

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

AUGUST 10, 2004

PRESENT:

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

Nancy Parent, Chief Deputy Clerk
Katy Singlaub, County Manager
Melanie Foster, 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:

04-814 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the agenda for the August 10, 2004 meeting be approved with the following amendment: Item 26. C. Appeal Case No. AX04-008, Toiyabe Ranch Estates, was withdrawn and the hearing was cancelled.

04-815 PUBLIC COMMENTS

Gene Yup, Reno resident, spoke about the 250 homes that are to be built off Zolezzi Lane, and he admonished the Board for allowing the project to happen. He said his telephone calls to Commissioner Humke were never returned.

Al Hesson, Reno resident, stated that no one working full-time should be in poverty, and he called George W. Bush a world-class liar. He acknowledged the deaths and injuries of U.S. soldiers in Iraq.

Sam Dehne, local resident, announced his attendance at close to 3,000 government meetings in the County. He sang a song about himself.

Gary Schmidt, Washoe County resident, presented a letter, which was placed on file with the Clerk, from his attorney relating to ongoing litigation for the Board of Equalization and himself. He spoke against the District Attorney's Office and requested compensation from the County to pay for his own counsel on the matter.

**MANAGER'S/COMMISSIONERS' COMMENTS –
REPORTS/UPDATES FROM COMMISSION MEMBERS**

Commissioner Weber announced the Town Hall Meeting on August 12, 2004 from 6:00 p.m. to 8:00 p.m. in the Commission Chambers. She said she hoped members of the Citizen Advisory Boards, developers, and planners from the community would attend to hear an update on the Community Management Plans. She stated she was involved with a press conference on August 10, 2004 that announced the Prescription Relief Program. She explained that Washoe County received \$62,500 in community block grant funding to help families living in the unincorporated County that are low income and who qualify for the program.

Commissioner Sferrazza requested a Town Hall Meeting again for his District. He asked that the request for proposal for the conflict counsel return on an agenda for public discussion. He announced the Nevada Association of Counties (NACO) meeting would be on August 13, 2004. He further requested that the matter of placing sewer lines on Golden Valley Road and associated issues be placed on an agenda for discussion.

Commissioner Humke reviewed an e-mail he had received from a citizen, which was placed on file with the Clerk, concerning the Growth Task Force that was formed in Clark County. Commissioner Humke commented that the Growth Task Force recommendations for Washoe County would be on an agenda for discussion on August 17, 2004. He would be looking for many citizens to be involved in the Growth Task Force.

Commissioner Galloway reminded the Board that the Board of Equalization discussion about responsibilities and legal powers is coming forward, and he asked staff to add a response to the public comment made today. He said the comments were puzzling to him because he believed the lawsuits referred to had been dismissed weeks ago.

Chairman Shaw announced that he had the opportunity on August 6, 2004 to lead a press conference in reference to the Traffic Safety Task Force that Commissioner Weber was instrumental in forming in Sun Valley. Mary Peters from the Federal Highway Administration Office was in attendance to speak, along with the District Attorney, the Sheriff, family members and staff.

Commissioner Weber thanked Chairman Shaw for his part in the press conference, and she advised Commissioner Sferrazza that the Town Hall Meeting concerning the Community Management Plans included everyone in Washoe County.

04-817 **MINUTES**

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the minutes of the regular meetings of April 27, May 11 and May 17, 2004 be approved.

04-818 **AWARD OF BID – MOVING SERVICES FOR VOTING
EQUIPMENT - BID NO. 2448-04 – REGISTRAR OF VOTERS**

This was the time to consider award of bid for moving services for voting equipment for the Registrar of Voters. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on June 30, 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:

Sierra Moving Systems, Inc.
O'Brien's Moving

Upon recommendation of Charlene Collins, Buyer, through John Balentine, Purchasing and Contracts Administrator, and Dan Burk, Registrar, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that Bid No. 2448-04 for moving services for voting equipment for the Registrar of Voters be awarded to the lowest, responsible, responsive bidder, Sierra Moving Systems, Inc., in the amount of \$45,510.

It was noted the bid amount is based on their bid price of \$29.00/per hour/per man/per truck during normal business hours and \$3,750 for Property Insurance (all risk coverage). The value of this award could vary depending on when the move takes place with the bid price for after hours/weekends/holidays being \$40.00/per hour/per man/per truck.

04-819 **YOUTH ADVISOR II - JUVENILE SERVICES**

Upon recommendation of Mary Ann Woolley, Juvenile Services Division Director, through Leonard Pugh, Juvenile Services Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that Position #70001554 Youth Advisor II at Wittenberg Hall be increased from a permanent part-time position to a permanent full-time position. It was noted that the total cost estimate is \$7,171.81, which would be funded by the Juvenile Services Department salary savings in fiscal year 2004-05.

