

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

JUNE 15, 2004

PRESENT:

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

Amy Harvey, County Clerk
Katy Singlaub, County Manager
Paul Lipparelli, Legal Counsel

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

04-553 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the agenda for the June 15, 2004 meeting be approved.

04-554 PUBLIC COMMENTS

Guy Felton, Reno resident, read a statement to the Commissioners, which was placed on file with the Clerk, concerning Nevada Revised Statutes and public comment.

Sam Dehne, local resident, remarked that more Harley Davidson motorcycles are getting legal mufflers. He announced his bid for Mayor of Reno, spoke against Secretary of State Dean Heller, and sang a song to all those critters out there entitled, "The Good, the Bad and the Ugly."

Robert Cameron, area citizen, explained there has been trouble on his road lately with Waste Management and collection. He said in the agreement there is no mention of misses or double misses, and this is what the neighborhood has been experiencing. He noted he received the Kaufory, Armstrong audit in the mail, and he stated the audit points out that personnel costs for the County comprise 73 percent of

expenditures, and he interpreted this to mean that salaries and benefits are taking up 73 cents of every dollar.

Al Hesson, Reno resident, commented on the visit of President Bush to Reno and noted that he did not explain why he would support dumping the waste of 49 states in Nevada. He discussed the war in Iraq and the costs and stated President Bush should be fired in November.

Gary Schmidt, Washoe County resident, thanked Commissioner Bonnie Weber for attending a recent Board of Equalization workshop, and he highlighted the topics of the meeting. He said the County should expend greater effort on decisions regarding how money is spent on lawyers.

Carter King, area attorney, addressed issues concerning the Jack Alian contract and said the contract should be put out to bid and divided three ways. He added he would like to be considered for the contract.

MANAGER'S/COMMISSIONERS' COMMENTS

County Manager Katy Singlaub noted that the Clerk did provide the record and minutes of the agenda item pertaining to the Jack Alian contract. She said a request for proposal was not a part of the motion.

Commissioner Sferrazza requested Carter King furnish the date of their meeting to further assist the Clerk in gathering information about the contract and motion. He asked for an agenda item concerning the supplies contract. He said he received complaints about the Reno Festival, and he would like noise controls on events at Rancho San Rafael. He also would like a review of County donations. Commissioner Sferrazza commented that the County has not enforced the Waste Management contract, and he noted the problems involved for citizens. He solicited a discussion for the July 13, 2004 meeting on a letter from William Thorton concerning geothermal power and coal-fired power plants.

Commissioner Galloway announced that due to the Presidential visit on June 18, 2004 the groundbreaking for the Mills Lane Justice Center has been rescheduled to June 24, 2004.

Commissioner Weber noted her attendance at the recent Board of Equalization workshop, and she acknowledged past Board members and citizens who were present. She said there would be another meeting in July, and she encouraged other Commissioners to be in attendance.

Chairman Shaw thanked all the volunteer staff of the County that participated in the Transforming Local Government Conference, June 10-12, 2004.

04-555 INTRODUCTION OF NEW EMPLOYEES

Chairman Shaw invited approximately 16 new Washoe County employees to come forward and introduce themselves to the Board. The Board members welcomed the new employees.

04-556 MINUTES

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the minutes of the regular meeting of February 17, 2004 be approved.

04-557 SEXUAL ASSAULT - MEDICAL CARE - PAYMENT

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Sferrazza ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care and follow-up medical or psychological treatment for 58 sexual assault victims in an amount totaling \$10,565.06 as set forth in a memorandum from Kim Schweickert, Program Assistant, District Attorney's Office, dated June 15, 2004 and placed on file with the Clerk.

**04-558 DONATION – TRANSFORMING LOCAL GOVERNMENT
CONFERENCE – COMMUNITY RELATIONS**

Commissioner Galloway expressed the Board's appreciation for the additional donation for the conference from Automated Business Systems.

Upon recommendation of Kathy Carter, Community Relations Director, through Katy Singlaub, County Manager, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the donation of \$2,500 from Automated Business Systems for the 2004 Transforming Local Government Conference be accepted with the Board's gratitude. It was further ordered that Finance be directed to make the following appropriate budget adjustments:

Increase Revenue:	Amount
20214-484000 (Operating Contributions and Donations)	\$2,500

Increase Expenditure:	Amount
20214-710500 (Other expenses)	\$2,500

It was noted that the Board accepted \$19,250 in donations for the 2004 Transforming Local Government Conference on June 8, 2004, and the donations were deposited into a County account to be used to pay for conference-related expenses.

04-559 REAPPOINTMENT – REGIONAL PLANNING COMMISSION

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that Marge Frandsen be reappointed to the Regional Planning Commission with a term to expire July 1, 2007.

04-560 REAPPOINTMENT – WASHOE-STOREY CONSERVATION DISTRICT

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that Bryan Tyre be reappointed to the Washoe-Storey Conservation District with a term to expire June 30, 2006.

04-561 REAPPOINTMENTS – ADVISORY BOARD TO MANAGE WILDLIFE

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that John David Stanley and Ed Tilzey be reappointed to the Advisory Board to Manage Wildlife with terms to expire July 1, 2007.

04-562 REAPPOINTMENT – PLANNING COMMISSION

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that Stephen Rogers be reappointed to the Planning Commission with a term to expire June 30, 2008.

04-563 REAPPOINTMENT – BOARD OF ADJUSTMENT

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that Gary Feero be reappointed to the Board of Adjustment with a term to expire June 30, 2008.

