not in the plan because they have taken the bylaws to be part of this plan.

Mr. Watson said the appeals committee adopted bylaws with guidance from the District Attorney's office in 1995. There was a proposed amendment to the bylaws this year to recognize that there are now eight bargaining units. He explained the bylaws are procedural and they help the appeals committee deal with the issues that come before the committee. The appeals committee meets very infrequently, and there have only been three appeals filed in the past two-and-a-half years.

Mr. Jeppson commented on the appeals process and the exclusion waiver. He explained the three levels of the appeals process and noted the exclusion waiver does not have the three levels. The appeals committee hears the exclusion waivers; and, through legal guidance, their decisions are final. He further explained that is because, if the exclusion waivers were to be presented to arbitration, the committee or the benefit plan may be ordered to accept coverage or to cover something excluded by the plan. He clarified that if an exclusion is ordered to be covered, the County could face unlimited expenses on a claim.

Upon recommendation of Mr. Jeppson, through John Sherman, Finance Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza abstaining, Chairman Shaw ordered that the Health Benefits Program be approved.

It was further ordered that staff be directed to return to the Board in 60 days and provide options by which these procedures could be changed consistent with labor agreements in affect. It was noted that acceptance of the document does not endorse anything in the way of other procedures or bylaws not covered in the document.

Commissioner Sferrazza abstained from the vote due to a pending claim.

**04-382      ESTABLISH REIMBURSEMENT RATES – HEALTH CARE ASSISTANCE PROGRAM – FY 2003/04 – SOCIAL SERVICES**

Commissioner Galloway asked about the funding limitation and what funds are available for the program. Ken Retterath, Adult Social Services Director, explained two tax bases provide this funding. Mr. Retterath confirmed that the County is not bound to the 1985 Transfer Agreement if the obligations of the agreement exceed available tax revenues.

Upon recommendation of Mr. Retterath, through Mike Capello, Social Services Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Health Care Assistance Program Clinic rates at 78 percent of billed charges and Emergency Room/Outpatient rates at 60 percent of billed charges be established, and the rates be retroactively applied for fiscal year 2003/04 billings.

**04-383      AMENDMENT NO. 2 - AGREEMENT - KIDS KOTTAGE SHELTER - ADAMS & ASSOCIATES, INC. - SOCIAL SERVICES**

Katy Singlaub, County Manager, explained the County has privatized the contract for the operation of the emergency shelter with great success. She said the County has had significant increases in the occupancy in the emergency shelter for abused and neglected children, but the County does not want to overbuild the capacity. She noted that the County has a modular unit available to staff and use flexibly to adjust to capacity changes in the number of abused and neglected children needing care at any given time.

In response to Commissioner Sferrazza, Ms. Singlaub clarified that the County owns the Kids Kottage Shelter but the County has contracted out for several years the operation and staffing to Adams and Associates Inc. This expands the contract to allow for volume increases and the new modular unit.

Mike Capello, Social Services Director, explained funding for the operation of the Kids Kottage Shelter has been generated from the dedicated tax revenue

for Child Protection in Washoe County, and about 30 percent of the costs are eligible for Federal reimbursement under the Federal 40 Foster Care Program. He said a cost analysis has been completed to compare staffing the facility with County employees compared to having a contractor operate it, and it is significantly less for the County to have a contractor run the facility. He confirmed that a contractor has operated the facility since the first Kids Kottage building was opened. He clarified the analysis has been done at least twice in the last 10-12 years looking at the feasibility of having the shelter operated by County staff.

Upon recommendation of John Gancarek, Social Services Coordinator, through Mr. Capello, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza voting "no," it was ordered that the Amendment #2 to the July 1, 2002 Agreement between Washoe County and Adams and Associates Inc., concerning an increase of \$8,954 per month for staffing and operation of the Kids Kottage Modular Unit be approved and the Purchasing and Contracts Administrator be authorized to execute the same.

It was noted the unit would provide needed bed space to address over crowding at Kids Kottage and provide a short-term solution to the continued growth in the number of children being placed in custody.

Commissioner Sferrazza voted "no" because he stated the approval of the amendment is a way to avoid paying County wages.

**04-384            BILL NO. 1416 -AMENDING WCC CHAPTER 110 - CREATING ARTICLE 438, GRADING STANDARDS**

County Manager Katy Singlaub noted the public hearing date would be on May 11, 2004. She explained the purpose of the ordinance amendment is to bring all of the County's grading provisions under one code provision.

Bill No. 1416, entitled, "AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, BY CREATING ARTICLE 438, GRADING STANDARDS, FOR THE PURPOSE OF COMBINING INTO ONE ARTICLE THOSE GRADING STANDARDS AND REQUIREMENTS CURRENTLY LOCATED IN THE DEPARTMENT OF BUILDING AND SAFETY, THE DEPARTMENT OF PUBLIC WORKS, AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT; ARTICLE 302, ALLOWED USES, BY DELETING SECTION 110.302.45, EXCAVATION AND GRADING; ARTICLE 434, REGIONAL DEVELOPMENT STANDARDS WITHIN COOPERATIVE PLANNING AREAS AND ALL OF WASHOE COUNTY, BY DELETING SECTION 110.434.30, GRADING; AND OTHER MATTERS RELATING THERETO," was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption was directed.

04-385

**AWARD OF BID - JANITORIAL SERVICES - ONE SOUTH SIERRA STREET - BID NO. 2414-04 – PUBLIC WORKS**

This was the time to consider award of bid for janitorial services for One South Sierra Street for the Facility Management Division of the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on February 11, 2004. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

Qual-Econ U.S.A., Inc.  
F.A.A.D. Janitorial  
J.E. Harris & Associates  
McNeil's Cleaning Service  
Ultimate Housekeeping

Commissioner Sferrazza stated he was in opposition to the award of bid because the benefits were not equivalent to the benefits the County pays for janitorial staff.