04-564 APPOINTMENT/REAPPOINTMENTS – COLD SPRINGS CITIZEN ADVISORY BOARD

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that Cherie Pries be appointed and Juneil Mathis and Joan Liscom be reappointed as at-large representatives on the Cold Springs Citizen Advisory Board (CAB), and Paul Herman be appointed as an alternate to the CAB. It was noted that all terms would expire June 30, 2006.

04-565 **APPOINTMENT/REAPPOINTMENT – GERLACH CITIZEN
ADVISORY BOARD**

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that Joseph Colt be appointed and Donna Potter be reappointed as at-large representatives on the Gerlach Citizen Advisory Board with terms to expire June 30, 2006.

04-566 **REAPPOINTMENTS – WARM SPRINGS CITIZEN ADVISORY
BOARD**

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that Philip Anderson and Greg Landrus be reappointed as at-large representatives on the Warm Springs Citizen Advisory Board with terms to expire June 30, 2006.

04-567 **CHANGE ORDER – GALENA CAMP WE CH ME LODGE
REMODEL – PUBLIC WORKS**

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that Change Order number two between Washoe County and West Coast Contractors for Galena Camp We Ch Me Lodge remodel in the amount of \$43,815 be approved and the Contract Administrator be authorized to sign the necessary documents.

04-568 **AWARD OF BID – FOAM RE-ROOFING OF INFORMATION
TECHNOLOGY BUILDING - BID NO. 2435-04 – PUBLIC WORKS**

This was the time to consider award of bid for foam re-roofing of the Information Technology (I.T.) building for the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on April 2, 2004. Proof was made that due and legal Notice had been given.

Bids, copies of which were placed on file with the Clerk, were received from the following vendors:

Alpine Roofing Company Inc.
Foam Experts Roofing Inc.
Puff Inc. – West

Upon recommendation of Michael Sullens, Senior Buyer, through John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that Bid No. 2435-04 for foam re-roofing of the I.T. building for the Public Works Department be awarded to the lowest responsive, responsible bidder, Foam

Experts Roofing Inc., in the amount of \$70,183. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute an agreement for the same.

04-569 CITY OF RENO'S INVITATION TO BID NO. 1310 – CRACK SEALANT MACHINE – PUBLIC WORKS

Upon recommendation of Richard Williams, Buyer, through John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the Purchasing and Contracts Administrator be authorized to utilize the City of Reno's Invitation to Bid No. 1310 for the purchase of one Craftco Bearcat Trailer Mounted Crack Sealant Machine for the Equipment Services Division of the Public Works Department from Construction Sealant and Supply, in the amount of \$35, 486.

04-570 AGREEMENT – BRIEN AND MIRTA WALTERS – PURCHASE OF LAND - PARKS

Upon recommendation of Karen Mullen, Parks and Recreation Director, through Michelle Poché, Assistant County Manager, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that a purchase and sale agreement between Washoe County and Brien and Mirta Walters concerning 6.17 acres of land located at the outlet of Little Washoe Lake (APN 046-060-01), in the amount of \$80,219.19, be approved and Chairman Shaw be authorized to execute the same. It was further ordered that the Chairman be authorized to execute the necessary escrow and supporting documents upon presentation. It was noted the land has significant historical and cultural resources and would secure public access to Washoe Canyon and Steamboat Creek.

04-571 RESOLUTION - REFUND OF TAXES – NEVADA-UTAH ASSOCIATION OF SEVENTH DAY ADVENTISTS

Pursuant to District Attorney Opinion No. 6428, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the request by Nevada-Utah Association of Seventh Day Adventists for refund on real property taxes for fiscal year 2003/04, in the amount of \$45,519.02, be approved and Chairman Shaw be authorized to execute the following resolution:

RESOLUTION

Directing the County Treasurer to Refund Taxes

WHEREAS, the Board of Commissioners of Washoe County, pursuant to NRS 354.220-354.240, has the authority to direct the County Treasurer to refund money paid into the County Treasury; and

WHEREAS, to the Nevada-Utah Assn. of Seventh Day Adventists ("Taxpayer") made application for refund of real property taxes for the 2003-2004 tax year on APN 039-161-35; and

WHEREAS, the Taxpayer has overpaid taxes for the 2003-2004 fiscal year in the amount of \$45,519.02; and

WHEREAS, it is the opinion of the Board of Commissioners of Washoe County that the Taxpayer has just cause for making such application for the 2003-2004 tax year and that the granting of the refund would be equitable.

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

1. That the Treasurer of Washoe County is authorized and directed to refund to Nevada-Utah Assn. of Seventh Day Adventists a total of \$45,519.02, which is the amount of taxes overpaid for the 2003-2004 tax year on APN: 039-161-35.

2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity that has shared in the excess of the taxes collected in error for its prorata share of the refund.

04-572 REQUEST FOR PROPOSAL NO. 2441-04 – NEIGHBORHOOD JUSTICE CENTER – PURCHASING

Upon recommendation of Michael Sullens, Senior Buyer, through John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that Request for Proposal No. 2441-04 for a Neighborhood Justice Center, to be funded by the County solely through State-mandated Court filing fees, be awarded to the Neighborhood Mediation Center, Inc. in the estimated annual amount of \$140,000. It was further ordered that Chairman Shaw be authorized to execute the Agreement with the Neighborhood Mediation Center, Inc., for a one-year term with three one-year renewal options.