Upon recommendation of Darlene Penny, Purchasing Buyer, through John Balentine, Purchasing and Contracts Administrator, and 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 Bid No. 2414-04 for janitorial services at One South Sierra Street for the Facility Management Division of the Public Works Department be awarded to Qual-Econ U.S.A., Inc., as the lowest responsive and responsible bidder meeting specifications, terms and conditions in the amount of \$7,500 a month for a total bid award amount of \$105,000 for the 14-month period.

It was further ordered that the Purchasing and Contracts Administrator be authorized to enter into a fourteen-month agreement with Qual-Econ U.S.A., Inc. for janitorial services at One South Sierra Street commencing May 1, 2004 through June 30, 2005 with one two-year renewal option. Prices are to remain firm for the duration of the original Agreement. Pricing for any renewal Agreement shall be subject to renegotiations between Qual-Econ U.S.A., Inc. and the Purchasing Department.

04-386

**ACQUISITION OF PROPERTIES – 833 AND 835 MORRILL AVENUE – PUBLIC WORKS**

Commissioner Sferrazza requested a future update on County plans for properties that have been acquired.

Upon recommendation by Jean Ely, General Services Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Humke,

seconded by Commissioner Weber, which motion duly carried, it was ordered that the purchase of two properties located at 833 and 835 Morrill Avenue, APN 008-161-14 and 008-161-13, in the not to exceed amount of \$212,000, including demolition and hazardous remediation expenses, be approved and Chairman Shaw be authorized to execute the necessary documents upon presentation.

It was noted that the remediation of hazardous materials would be shared equally between Washoe County and the seller.

**04-387            BOARD OF EQUALIZATION – RESIGNATIONS –  
APPOINTMENT OF CHAIRMAN**

Commissioner Sferrazza made a motion to accept the resignations of Ron Fox and Marti Allison from the Board of Equalization (BOE) effective March 10, 2004 and to authorize Chairman Shaw to appoint a new Chairman of the BOE.

Commissioner Galloway said he was not clear if the Board was appointing a Chairman or an interim Chairman. County Manager Katy Singlaub explained she discussed this with Legal Counsel, Madelyn Shipman; and Ms. Shipman's advice was not to specify whether the Chairman was interim or not. Ms. Singlaub said this would allow the Board to reconstitute a new Chairman at a later date with a new Board because this is a limited Board. She clarified a Chairman needed to be appointed because the Board directed them to meet to debrief the recent hearings, and they cannot meet without a Chairman.

John Rhodes, Legal Counsel, advised that the Chairman would serve only until a new Board is formed.

Commissioner Sferrazza withdrew his motion stating he had a problem with the limited advertising in the *Reno Gazette-Journal* and the *Bonanza*. He said there should be advertising in all newspapers in Washoe County. Ms. Singlaub explained that the statutory term is a newspaper of general circulation, and Mr. Rhodes confirmed the advertising met the legal requirements. He noted the Board could impose additional requirements if they desired.

Gary Schmidt, local resident, clarified the Chairman of the Board of Equalization is appointed by the Chairman of the Board of County Commissioners. He acknowledged he has been attending State BOE hearings. He said many process concerns have been addressed and changes are being made to the Nevada Administrative Code.

Commissioner Sferrazza requested the *Sparks Tribune* be included in the advertising. He also asked the Board consider appointment of people to the BOE who represent all the Districts.

Commissioner Weber disclosed that she had a telephone conversation with Steven Sparks, a current member of the BOE.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the resignations of Marti Allison and Ron Fox be accepted, and Chairman Shaw be authorized to appoint a new Chairman of the BOE for the remainder of the 2004 calendar year.

Chairman Shaw appointed Steve Sparks as Chairman of the BOE for the remainder of the 2004 calendar year.

**04-388            ORDINANCE NO. 1233 - BILL NO. 1414 - CREATING SPECIAL ASSESSMENT DISTRICT NO. 36 – EVERGREEN HILLS DRIVE**

**5:30 p.m.**        This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on April 16, 2004 to consider second reading and adoption of Bill No. 1414. 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.

Colin Duncan, 4640 Azalea Drive, expressed his opposition to being assessed the same as the parcels on Evergreen Hills Drive since he is not located on the portion of the road that will be paved, and he does not believe he will benefit the same as the other parcels. At the first reading of the ordinance, Mr. Duncan had suggested that the parcels not directly benefited should be assessed at 80 percent. He said that was still the only fair method unless the County wanted to pave the other private roads also.

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

On motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that Ordinance No. 1233, Bill No. 1414, entitled, "**AN ORDINANCE CREATING WASHOE COUNTY, NEVADA SPECIAL ASSESSMENT DISTRICT NO. 36 (EVERGREEN HILLS DRIVE); ORDERING A STREET PROJECT AND A WATER PROJECT WITHIN WASHOE COUNTY, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; AND PRESCRIBING OTHER MATTERS RELATING THERETO,**" be approved, adopted and published in accordance with NRS 244.100.

**04-389**            **DISCUSSION – ESTABLISHMENT OF WASHOE COUNTY FIRE SERVICE COORDINATOR – COUNTY MANAGER**

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that this item be continued to May 11, 2004.

**04-390**            **ACCEPTANCE – PRELIMINARY RESULTS OF THE 2004 FINANCIAL ISSUES SURVEY – COMMUNITY RELATIONS**

On motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, it was ordered that this item be continued to May 18, 2004.

**6:00 p.m.**        The Board recessed.

**6:30 p.m.**        The Board reconvened with all members present.

**PUBLIC COMMENT**

Chairman Shaw stated the Board would entertain public comments on the proposed power plant prior to the public hearing on the air quality monitoring station. Commissioner Sferrazza objected to this process. Approximately 18 people spoke in opposition to the power plant and the air quality monitoring station, and Chairman Shaw read written comments from another six individuals.

**04-391**            **APPEAL – SPECIAL USE PERMIT CASE NO. SW04-002 – SQUAW VALLEY AIR MONITORING STATION**

**5:30 p.m.**        This was the time set in a Notice of Public Hearing mailed to affected property owners on April 15, 2004 to consider an appeal by Jennifer Yturbide of Brooke-Shaw-Zumpft on behalf of Concerned Neighbors, including David Rumsey, to reverse the Washoe County Planning Commission's action to approve Special Use Permit Case No. SW04-002 (ENSR) – (Appeal Case No. AX04-003). Squaw Valley Air Monitoring Station is requesting a fenced air monitoring station that will include a 164-foot tower, air quality, and wind measuring instruments, a 15-kilowatt generator, two 700-gallon propane tanks, and an equipment trailer. The project area will encompass ±3.67 acres of a ±261.29 acre parcel that is zoned General Rural (GR) in the High Desert Area Plan. The site will be located approximately 1.5 miles northwest of the intersection of Highway 447 and Smoke Creek Road, and approximately 2,262 feet north of the turn-off from Highway 447. Expected duration of the monitoring facility is two years. The property is located within a portion of Section 16, T33N, R22E, MDM, Washoe County, Nevada and within Washoe County Commission District No. 5.

Paul Kelly, Planner, Community Development, provided background information and results of the Planning Commission hearing on this item. Mr. Kelly stressed Planning Commission approval was strictly for an air quality monitoring station

and said approval would not result in any other project approvals at this site. He explained any future power plant would require a separate special use permit. Board members asked several questions concerning the definition of antenna and the height of the antenna. Mr. Kelly advised that the Director of Community Development made the determination that this best fit under the commercial antenna provisions of the Development Code.

Chairman Shaw opened the public hearing and requested the appellants present their case first.

Jennifer Yturbide, Attorney representing the appellants, stated the "theme" of this appeal is lack of public disclosure and lack of public notice. She stated the applicant has been vague about the purpose of the air quality monitoring station, but when pressed at the Gerlach-Empire Citizen Advisory Board meeting, the applicant did state the reason they are collecting the air quality data is because Sempra intends to build a coal-fired power plant. Ms. Yturbide drew the Board's attention to a letter from the applicant, ENSR, to the Bureau of Land Management (BLM) wherein it is indicated the proposed project is a coal-fired power plant that will be wet-cooled; and they are anticipating 15,000 to 16,000 acre feet of water will be consumed annually. She further stated the power plant would be connected to an existing transmission line owned by L.A. Power and Water, so it can be assumed that is where the power is going. Ms. Yturbide said the BLM letter also discusses the need for a rail spur and to identify sites for a construction camp and combustion waste. She stated the Planning Commission determined the citizens would not be able to discuss the power plant, only the air quality monitoring station. Ms. Yturbide said the spirit of the Open Meeting Law requires that the public and public agencies get information so everyone is notified about what is planned both now and in the future, and it should never be used to muzzle the public. She emphasized that anything less than full disclosure impairs the Board's ability to conduct an effective public hearing. In conclusion, Ms. Yturbide stated the Board needed to be able to make the findings that this antenna meets the public's needs as well as the applicant's needs. She requested, noting she made the same request at the Planning Commission, the Board defer their decision until the appropriate air permitting authority approves the protocol to be used to collect the air quality data because, without good information, she does not believe the Board could make the findings that this meets the public's needs and would not be detrimental to the public health and welfare.

Dr. Phyllis Fox, Environmental Engineer, listed her qualifications and experience in evaluating environmental impacts of power plants. She stated the protocol for monitoring the air quality has been approved by the Nevada Department of Environmental Protection (NDEP); however, the U.S. Environmental Protection Agency (EPA) has the final authority on this permit. Dr. Fox stated the EPA does have outstanding concerns on the monitoring protocol because of the height of the tower. She said her understanding is the EPA intends to ask for a tower twice as high as proposed by the applicant, as well as an official policy statement from the EPA Clearinghouse. Dr. Fox further stated the only future use that would require the monitoring would be a coal-

fired power plant; and, in her opinion, this plant could not be permitted in California due to the pollution it would generate.

Bill Shaw, Attorney representing appellants, advised that it is essential that the Board know and discuss the ultimate proposed land use associated with the monitoring tower and stated the staff report and the advice of the Board's legal counsel that the Board could not discuss the power plant was erroneous. He said, by limiting what can be discussed, the Board's ability to consider all the facts necessary to make the required findings is very limited; and he believes that violates the Open Meeting Law.

David Rumsey, Appellant, displayed a large map on the easel depicting the locations of the designated conservation and wilderness areas and the close proximity of the proposed antenna and power plant. He urged the Board to deny the special use permit just as they would if it was proposed to be within one of the conservation or wilderness areas. Mr. Rumsey stated the proposed power plant will generate 1,100 tons of particulate matter per year and that particulate matter will pollute the wilderness areas.

Commissioner Sferrazza asked if the appellants feel the proposed antenna is a commercial antenna. Ms. Yturbide advised their written appeal states that if this is not a commercial antenna, then it is not an allowable use. Commissioner Sferrazza stated a commercial antenna is for radio or television and there must be a public need for it. Ms. Yturbide stated in this matter it is not clear what the public is getting.

Chairman Shaw noted the Clerk distributed a copy of Section 110.324.40 of the Development Code regarding commercial antennas and the additional findings the Board must be able to make to approve the antenna. He said No. (2) indicates the commercial antenna must be compatible with existing and proposed uses in the general vicinity and No. (3) discusses safety and aesthetic treatments so the antenna would be visually compatible with uses in the general vicinity. He said there are currently no towers in this area and asked how the Board could compare this to something that does not exist. Mr. Kelly stated the compatibility issue is addressed by the fencing, but the tower will be visible.