04-573 CONTRACT – CARDLOCK FUELING PROGRAM – PUBLIC WORKS

Sam Dehne, Reno resident, commented on the high cost of the contract for the Cardlock Fueling Program. He asked for an explanation of the program and inquired if others were allowed to bid on the contract.

Katy Singlaub, County Manager, explained Cardlock Fueling is a bulk-fueling program for the fleet of 1,000 Washoe County vehicles. She said the County uses a lot of fuel and the program enables the County to achieve lower fuel rates. She stated it was put out to bid and was advertised through the general circulation newspaper and

online nationally. She further explained that it is a joinder contract that enables other agencies to acquire the benefit of the low purchase price due to the large volume. She mentioned the various agencies that utilize the program.

Commissioner Sferrazza disclosed that he would be abstaining from the vote because a relative of his is employed by Western Energetix Cardlock.

Upon recommendation of Richard Williams, Buyer, through John Balentine, Purchasing and Contracts Administrator, and Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza abstaining, Chairman Shaw ordered that the existing contract for a Cardlock Fueling Program with Western Energetix Cardlock, a division of Berry Hinckley Industries, be approved for a four-year period in the estimated amount of \$970,000 per year. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute the same. It was noted this was in response to RFI No. 2426-04.

04-574 PRESENTATION – ARTOWN – TOM OUTLAND

Tom Outland, Artown Chairman, highlighted many Artown events coming to Reno, Nevada in July of 2004. He commented on the history of the event and noted there would be approximately 200 events to attend. He distributed brochures to the public.

Sam Dehne, local resident, stated he was not against Artown, but he said the organization has wasted a lot of taxpayer dollars on the excessive brochures and advertising. He noted it is not free because the City of Reno funnels money into Artown and the amount of money is unknown.

Gary Schmidt, Washoe County resident, voiced his support for Artown and said it was second only to the Burning Man event. He said the Burning Man event receives no public money.

04-575 PRESENTATION – LIVING WITH FIRE – ED SMITH

Ed Smith, University of Nevada Cooperative Extension, gave a PowerPoint presentation entitled, "Living with Fire," which was placed on file with the Clerk. He said the presentation is available to homeowners to educate them about dealing with fire.

In response to Chairman Shaw, Mr. Smith explained the "Living with Fire" publication is available to the public through fire departments and the Cooperative Extension.

A dialogue followed with Commissioner Galloway and Mr. Smith discussing the thinning out of the fuel load in forests. County Manager Katy Singlaub

said it was a great honor to have Mr. Smith at the meeting because he is nationally recognized as one of the leaders in fire safety, and his presentation has received national recognition.

Commissioner Galloway asked if propane tanks add to the threat of fire in a wildland interface area. Marty Scheuerman, Reno Fire Department, explained the main concern with propane tanks is problems with venting. He said propane tanks would not contribute a great deal to a fire, but working around them is dangerous. He stated that anything underground would be safer.

04-576 DISCUSSION – TAX REFUND POLICIES – DISTRICT
ATTORNEY

Jonnie Pullman, Executive Director of the Affordable Resource Council, stated in meetings with the Assessor's Office it was concluded that the Affordable Housing tax exemption was valid. She said, because tax exemptions are based on Affordable Housing and these involve long-term deed restrictions on the property, the time of the exemption should be determined when the deed is recorded. Ms. Pullman confirmed Clark County follows this process and the process would lead to the least amount of impact for everyone. She pointed out that rebates take a lot of time and money and they are problematic. She acknowledged the main contribution the State and the Counties make to Affordable Housing in the State of Nevada is the property tax exemption, and the Affordable Resource Council would like to see this continue.

In response to Commissioner Humke, Robert Neilsen, Affordable Housing Developer, explained that the issue is affordability and how affordability is attained is through the use of HOME funds, which come through the Consortium. He said when the HOME funds are granted to an existing or new property, there is a deed recorded and that should be the trigger of affordability and tax abatement. Mr. Neilsen stated a certificate of occupancy does not work in the Affordable Housing arena. He further explained that if the date by which Affordable Housing is recognized as affordable is not changed, he and his group would oppose a policy of no refund. Mr. Neilsen confirmed the issue could be resolved by changing the date when projects are recognized as affordable to the date the deed is recorded.

Commissioner Humke inquired if an exemption would be granted even though a property is bare land, and Mr. Neilsen said it would be granted because the property is then determined to be an affordable project. In response to further questions from Commissioner Humke, Ms. Pullman responded that the HOME funds and tax credits involved in this have strict time limits and they must be followed or else there is the risk of losing access to the land and property. Mr. Neilsen confirmed that the project must begin within 270 days.

Commissioner Sferrazza said recordation is a separate policy and it needs to be addressed separately from this.

Ann Harrington, Reno resident, said the State statute that defines the property tax exemption for Affordable Housing is silent on the definition of when it becomes Affordable Housing. She stated she was not in opposition to the no-refund policy as long as it is clear on when a project is deemed an Affordable Housing project.

Sam Dehne, Reno resident, said Affordable Housing should be under \$100,000, and any house over \$100,000 should not be tax exempt.

Blaine Cartlidge, Deputy District Attorney, stated the agenda item pertains to any exemption that could cause a refund request to come before the Board. He reviewed the agenda memorandum dated April 28, 2004 giving background concerning a possible change of the Board's real and personal property tax refund policies.

In response to Chairman Shaw, Mr. Cartlidge said this change in policy would have prospective application, and the Board would exercise its statutory discretion in dealing with any refund requests filed to date with the County. He explained the changes outlined would simplify the current system because it could eliminate 70-80 percent of the tax refund requests.