Commissioner Weber disclosed she met with and discussed the possible power plant with former Governor Bob List and people from Sempra, as well as Ms. Yturbide. Commissioner Sferrazza disclosed the applicant contacted him but stated he did not talk to them. Commissioner Galloway disclosed he had a meeting with some of the Sempra people about the power plant in the past, and he also discussed the matter with Mike Stewart of the Gerlach CAB. He further advised former Governor List had also contacted him. Commissioner Humke disclosed he met with former Governor List and Tom Kelly about the power plant back in March, and he met with two attorneys from the Hale-Lane law firm on this issue. Chairman Shaw disclosed he had also spoken to Mike Stewart and David Snelgrove.

Chairman Shaw then called on the applicants to speak.

David Snelgrove, Gray and Associates, representing applicant ENSR, stressed the subject application is specifically for an air monitoring station pointing out that there is no power plant proposal before the Board for consideration at this time. The purpose of the station is to collect baseline data on air quality. Mr. Snelgrove stated Sharon Kvas of the Community Development Department advised him this would be considered a commercial antenna because the SODAR emits a signal up and down. He further advised they have now received approval from the NDEP for the air quality monitoring.

Alex Flangas, Hale, Lane, Peek, Dennison and Howard, attorneys representing the applicant, responded to the issues raised by the appellants refuting the allegation that the Open Meeting Law was violated. Mr. Flangas stated there is no application pending for a power plant so there could be no consideration of the parameters or merits of a power plant. He also stated a commercial antenna is an allowed use, with a special use permit, in the General Rural land use classification. Mr. Flangas said it is the applicant's risk that the air quality monitoring shows the wind or the air quality is such that a power plant cannot be constructed. He said approval of this application does not guarantee that an application for a power plant will be forthcoming.

Karen Dennison, attorney, advised the monitoring tower is a temporary use, as the tower will be torn down after two years; it is consistent with the Comprehensive Plan and the High Desert Area Plan; and it will have little or no impact on the surrounding area. She reviewed noise levels, traffic impacts and lighting and said the monitoring station will not be detrimental to the public health and safety.

Commissioner Galloway asked the applicant's representative to acknowledge whether the applicant needs to monitor the air quality to give the data to NDEP so NDEP can evaluate it to determine whether a facility, such as a power plant, that creates air emissions would be detrimental to the public interest. Ms. Dennison responded affirmatively. Commissioner Galloway asked if the public would have access to the data submitted to NDEP. Ms. Dennison stated anything submitted to NDEP would be public information since they are a public agency. Commissioner Galloway also asked if the height of the tower has been approved by NDEP. Ms. Dennison stated it has.

Chairman Shaw asked how this meets a public need or provides a benefit to the public. Ms. Dennison responded that the collection of data meets the public needs and the needs of the NDEP. She stated public benefit is not a finding the Board must make.

Commissioner Sferrazza asked the applicant to explain how the antenna fits within the definition of broadcasting. Mr. Flangas stated the Development Code does not specify how much public receipt there must be. He further explained the SODAR actually receives its own signal back.

Commissioner Humke confirmed there would be a 2-year time limit on this special use permit. He asked if that time limit would protect the public. Mr.

Snelgrove referred to Condition 10 of the Planning Commission approval whereby the applicant will be required to post a bond for the removal of the facility.

Chairman Shaw asked about the height of the tower noting that Dr. Fox testified the tower should be at least 100 meters tall. Mr. Flangas stated the height of the tower has been approved by NDEP.

Commissioner Weber asked questions concerning the distance that will be monitored and whether information could come from other sources. Sara Head, ENSR Regional Program Manager, stated she has a degree in atmospheric sciences and has approximately 27 years experience in environmental consulting. She explained the SODAR collects wind data in the vertical and it will collect data up to 400 to 500 meters, and the air quality data collected would be representative of an area not impacted by other sources.

Commissioner Sferrazza asked if this antenna meets the definition of a commercial antenna and how collection of this data meets the public's needs. Mr. Flangas said this is not a commercial antenna in the sense that it takes up space on the broadband, and the Director of Community Development classified this antenna as close as he could to existing classifications within the Development Code. He further said the information will be beneficial to the public and the applicant if the applicant takes the next step and applies for another permit, or if someone else in the future, made any similar application.

In rebuttal, the appellant's representative, Mr. Shaw stated the applicant cannot imply that a public need is being met when the use has not been identified. He said if baseline data is being collected for the purpose of constructing a power plant, the Board should find out if the power plant is necessary and if the public wants it.

The applicant's representative, Mr. Flangas, rebutted stating the power plant cannot be considered at this meeting. He said he does not know if the applicant will be coming back with an application for a power plant, and they cannot know that until the data has been collected and analyzed.

Chairman Shaw then called on members of the public who wished to speak concerning this special use permit. The following Washoe County citizens spoke in opposition to the monitoring station and the possible power plant: Susan Lynn, Michael McCurry (Toiyabe Chapter, Sierra Club), Rachel Bogard, Brian Fitzgerald, Donald Asher, Matthew Ebert (Gerlach-Empire CAB), Phillip Kowalski and Joan Walker. Chairman Shaw read written comments submitted by Gary Schmidt. The major issue expressed was that the air quality monitoring station is only needed because of the applicant's desire to build a coal-fired power plant, which would not even serve Nevada residents and would severely impact Nevada residents and the pristine conservation and wilderness areas. The citizens expressed this was a flawed process because the Board could not consider the impacts of the proposed future use even when that future use is the reason for this special use permit.

There being no other persons wishing to speak, Chairman Shaw closed the public hearing.

Commissioner Humke asked Legal Counsel if there were any flaws with the notice of the meeting or the application of the Open Meeting Law. John Rhodes, Deputy District Attorney, stated it is the opinion of the District Attorney's Office that there was no violation of the Open Meeting Law either at the Planning Commission hearing or for this hearing. He further advised it is also their opinion that the Board should not consider any of the testimony concerning the power plant, for which there is no application at this time, in deciding this application for the air quality monitoring station. Mr. Rhodes stated this application stands on its own, and the Board must decide to either approve or deny it based on whether it meets all the required findings for a special use permit.

Commissioner Sferrazza asked if the letter from the NDEP dated April 21, 2004 approving the ambient air monitoring plant for the Squaw Creek Valley Power project is part of the record. Mr. Rhodes responded affirmatively. Commissioner Sferrazza stated that makes it very clear that the air monitoring is for a power plant and it is part of the record. He disagreed with the opinion the power plant could not be discussed.

Chairman Shaw thanked everyone for attending. He noted the findings the Board is required to make in order to approve the special use permit and said he is having difficulty making the findings of consistency, site suitability, and that the issuance would not be detrimental because the area is agricultural and open space; and there are no other towers.

Commissioner Weber stated she could make the findings when only considering the tower as Legal Counsel has advised.

Commissioner Sferrazza said he believes the Board first has to determine whether this is a commercial antenna, and he finds that very hard to do under the Development Code definition. He further stated if the Board decides this is a commercial antenna, they need to find a public need for it. He said he is having a lot of trouble making that finding unless he could find there is a public need for the air quality monitoring station for the power plant. Commissioner Sferrazza stated he could not make the findings of compatibility with existing and proposed uses.

Commissioner Galloway stated the nearest resident is a couple of miles away, so he could make the finding that it would not be detrimental; and consistency does not mean other towers, but what kinds of things would one expect to find in agricultural or rural land uses. He further stated a fair process is necessary to get to the point of considering the merits of a power plant, and the applicant should not be denied the opportunity to collect the information they need. Commissioner Galloway said he could make the required findings.

Commissioner Humke read each of the findings the Board must make, explained why he could make each finding, and moved to deny the appeal and uphold the decision of the Washoe County Planning Commission in approving Special Use Permit Case No. SW04-002 based on the following findings:

1. Any decision made on this application shall not be relied upon to support any future development;
2. Approval of this application for an air monitoring facility cannot be relied upon to support monetary investment for a future development;
3. The proposed use is consistent with the policies, action programs, and standards of the Comprehensive Plan and the High Desert Area Plan;
4. Adequate utilities, roadway improvements, sanitation, water supply, drainage and other necessary facilities have been provided; the proposed improvements are properly related to existing and proposed roadways; and an adequate public facilities determination has been made in accordance with Division Seven;
5. The site is physically suitable for the type of development and for the intensity of the development;
6. Issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
  - 7a. The proposed commercial antenna is necessary to meet the applicant's and the public's needs;
  - 7b. The location of the commercial antenna is compatible with existing and proposed uses in the general vicinity;
  - 7c. The proposed commercial antenna is provided with adequate safety equipment and aesthetic treatments to be visually compatible with uses in the general vicinity;
8. The Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting; and
9. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Commission from the Washoe County Planning Commission and information received during the Washoe County Commissioner public hearing.

Commissioner Galloway seconded the motion. Upon call for the vote, the motion passed on a 3 to 2 vote with Commissioners Shaw and Sferrazza voting "no," and it was ordered that the appeal be denied and that Special Use Permit Case No. SW04-002 be approved subject to the following conditions:

**CONDITIONS FOR  
SPECIAL USE PERMIT CASE NO. SW04-002  
ENSR**

**(As recommended by Department of Community Development  
and attached to Staff Report dated February 23, 2004)**

Unless otherwise specified, all conditions must be met or financial assurances must be provided to satisfy the conditions prior to submittal for a building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurances. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Department of Community Development.

Compliance with the conditions of this special use permit is the responsibility of the applicant, its successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any conditions imposed in the issuance of the special use permit may result in the institution of revocation procedures.

Any operations conditions are subject to review by the Department of Community Development prior to the renewal of a business license each year. Failure to adhere to the conditions may result in withholding renewal of the business license until conditions are complied with to the satisfaction of the Department of Community Development.

Washoe County reserves the right to review and revise the conditions of this approval should it determine that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purposes of conditions imposed by Washoe County, "may" is permissive and "shall" or "must" is mandatory.

**GENERAL CONDITIONS**

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Department of Community Development shall determine compliance with this condition.
2. A copy of the Action Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits issued by Washoe County, including the required building permit.

3. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the special use permit to meet with the Department of Community Development to review conditions of approval prior to the final sale of the site and/or the special use permit. Any subsequent purchaser/operator of the site and/or the special use permit shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
4. During initial grading of the site, topsoil shall be stockpiled and preserved for site reclamation and reseeding. At the completion of the testing, the applicant will be responsible for removing the tower and its ancillary components, and shall restore the site back to its original condition. The staff of the Department of Community Development shall determine compliance with this condition.
5. The applicant shall submit a written waiver request to the Director of the Department of Community Development to the landscaping and parking standards required by the Development Code. If granted, at least one parking space shall be provided and shown on the building permit site plan, and, along with the access road, must be either graveled or treated with a dust palliative. The Department of Community Development shall determine compliance with this condition.
6. A sound buffer shall be provided on all four sides of the generator. The Department of Community Development shall determine compliance with this condition.
7. The site perimeter fence shall be constructed with earth-toned slats to block the view of the equipment from the highway. The Department of Community Development shall determine compliance with this condition.
8. The following conditions shall be completed to the satisfaction of the Engineering Division:
  - a. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted to the County Engineer for approval when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage and erosion control (including BMP locations and installation details). Placement or disposal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.
  - b. For construction areas larger than one acre and as required by the Clean Water Act, the site operator shall submit to the Nevada Division of Environmental Protection (NDEP) a Notice of Intent (NOI) for stormwater

discharges associated with construction activity to be covered under a National Pollution Discharge Elimination System (NPDES) Permit. Proof of submittal of the NOI shall be submitted to the County Engineer prior to the issuance of a grading or building permit.