Commissioner Weber inquired if the date of recordation would apply to the policy change being discussed, and Mr. Cartlidge said if the change is adopted it would not apply. He confirmed that the matter that would be impacted under the new system would be the date when an exemption begins. Within the new system there would be no retroactive application of the exemption on a prorata basis except for churches.

Ms. Singlaub said the issue of recordation was not part of the agenda item; therefore, there was no reference to it in the staff report. She noted that the Assessor's Office has not had an opportunity to respond, and the District Attorney's Office did not prepare the case law and the practical application of that issue to cases that the Board has reviewed. She suggested the item be continued, so the Board could hear the issue of recordation, and then make a decision on the refund policy.

Commissioner Galloway requested the District Attorney's Office bring back examples of the fiscal impact of exemptions beginning on the date of the recordation of deeds.

Commissioner Humke noted an effective approach would be to recognize a statutory authorized date that is fixed, such as a recordation date. Mr. Cartlidge said there is no statutory fix for the commencement date of the exemption for property under development.

Commissioner Sferrazza stated using the recordation of a deed is insufficient. He said there needs to be an irrevocable commitment of the property for the purpose indicated. He added that the item is about the Board deciding if they would follow the State statute and use June 15th as the deadline. Mr. Cartlidge explained the

details surrounding the June 15th deadline and how that affects applications for exemptions.

Commissioner Galloway noted that a strict policy would mean that some property owners or their tenants would pay more money, but the reason it is being proposed to the Board is because it costs a tremendous amount of legal time and staff time to retroactively process the exemptions. He requested examples from Clark County to show the amount of money involved and examples of how much that means to the taxpayer compared to the cost for the County.

Commissioner Weber requested that the item return to the Board with further information on the Affordable Housing issue discuss. Chairman Shaw encouraged the Commissioners to meet individually with Mr. Carlidge to have their questions answered before the item comes to the Board again.

On motion by Commissioner Humke, seconded by Commissioner Weber, Chairman Shaw ordered that the item regarding a change of the Board's real and personal property tax refund policies be continued to the July 13, 2004 meeting.

04-577 2005 LEGISLATIVE PROGRAM – PRELIMINARY BILL DRAFT REQUESTS

John Slaughter, Strategic Planning Manager, reviewed the agenda memorandum dated May 26, 2004 giving background on the review of Washoe County's 2005 State Legislative Program, including the identification of possible bill draft requests (BDR) sponsored by Washoe County and the Nevada Association of Counties (NACO).

John Milton, President of NACO, read a letter to the Board concerning unfunded mandates, which was placed on file with the Clerk.

Andrew List, Policy Analyst, explained that the State has been exempting certain pieces of legislation from the unfunded mandate law, which specifically says if there is a fiscal impact above \$5,000 the State must find a way to provide the money to pay for the measures. Mr. List gave examples of bills that were passed with the exemption language, and the potential cost to cover them. He also said NACO believes that the Advisory Question, if and when approved by the voters, would give NACO ammunition with the Legislature to try to take the exemption language out of some of the bills. Mr. List added that 11 of Nevada's 17 counties are within \$.15 cents of the \$3.64 Property Tax Cap, so if the counties wanted to raise property taxes to pay for the unfunded mandates they do not have that option. It is NACO's position that it is local money, generated by local taxpayers and the local governing bodies should have full control over the money without interference from the state unfunded mandates. He presented additional legislative priorities of NACO and described the priorities.

Robert Hadfield, Executive Director of NACO, thanked Washoe County for their active role and participation in NACO throughout the years. He recognized

Washoe County's involvement in the National Association of Counties (NACo) and acknowledged the importance of that contribution.

Chairman Shaw and Mr. Milton acknowledged the work of Commissioner Sferrazza on the NACO Board and his role in bringing the 2010 NACo meeting to Reno, Nevada. They agreed that the unfunded mandate question would not be on the ballot without the effort of Commissioner Sferrazza.

Commissioner Humke made a motion to approve the list of bills described in the staff report except for preliminary BRD 4, Municipal Court Authority in Unincorporated Area. He stated the preliminary BDR would hasten the annexation process to those areas defined as spheres of influence. He said it should be a bill draft by the Cities of Reno and Sparks instead of the County.

County Manager Katy Singlaub clarified that the challenge under NRS 278 is that the Cities are able to assert jurisdiction in those spheres; and therefore, the County runs the risk of stranding the enforcement of some regulations.

Commissioner Galloway requested the motion be amended to defer preliminary BDR 4 to allow for additional information from staff and discussion. Commissioner Humke accepted the amended motion.

Sam Dehne, Reno resident, challenged the County Commissioners to go to the City of Reno and tell them to stop annexation. He said at every Reno City Council meeting property is being annexed away and soon there will be no Washoe County. He presented four items that should be taken to the Legislature for action.

Gary Schmidt, Washoe County resident, reminded the Commissioners that one of the primary functions of elected officials is to limit the interference of government in the lives of individuals.

In response to Chairman Shaw, Commissioner Humke clarified his motion to approve preliminary BDRs 1-3, and 5-10, and to defer action on preliminary BDR 4. Commissioner Galloway seconded the amended motion.

Commissioner Sferrazza thanked the NACO representatives and he stated his concerns about preliminary BDR 10, Non-Profit Organization-County Relationship. He said he was not sure what was being approved, who would define in-kind services, and who would decide which charitable organizations would benefit from this BDR.