- c. A grading bond of \$1,100/acre of disturbed area shall be provided to the Engineering Division prior to any grading.
  - d. A note shall be placed on the final construction plans to indicate that all disturbed areas left undeveloped for more than 30 days shall be treated with a dust palliative. Disturbed areas left undeveloped for more than 45 days shall be revegetated. The County Engineer must approve methods and seed mix with technical assistance from the Washoe-Storey Conservation District.
9. The permit shall expire two (2) years from the date of approval of this special use permit. The facility shall be removed within 90 days of the expiration of this permit. The Department of Community Development shall determine compliance with this condition.
  10. The applicant shall provide a bond for the cost of removal of the facility within 90 days of the expiration of the special use permit in an amount to be determined by the Department of Community Development. The Department of Community Development shall determine compliance with this condition.

**9:45 p.m.** Commissioner Sferrazza temporarily left the meeting.

**04-392**      **DISCUSSION – MT. ROSE DEVELOPMENT COMPANY’S  
REQUEST – POTENTIAL RECONVEYANCE OF A PORTION OF  
APN 048-112-05 – SLIDE MOUNTAIN SKI AREA**

Michelle Poché, Assistant County Manager, distributed maps that the Board members requested at the Caucus meeting and provided the background and history of prior Board actions concerning the request by Mt. Rose Development Company that the County reconvey some or all of the Slide Mountain property owned by the County. She advised the appraisals directed by the Board have been completed, and she reviewed the results of those appraisals. Ms. Poché reported the Mt. Rose Development Company has obtained the reconveyance rights to this property and has submitted an offer to Washoe County.

**9:50 p.m.** Commissioner Sferrazza returned to the meeting.

Ms. Poché reviewed the proposal for reconveying approximately 62 acres (including water rights) at the appraised value of \$50,000; Mt. Rose would donate \$200,000 to the County; Mt. Rose would provide for continued public access from the Slide Mountain parking lot and property; Mt. Rose would commit to no condominium,

time-share or hotel/casino development on the property; Mt. Rose would commit to implementation of the approved U.S. Forest Service Master Plan for the area; and Mt. Rose would construct a new base lodge facility on the property with a caretaker residence. She said the proposal also includes construction of a single-family residence somewhere near the lodge at some time in the future, terminating the existing lease with the County, and lifting the public use restrictions on the full 115 acres.

Washoe County citizens Gary Schmidt, Ted Short, Murray Blaney, Mike Pierce, Robert Cameron, and Eric Close spoke in support of the proposal by the Mt. Rose Development Company. Chairman Shaw noted that Sam Dehne, Kristy Peters, and Phil Miller submitted written comments supporting the proposal.

Commissioner Sferrazza stated his belief that this is a very bad deal for the citizens of Washoe County. Commissioner Galloway commented this is a better deal than the last one Mt. Rose proposed. He said he still has concerns because it is his understanding that with this proposal Mt. Rose would be taking all of the buildable land on the site; and, if that is the case, the County should be receiving the value of the whole parcel. Commissioner Galloway also expressed a concern that there is no timeline for completion of the lodge.

Commissioner Humke moved that staff be directed to pursue reconveyance of 62 acres described as Mt. Rose Development Company Proposal "B," as shown on the map entered into the record at this meeting, to the Mt. Rose Development Company in accordance with the steps outlined as items 1 through 9 in the staff report with the addition of a condition that the purchaser build the lodge within five years of close of escrow. In response to questions, Ms. Poché clarified the map showing the 62 acres was the map included in the agenda packet, not one she just passed out; and that the 62 acres are approximate because a survey is necessary and cannot be completed until the snow melts. Katy Singlaub, County Manager, said it was her understanding the Mt. Rose Development Company wanted the extra 20 acres so they could market the ski resort as a 1,000-acre facility. Commissioner Weber seconded the motion.

Commissioner Galloway said he could not support the motion because the appraisal is not in line with the additional 20 acres and five years is too long for construction of the lodge.

Commissioner Humke argued that, with Mt. Rose agreeing to forego any development rights on the property, the appraisal is still accurate. He also said the single family residence is a house for the lodge caretaker, and the envisioned lodge will not be a Quonset hut or army barracks, but a valuable improvement.

Commissioner Sferrazza stated he asked the question about what the single-family residence would be used for and he did not get an answer. He further stated it says the caretaker residence would be located in the lodge.

Attorney Steve Mollath, representing the Mt. Rose Development Company, stated the single-family residence is requested so they can have people present on the mountain for security purposes. He said it might be used by the General Manager. Mr. Mollath noted he submitted a proposed draft reconveyance agreement, and he would be glad to work with the District Attorney's office on a final agreement.

Paul Senf, General Manager, Mt. Rose, stated the additional 20 acres is not precise and described boundaries that are being expanded to accommodate utilities and snow storage area for the parking lot.

Following further Board discussion, Chairman Shaw called for a vote on the motion, and the motion passed on a 3 to 2 vote with Commissioners Galloway and Sferrazza voting "no" and it was so ordered.

**04-393            STATUS REPORT – POSSIBLE LAW ENFORCEMENT  
CONSOLIDATION – LABOR RELATIONS MANAGER**

Katy Singlaub, County Manager, and Steve Watson, Labor Relations Manager, updated the Board on discussions with labor groups and officials from the City of Reno concerning costs and benefits of consolidating law enforcement services. Ms. Singlaub advised the labor groups have agreed to discuss the matter but none of the labor groups have agreed to forego "cherry-picking." She also advised that under State statute, law enforcement could not be consolidated by contract as was done with the Truckee Meadows Fire Protection District.

Commissioner Galloway commented he would not support anything other than putting it all under Washoe County, and the metro model does not save costs. Commissioner Humke agreed and suggested a legislative change be pursued to allow some liberalization of the use of the statutory metro model.

Ms. Singlaub drew the Board members' attention to the staff recommendation and suggested goals for negotiating consolidation of law enforcement services and asked for Board direction regarding the parameters for negotiating with the City(s).

There was a consensus among the Commissioners that true consolidation under the Washoe County Sheriff should be pursued, but not under the metro model, and in accordance with the goals outlined by staff.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that staff continue to pursue true consolidation of law enforcement services under the Washoe County Sheriff but not under the metro model. It was further ordered that the following prerequisites be the guiding factors in the negotiations: 1) adequate savings and increases in services can be documented which offset documented increases in cost; 2) the proposal is cost and revenue neutral for all affected entities; 3) current service levels are not reduced; and 4) a

mutually-agreeable governance model can be determined under the direction of the Sheriff. The Board also directed staff to continue to talk with the City of Sparks and keep the invitation for them to join in the talks open.

**04-394            RESOLUTION DESIGNATED AS THE “2004 COMMISSION  
RESOLUTION UNFUNDED MANDATE ADVISORY QUESTION”**

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

**RESOLUTION**

**A RESOLUTION DESIGNATED AS THE “2004 COMMISSION RESOLUTION UNFUNDED MANDATE ADVISORY QUESTION;” UDECLARING THE NECESSITY OF SUBMITTING AN ADVISORY QUESTION AT THE GENERAL ELECTION ON TUESDAY, NOVEMBER 2, 2004 REQUESTING ADVICE FROM THE REGISTERED VOTERS RESIDING IN WASHOE COUNTY ON WHETHER THE NEVADA CONSTITUTION SHOULD BE AMENDED TO PROHIBIT THE NEVADA LEGISLATURE FROM REQUIRING COUNTIES AND CITIES TO PROVIDE SERVICES WITHOUT APPROPRIATING STATE FUNDS TO SUPPORT SUCH SERVICES AND TO PROHIBIT THE NEVADA LEGISLATURE FROM ELIMINATING OR REDUCING REVENUE SOURCES AUTHORIZED TO SUPPORT COUNTY AND CITY SERVICES.**

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

**WHEREAS**, the Board of County Commissioners (the “Board”) of the County has determined that it is necessary and advisable that the County submit an advisory question as set forth herein (the “Question”) relating to whether the Nevada Constitution should be amended to prohibit the Nevada Legislature from requiring counties and cities to provide services without appropriating state funds to support such services and to prohibit the Nevada Legislature from eliminating or reducing revenue sources authorized to support county and city services.

**WHEREAS**, the Nevada Association of Counties has a membership that comprises representation from all seventeen of Nevada’s counties; and

**WHEREAS**, on November 3, 1992 on the General Election ballot of all seventeen counties, an advisory question was placed before the people of the state of Nevada by each of the respective boards of county commissions; and

**WHEREAS**, the advisory question, Question 8, asked the people of the state of Nevada, “Should the Nevada Legislature be permitted to enact legislation or state agencies be allowed to issue new regulations that mandate counties to provide new services, expanded services, or to conduct activities that would require additional spending by the counties without the Legislature appropriating sufficient state funding for those services, activities, or programs;” and

**WHEREAS**, over 80% of the people in the State of Nevada voting at the November 3, 1992 General Election voted NO on Question 8, thereby disapproving of the practice of shifting costs for new or expanded programs from the State of Nevada to counties in Nevada; and

**WHEREAS**, in response to a request by NACO, based on the passage of Question 8, the 1993 Legislature amended NRS 354 by adding NRS 354.599, requiring a specific source of revenue be specified to pay for mandates requiring an additional expense exceeding \$5,000.00; and

**WHEREAS**, the Legislature has consistently ignored the law passed in the 1993 session to stop the practice of unfunded mandates by legislative exception, the NACO Board of Directors, at their March 26, 2004 meeting, acted to formally request each Board of County Commissioners to place the advisory question on the November 2004 General Election ballot; and

**WHEREAS**, the Question is advisory only and not binding on Washoe County, the Board of County Commissioners of Washoe County, any officer of Washoe County nor on the Nevada Legislature;

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

Section 1. This resolution shall be known and may be cited as the “2004 Unfunded Mandate Advisory Question Resolution” (the “Resolution”).

Section 2. The Board hereby finds and declares the necessity of submitting the Question of whether the Nevada Constitution should be amended to prohibit the Nevada Legislature from requiring counties and cities to provide services without appropriating state funds to support such services and to prohibit the Nevada Legislature from eliminating or reducing revenue sources authorized to support county and city services.

Section 3. The Question is hereby designated and ordered to be submitted to the registered voters residing within the boundaries of the County at the

Election. The Election shall be conducted in accordance with Chapter 293 and 293B of NRS, and all laws amendatory thereof (the "General Election Act").

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

Section 5. Absent voting shall be permitted in the manner provided by NRS 293.309 through 293.340, as amended, and laws thereunto enabling.

Section 6. On or before July 19, 2004, the County Clerk shall provide the County Registrar of Voters (the "Registrar") with a copy of the Question, including an explanation of the Question as set forth herein, and arguments for and against the Question shall be formulated as set forth in NRS 295.121, as amended.

Section 7. Voter registration for the Election shall be conducted in the manner provided by NRS 293.485 through 293.567, as amended, and laws thereunto enabling.