Ms. Singlaub said staff could come back with further information, as there has been extensive work on preliminary BDR 10. She stressed there are non-profits that are affiliated with implementing the mission and purpose of Washoe County, and staff would proceed with great caution to make sure the Commissioners are in charge of the process.

Commissioner Sferrazza requested a list of every entity that Washoe County contributes money to, as well as in-kind services. Ms. Singlaub confirmed she would provide this information.

Commissioner Humke stated there are major policy issues with preliminary BDR 10, and he requested an amendment to defer it also, and Commissioner Galloway accepted the amendment.

Upon recommendation of Mr. Slaughter, through Ms. Singlaub, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that preliminary BRDs 1-3 and 5-9 be approved, and action be deferred on preliminary BDRs 4 and 10. It was further ordered that staff be allowed to complete additional review of preliminary BDR 10 and present supplemental information to the Board. It was noted that a workshop would be held for the Board concerning preliminary BDRs 4 and 10.

5:25 p.m. Commissioner Weber left the meeting during the following presentation.

04-0578 **APPEARANCE - BARBARA HUNT - U.S. SURGEON GENERAL'S VISIT - WIC - WEST NILE VIRUS**

Barbara Hunt, District Health Officer, outlined the visit by Richard Carmona, the U.S. Surgeon General, to the District Health Department and the WIC program on May 7, 2004.

Phil Ulibarri, WIC Marketing Program Coordinator, presented a PowerPoint presentation, which was placed on file with the Clerk, updating the Board on the WIC Smart Card in the context of the Surgeon General's visit.

Judith Saum, Public Health Environmentalist, Vector-Borne Diseases Program, gave an update on the Program's activities to protect the community against West Nile Virus. She conducted a PowerPoint demonstration, which was placed on file with the Clerk.

Commissioner Humke commented on the Vector-Borne Diseases Program and said he had heard the presentation at Citizen Advisory Board meetings. He stated it is useful and informative for the citizens in Washoe County.

04-579 **AGREEMENT – CREATIVE SOCIO-MEDICS – SOFTWARE – SOCIAL SERVICES**

Upon recommendation of Ken Retterath, Adult Services Division Director, through Mike Capello, Social Services Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Weber temporarily absent, Chairman Shaw ordered that an agreement between Washoe County and Creative Socio-Medics concerning the purchase and

implementation of software, training, and support be approved and the Director of Social Services be authorized to execute the same. It was further ordered that the purchase of additional Legato Imaging software licenses be authorized, with the total cost of \$348,101.41.

5:30 p.m. The Board recessed.

5:52 p.m. The Board reconvened with all members present.

04-580 **APPOINTMENTS – INCLINE VILLAGE/CRYSTAL BAY
CITIZEN ADVISORY BOARD**

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that N. Peter Albrecht be appointed as an at-large representative and Joan Dietz be appointed as an at-large alternate on the Incline Village/Crystal Bay Citizen Advisory Board with terms to expire June 30, 2006. It was further ordered that the second position be held open to allow time to seek additional candidates.

04-581 **APPOINTMENT/REAPPOINTMENTS – WEST TRUCKEE
MEADOWS CITIZEN ADVISORY BOARD**

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that Trudy Brussard be appointed, and Martha Rugg, Pat Nicholson, and Peter Kirby be reappointed as at-large representatives on the West Truckee Meadows Citizen Advisory Board with terms to expire June 30, 2006. It was further ordered that Denis Thomas and Karen Peek be appointed as at-large alternates to the Board with terms to expire June 30, 2005.

04-582 **REAPPOINTMENTS/APPOINTMENT – SPANISH SPRINGS
CITIZEN ADVISORY BOARD**

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that Vallea Rose, Lois Avery and John Bradbury be reappointed and Vaughn Hartung be appointed as at-large representatives on the Spanish Springs Citizen Advisory Board with terms to expire on June 30, 2006.

04-583 **REAPPOINTMENT/APPOINTMENTS – EAST WASHOE
VALLEY CITIZEN ADVISORY BOARD**

On motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that Gary Houk be reappointed and Nancy Samon and Jerry Howry be appointed as at-large representatives on the East Washoe Valley Citizen Advisory Board with terms to expire on June 30, 2006.

**04-584 REAPPOINTMENT/APPOINTMENT – WEST WASHOE VALLEY
CITIZEN ADVISORY BOARD**

On motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that Hans Struffert be reappointed and Jane Countryman be appointed as at-large representatives on the West Washoe Valley Citizen Advisory Board with terms to expire on June 30, 2006. It was noted there was one additional position left unfilled, due to lack of applicants.

**04-585 REAPPOINTMENTS/APPOINTMENTS – SOUTHWEST
TRUCKEE MEADOWS CITIZEN ADVISORY BOARD**

On motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that Mary Dugan and Elaine Steiner be reappointed and Marc Marengi, Herbert Rubenstein and Ray Martin be appointed as at-large representatives on the Southwest Truckee Meadows Citizen Advisory Board with terms to expire June 30, 2006. It was further ordered that Thomas Whalen be appointed as an alternate at-large for a term to expire on June 30, 2005.

**04-586 REAPPOINTMENTS – SOUTHEAST TRUCKEE MEADOWS
CITIZEN ADVISORY BOARD**

On motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that Neil Upchurch and Joel Winitz be reappointed as at-large representatives on the Southeast Truckee Meadows Citizen Advisory Board with terms to expire June 30, 2006.