Section 8. A mechanical voting system, including, without limitation, ballot cards, ballot page assemblies, and a vote recording device, and, to the extent necessary, paper ballots shall be used at the Election for voting, for registering, and for counting votes cast, including, without limitation, those cast on the Question, as provided in the General Election Act, and in all laws thereunto enabling. There shall be inserted in each of the ballot page assemblies or otherwise in the mechanical voting system the submission clause for the Question in substantially the following form:

SHOULD THE NEVADA CONSTITUTION SHOULD BE AMENDED TO PROHIBIT THE STATE FROM CREATING FUNDING MANDATES AND REMOVING OF REVENUE FROM COUNTIES AND CITIES

**Shall the Nevada Constitution be amended to add the following provision:**

**1. The Nevada Legislature shall not, directly or indirectly, enact laws or authorize the adoption of regulations, requiring the counties and cities of the state to provide new services, expand existing services or conduct new additional governmental functions without appropriating or designating state funding sources to support said new services, expansion of existing services and new or additional governmental functions.**

**2. The Nevada Legislature shall not enact legislation that would effectively reduce, eliminate or divert to the state revenue or revenue sources previously authorized to support county and city governmental services and functions.**

Yes...../\_\_\_/  
No...../\_\_\_/

**Explanation:** A “yes” vote would advise the Board of County Commissioners that the county residents desire the Nevada Constitution be amended. A “yes” vote is not binding on Washoe County, the Board of County Commissioners of Washoe County, any officer of Washoe County nor on the Nevada Legislature.

A “no” vote would advise the Board of County Commissioners that the county residents do not desire the Nevada Constitution be amended. A “no” vote is not binding on the Washoe County, the Board of County Commissioners of Washoe County, any officer of Washoe County nor the Nevada Legislature.

The Board finds it necessary to submit this question to residents of the County because the Nevada Legislature continues to enact laws or adopt regulations requiring the counties and cities of the state to provide new services, expand existing services or conduct new and additional governmental functions without appropriating or designating state funding sources to support such services and continues to reduce, eliminate or divert to the state, revenue sources previously authorized to support county and city governmental services and functions.

**Additional Information:**

Election Details. The election will be held at the same time and place as the statewide general election, on Tuesday, November 2, 2004. Your polling place is listed elsewhere on the sample ballot. The polls will be open from 7:00 a.m. to 7:00 p.m. The election will be held and conducted in accordance with and in the manner provided by the general election laws of the State.

Section 9. A sample ballot shall be mailed to each registered voter in the County as provided by NRS 293.565, and shall include, without limitation, the registered voter’s precinct number and polling place and the following information in substantially the following form.

SHOULD THE NEVADA CONSTITUTION SHOULD BE AMENDED TO PROHIBIT THE STATE FROM CREATING FUNDING MANDATES AND REMOVING OF REVENUE FROM COUNTIES AND CITIES

**Shall the Nevada Constitution be amended to add the following provision:**

- 1. The Nevada Legislature shall not, directly or indirectly, enact laws or authorize the adoption of regulations, requiring the counties and cities of the state to provide new services, expand existing services or conduct new additional governmental functions without appropriating or designating state funding sources to support said new services, expansion of existing services and new or additional governmental functions.**

**2. The Nevada Legislature shall not enact legislation that would effectively reduce, eliminate or divert to the state revenue or revenue sources previously authorized to support county and city governmental services and functions.**

Yes...../\_\_\_/  
No...../\_\_\_/

**Explanation:** A “yes” vote would advise the Board of County Commissioners that the county residents desire the Nevada Constitution be amended. A “yes” vote is not binding on Washoe County, the Board of County Commissioners of Washoe County, any officer of Washoe County nor on the Nevada Legislature.

A “no” vote would advise the Board of County Commissioners that the county residents do not desire the Nevada Constitution be amended. A “no” vote is not binding on the Washoe County, the Board of County Commissioners of Washoe County, any officer of Washoe County nor the Nevada Legislature.

The Board finds it necessary to submit this question to residents of the County because the Nevada Legislature continues to enact laws or adopt regulations requiring the counties and cities of the state to provide new services, expand existing services or conduct new and additional governmental functions without appropriating or designating state funding sources to support such services and continues to reduce, eliminate or divert to the state, revenue sources previously authorized to support county and city governmental services and functions.

**Additional Information:**

Election Details. The election will be held at the same time and place as the statewide general election, on Tuesday, November 2, 2004. Your polling place is listed elsewhere on the sample ballot. The polls will be open from 7:00 a.m. to 7:00 p.m. The election will be held and conducted in accordance with and in the manner provided by the general election laws of the State.

Section 13. Immediately after the closing of the polls, the election officers shall proceed to canvass the votes cast on the Question, and certify the results so disclosed to the Board. Within five (5) working days of the Election, the Board shall meet and publicly canvass the returns.

Section 14. If a majority of the votes cast are in favor of the Question, the Question shall have been carried, and the Board shall take said vote under advisement is guiding its future actions.

Section 15. The officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 16. All orders, bylaws and resolutions, or parts thereof, in conflict with this Resolution, are hereby repealed. This repealer shall not be construed to revive any bylaws, order or resolution, or part thereof, heretofore repealed.

Section 17. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 18. This Resolution shall be in effect from and after its adoption.

**04-395      APPOINTMENT - WASHOE COUNTY DIRECTOR - BOARD OF DIRECTORS - NEVADA ASSOCIATION OF COUNTIES**

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that Commissioner Weber be appointed the additional representative as a County Director on the Nevada Association of Counties' Board of Directors.

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There being no further business to come before the Board, the meeting adjourned at 11:00 p.m.

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

**ATTEST:**

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

*Minutes Prepared by  
Lori Rowe, Deputy County Clerk  
Sharon Gotchy, Deputy County Clerk*