**04-587 REAPPOINTMENT/APPOINTMENTS – GALENA-STEAMBOAT
CITIZEN ADVISORY BOARD**

On motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that Paul Grace be reappointed and Nancy Blaich, Floyd Rowley and Dena Wiggins be appointed as at-large representatives on the Galena-Steamboat Citizen Advisory Board with terms to expire June 30, 2006.

**04-588 APPOINTMENT – WASHOE COUNTY PLANNING
COMMISSION**

Chairman Shaw noted a public comment card from Robert Cameron, but he was no longer in attendance at the meeting.

Following discussion and recommendations, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman

Shaw ordered that David Rigdon be appointed to the Washoe County Planning Commission with a term to expire June 30, 2008.

04-589 **BILL NO. 1422 - AMENDING WCC CHAPTER 110 –
COMMUNICATIONS FACILITIES**

Mike Harper, Planning Manager, gave background on the ordinance as outlined in the agenda memorandum dated May 26, 2004.

Commissioner Sferrazza stated he would only support these in residential areas if there were no substantial alternatives. Mr. Harper explained the Telecommunications Act makes it clear that local government cannot prevent the ability of carriers to have coverage, but local government can regulate aesthetics. He said staff is very uncomfortable prohibiting communication facilities in residential areas. He cited an example from a community in New Mexico that attempted to do that and they were fined \$250,000.

In response to Commissioner Galloway, Mr. Harper reviewed the noticing procedure followed by staff. Commissioner Galloway requested that notice be given to all property owners within 500 feet when an administrative permit is under consideration. Mr. Harper noted this is the same requirement for special use permits.

Commissioner Sferrazza inquired if this bill would open up County parks or other areas to have the communication facilities in them. Mr. Harper explained it would not affect County parks, but State law indicates that State and local government facilities need to be made available. Standards can be established for their availability, but if they meet the criteria established in the code, they could be erected on County buildings. He said charging rent would be taken up under a separate agenda item, as the code does not set up a rental fee schedule. Mr. Harper clarified this bill does not force a public or private property owner to accept a cell tower.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the proposed ordinance be amended to incorporate the requested noticing requirements.

Bill No. 1422, entitled, "AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, ARTICLE 324, COMMUNICATIONS FACILITIES, BY REMOVING RESTRICTIONS REGARDING PLACEMENT OF PRIVATE SATELLITE DISHES AND UPDATING STANDARDS FOR THE PLACEMENT OF COMMERCIAL SATELLITE DISHES IN RESPONSE TO TECHNOLOGICAL ADVANCES IN THE FIELD; TO UPDATE STANDARDS FOR THE TOWER HEIGHT OF PRIVATE COMMUNICATIONS ANTENNAS TO PROVIDE CONSISTENCY WITH WIRELESS FACILITIES; TO PROVIDE NEW DEFINITIONS WHERE APPROPRIATE, TO SPECIFY WIRELESS FACILITIES IN ORDER OF PLACEMENT PREFERENCE; TO ESTABLISH

DEVELOPMENT STANDARDS FOR WIRELESS COMMUNICATION FACILITIES (CELLULAR FACILITIES) IN RESPONSE TO THE 2003 LEGISLATIVE SESSION CHANGES TO STATUTES PROHIBITING THE ISSUANCE OF DISCRETIONARY PERMITS FOR WIRELESS FACILITIES; TO INCLUDE SPECIFIC PERMIT SUBMITTAL REQUIREMENTS TO SUPPORT ADMINISTRATIVE DECISIONS FOR ESTABLISHMENT OF A COMMUNICATION SITE; TO ESTABLISH AN APPEAL PROCESS OF ADMINISTRATIVE DECISIONS AS MANDATED BY STATE LAW IN REGARD TO WIRELESS COMMUNICATION FACILITIES; TO PROVIDE A MECHANISM TO RECOUP ACTUAL COSTS INCURRED BY THE COUNTY FOR EXPERT TECHNICAL REVIEW OF WIRELESS FACILITIES, PROVIDING FOR PROPERTY OWNER NOTICE PRIOR TO ISSUANCE OF BUILDING PERMIT FOR ALL WIRELESS FACILITIES, PROVIDING FOR A MANDATED DISCRETIONARY PERMIT FOR WIRELESS MONOPOLES AND LATTICE TOWERS, AND OTHER MATTERS PROPERLY RELATING THERETO" was introduced as amended by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

04-590 POSSIBLE AMENDMENT TO ARTICLE 220 OF THE DEVELOPMENT CODE – TAHOE AREA

Mike Harper, Planning Manager, reviewed the agenda memorandum dated June 4, 2004 giving background on possible amendments to Article 220, Tahoe Area, Washoe County Development Code and other potential mechanisms and planning approaches to address economic and business vitality in the North Stateline community.

Commissioner Galloway said the purpose of the possible amendments would be to increase the economic vitality of the area, but not to make it like the South Shore of Lake Tahoe. He remarked the off-season hurts the businesses in the North Stateline community; and business owners believe if there were special winter events, tourists would come to the area, especially if overnight accommodations were available.

Peter Wilday, architect, explained his idea would be to use the Old Tahoe Lodge style for an architectural theme. He described the limitations other buildings have had to work with in the community, and stated that the changes would allow for the Crystal Bay Club and the Tahoe/Biltmore to pursue additional rooms and room renovations. He said they would come forward with a plan to show exactly what it would look like for the area. He desires the businesses to come up with a look that would work well for the North Stateline community.

Commissioner Galloway commented the plans would be brought back to this Board for approval, and then they would go to the Tahoe Regional Planning Agency for their approval. He said the intent would be to give the property owners some latitude, and allow staff to have broad direction to pursue many options.

Chairman Shaw said he recently visited the area in discussion and commented that there was a lot of activity at the time, but he supports the idea of sprucing up the area and using banners for special events.

Commissioner Weber suggested the Board move forward with this and the recommendations by those who are working on it. She noted that winter months are very sparse and creativity is needed to bring more people into the area. She said she was in support of making the area a viable resource for the County.

Commissioner Galloway acknowledged Roger Norman, Washoe County resident, for his work in the area. Mr. Norman commented that the owners of businesses in the North Stateline community need help to create a better business atmosphere during the wintertime. He stated that having more hotel rooms in the area would help.

Upon recommendation of Mr. Harper, through Adrian Freund, Community Development Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that staff be directed to prepare possible amendments to Article 220, Tahoe Area, Washoe County Development Code, including, but not limited to, proposed amendments to the North Stateline Community Plan. It was further ordered that the use of banners and signs in specified locations for temporary events be allowed in the Tahoe plan area and be considered for other plan areas. It was noted that staff would return to the Board to present more specific information at a future date as determined by staff.

04-591 REPORTS/UPDATES FROM COUNTY COMMISSION
MEMBERS

Commissioner Weber stated she would be attending the Reconstruction of the V&T Railway meeting Monday, June 21, 2004 at 4:00 p.m. at the Legislative Building, and she invited anyone interested to attend.

Commissioner Galloway announced he would be substituting for Commissioner Sferrazza at the Nevada Association of Counties meeting on June 18, 2004.

Commissioner Humke said he regrets that he would not be able to attend the groundbreaking of the Mills Lane Justice Center, and he asked Chairman Shaw to convey an apology on his behalf at the dedication.

Commissioner Sferrazza stated he and Commissioner Weber would be attending the National Association of Counties meeting July 16-20, 2004 so they would both be absent from the Board of County Commissioners meeting on July 20, 2004.

County Manager Katy Singlaub said she has asked staff to take steps to cancel the July 20, 2004 meeting. She did acknowledge it would be the last meeting at which items could be identified for the ballot, so items would have to be completed by

July 13, 2004. She announced she would not be at the caucus on June 21, 2004, but she would be in attendance at the Board meeting on June 22, 2004.

Chairman Shaw said he would be attending the School District Bond Oversight meeting on June 17, 2004, and Commissioner Galloway confirmed he would not be able to attend and expressed his regrets.

04-592 2002 REGIONAL PLAN SETTLEMENTS AND ASSOCIATED ISSUES

Mike Harper, Planning Manager, referred to the staff report dated June 14, 2004 to answer Commissioner Galloway's questions regarding possible reasons for appealing the Regional Planning Commission's (RPC) decision to approve the Verdi Development Standards Handbook and related zoning that occurred at meetings on May 25, 2004 and June 4, 2004. Mr. Harper recommended that staff provide a more complete report for the Board at the June 22, 2004 meeting concerning the specifics of the two possible reasons for appeal.

Commissioner Galloway said he was agreeable to having the item return next week with more information and input from Citizen Advisory Board (CAB) members. He requested that staff confirm if this would be in line with the settlement agreement. Commissioner Galloway noted that he had not heard about this topic until reading it in a newspaper article.

Commissioner Weber stated she had not been made aware of this topic and CAB members had not been informed. She suggested the item be heard earlier at the next meeting, and County Manager Katy Singlaub noted her request.

Mr. Harper explained that on June 14, 2004 a 760 application for annexation for 7,600 acres that would split Cold Springs in half was submitted. A 760 application means it is outside the sphere of influence and, therefore, not contemplated as far as the Regional Plan for annexation. He noted the annexation request is scheduled for the first reading at the Reno City Council meeting on July 7, 2004, and possible adoption on July 21, 2004. Mr. Harper reviewed the staff report from the City of Reno dated June 11, 2004, and presented maps showing the areas to be impacted by the annexation, which were placed on file with the Clerk. He said the staff report does seek County input and this was questionable to County staff because of the City's recommendation for approval. Mr. Harper expressed that staff is extremely concerned about the timing of the application.

Commissioner Weber said this annexation, if approved, would tear apart the community in Cold Springs instead of bringing the community together. She affirmed this is the time for the public to take action.

Commissioner Sferrazza confirmed that Washoe County did approve the Lissner project in Cold Springs and did allow for non-rural development. He suggested

the City of Reno could be more receptive to not annexing the property if the County could make some kind of a real commitment that future development would never take place.

Commissioner Humke inquired if this action would be violating the Settlement Agreement, specifically concerning the direction from the Court to not make any major changes. Legal Counsel, Paul Lipparelli, responded that the application was submitted as a voluntary annexation under the State law, and State law permits a property owner to approach a City about annexation. He said that might be a basis for considering it outside of the realm of those annexation issues that are intertwined with the Regional Plan. Mr. Lipparelli noted the staff report received from the City of Reno had identified there was a pending application for annexation that preceded the period of time over which the settlement has jurisdiction. He acknowledged this would need to be explored and understood.

Mr. Harper confirmed staff would return to the Board with recommendations and comments on how to approach this annexation at the June 22, 2004 meeting.

In response to Commissioner Weber, Ms. Singlaub agreed that staff would notify the CAB members in Verdi, Cold Springs, and the North Valleys concerning the proposed annexation. She said staff would do all they could to notify property owners of the situation and the topic to be discussed at the next Board meeting.

COMMUNICATIONS AND REPORTS

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

COMMUNICATIONS:

- 04-593** A. Fully executed Affidavit of Mailing, delinquent taxes, 2003/04 tax year – Treasurer

- 04-594** B. Copy of fully executed NDOT Contract No. 3208, Project No. SPF-395-2(025), on US 395 from the Carson City/Washoe County Line to Bowers Mansion Road (SR429), Washoe County, Sierra Nevada Construction, Inc. Contractor. (documents forwarded to Public Works)

- 04-595** C. Copy of fully executed NDOT Contract No. 3199, Project Nos. STP-0191(053) and STP-0191(059), on SR 647, Fourth Street, at West McCarran Boulevard, on SR 667, Kietzke Lane, at Peckham Lane, on FR WA-24, Maple Street, FR WA-25, Eighth Street at I-80/Sierra-Virginia-Center Interchange and on multiple intersections within the Cities of Reno and Sparks, Washoe

County, PAR Electrical Contractors, Inc., Contractor. (documents forwarded to Public Works)

04-596 D. Application to the Public Utilities Commission for permit to construct electric utility facilities; Granite Fox Substation, Converter and DC Transmission Line.

04-597 E. Notice of Intent to Annex Land into the City of Sparks dated May 13, 2004 to annex 111.62 acres of land, generally located north of Disc Drive, west of Vista Boulevard, east of Sparks Boulevard and south of Los Altos Parkway, Washoe County, into the City of Sparks. (documents forwarded to Community Development)

04-598 **TAX DELINQUENT PROPERTY SALES**

Treasurer – Return of **Sale of Real Estate** held on April 27 and 29, 2004.

<u>Name</u>	<u>Parcel No.</u>
Cindy A. Fite and John D. Arnold	008-144-18
Cindy A. Fite and John D. Arnold	008-313-11
1705 Sabre Associates	034-361-20
William L. and Linda J. Kennedy	061-110-13
Kachina Investment Group LLC	061-220-16
Shields Ltd	061-230-20
Annetta Johnson	066-020-16
Silicon Valley Real Estate Investment Group	066-040-03
Evans D. Le and Nu T. Du	066-070-33
Alan K. Cridebring, Jr.	066-070-34
Dennis Blancey	066-070-37
David L. Wood	066-070-52
Kimberly A. Massey-Flores and Robert L. Flores	066-070-57
Quang Q. Le and Nu T. Du	066-070-68
Rene L. and Rosario M. Canlas	066-220-13
Raymond Louie	074-052-15
Raymond Louie	074-052-16
Marilyn J. Marshman	074-052-38
Robert and James Tobiassen	074-052-49
Teresa Deichler and Robert E. Candate	074-052-60
Shahzad Sarwar	074-090-16
Shahzad Sarwar	074-121-06
Shahzad Sarwar	074-121-19
Conda L. Brown	074-122-41
Mike Kincade	074-162-10
Silicon Valley Real Estate Investment Group	074-170-38

Kent Taylor	074-170-39
Porfirio and Donna Medina	074-181-26
Aman Daemi-Rashidi	074-181-42
Andrew S. and Beverly A. Jupina	074-182-06
Greg A. and Linda J. Kukuk	074-182-46
Terry Lee Taylor-Fernandez	074-182-48
Raymond Louie	074-182-50
Raymond Louie	074-182-63
Raymond Louie	074-182-64
Robert A. Eckert and Melinda S. Wein	074-190-02
Terry Lee and Kathryn Taylor Fernandez	074-190-06
Marilyn J. Marshman	074-201-05
Ajay and Ravi L. Bulchandani	074-202-03
Nabil A. Mowad	074-202-20
Gregory A. Forbes	074-333-01
Evelyn K. and Richard J. Rowe	074-380-08
George A. and Joanne A. Lambdin	074-412-47
D&E Properties LLC	074-420-22
Tom Leeper	074-431-19
Carmela E. Quintos	074-432-12
Kendal D. Mason	074-432-25
Irfan Khan and Riaz Siddiqui	074-461-03
Eloy Castro	074-461-04
Nathan G. Bertram	084-291-15
The Zasadny Family Trust Dated November 20, 1997	088-210-25
Jeff and Claudia Jones	045-310-53
Mary Bartell	043-111-09
Mary Jaye and Eric Nyholm	039-137-07
Peter M. Parker	049-161-08
Gary Schmidt	085-610-31

REPORTS – Quarterly (March 2004)

04-599 A. Washoe County School District

BUDGETS – 2003-2004

04-600 A. Gerlach General Improvement District - Augmented

BUDGETS – 2004-2005

04-601 A. Carson-Truckee Water Conservancy District – Tentative

04-602 B. City of Sparks – Final

04-603 D. City of Sparks – Redevelopment Agency 1 and 2 - Final

- 04-604** E. Gerlach General Improvement District - Final
- 04-605** F. Palomino Valley General Improvement District – Final
- 04-606** G. Reno-Sparks Convention & Visitors Authority – Final
- 04-607** H. Sun Valley General Improvement District – Final
- 04-608** I. Verdi Television District - Final

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There being no further business to come before the Board, the meeting adjourned at 7:07 p.m.

JAMES M. SHAW, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Lori Rowe, Deputy County Clerk*