04-820

LICENSING AGREEMENT - SEQUOIA VOTING SYSTEMS, INC.
- REGISTRAR OF VOTERS

Sam Dehne, Reno resident, voiced his opposition to the new Sequoia touch screen voting hardware and Secretary of State Dean Heller. He said no one would ever know if his or her vote gets cast for the right person. He announced he was running for Mayor of Reno, but he would never get elected because Mr. Heller is organizing things.

Commissioner Galloway stated people are able to verify a record of their vote that would be retained in a ballot box, so there could be a recount of votes. He said he did not understand the misinterpretation of facts that led to an objection by Mr. Dehne.

Commissioner Sferrazza noted that the voting machines would not be the reason Mr. Dehne would not be elected the Mayor of Reno, but it would be because he has not filed to run for Mayor.

Upon recommendation of Dan Burk, Registrar, through Katy Singlaub, County Manager, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Software Licensing Agreement between Washoe County and Sequoia Voting Systems Inc. be approved and Chairman Shaw be authorized to execute the same. It was noted that there would be no cost to Washoe County through 2007 and; beginning with the year 2008, the annual licensing fee would be \$30,000, to be paid by Washoe County. It is also noted that this amount would remain the same through December 31, 2009 and increases in the annual fee would not exceed 10 percent per year of the annual licensing fee for the year 2005.

04-821

PROFESSIONAL SERVICES AGREEMENT - INTEGRA DESIGN
AND CONSULTING GROUP, INC. - RENO JUSTICE COURT

Upon recommendation by Edward Dannan, Reno Justice Court, Administrative Judge, and Marie Etchemendy, Reno Justice Court, Court Administrator, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the renewal of a Professional Maintenance and Development Services Agreement between Washoe County (Reno Justice Court) and Integra Design and Consulting Group, Inc., concerning software services to maintain Reno Justice Court Case Management System ("BADDOG"), in the not to exceed amount of \$61,920 per fiscal year, retroactive to July 1, 2004 through September 30, 2009, be approved and Chairman Shaw be authorized the execute the same.

04-822

SECURITY CONTRACT - WGBH EDUCATIONAL
FOUNDATION - ANTIQUES ROADSHOW - SHERIFF

Upon recommendation by Michael Gross, Sergeant, through Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that a security contract to provide

uniformed Deputy Sheriffs for security during the Antique Roadshow Appraisal Event on August 14, 2004 be approved and Chairman Shaw be authorized to execute the same.

04-823 ACCEPTANCE OF DONATION - ANIMAL SERVICES - 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 cash donation of \$300 from Cathy and Julie Baker and Friends in memory of Eddie Baker, Jr., to be used for animal rescue by Animal Services, be accepted. The Board extended their appreciation to the family and friends of Eddie Baker, Jr.

04-824 RESOLUTION - NEVADA DIVISION OF TRANSPORTATION – TRAFFIC SIGNAL - PUBLIC WORKS

Commissioner Galloway stated that the Resolution is a County action in support of the traffic signal, but it does not guarantee what the Nevada Department of Transportation (NDOT) will do. Chairman Shaw said he had a meeting a month ago with Pastor Steve Bond, a representative from NDOT, and staff and the Resolution was one of the items that came out of the meeting.

Upon recommendation of Clara Lawson, Engineer, and Rod Savini, Public Works Deputy Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that NDOT complete the design and construction of a traffic signal at Golden View Drive and Pyramid Highway SR 445, in conjunction with the Summit Christian Church funding, and the following Resolution be adopted and Chairman Shaw be authorized to execute the same:

RESOLUTION

WHEREAS, The Summit Christian Church has requested that a traffic signal be constructed at the intersection of Golden View and Pyramid Highway; and

WHEREAS, Summit Christian Church has offered to contribute \$125,000 toward construction of the traffic signal; and

WHEREAS, The traffic signal is within NDOT right-of-way; and

WHEREAS, NDOT has agreed to contribute \$100,000 toward the construction of the signal, a portion of which is staff cost to design and construct the signal, and

WHEREAS, NDOT funding offer expires September 2004; and

WHEREAS, Regional Road Impact Fee funding is used only for traffic signals at Regional Road Intersections; and

WHEREAS, Golden View is not considered a Regional Road; and

WHEREAS, Regional Road Impact Fee funding is not used for safety projects; and

WHEREAS, Washoe County does not fund traffic signal projects in NDOT right-of-way; and

WHEREAS, Washoe County Board of County Commissioners did not approve funding the project in the current fiscal year; now, therefore be it

RESOLVED, The Washoe County Board of Commissioners highly recommend that NDOT contribute additional funding in combination with total possible funding from Summit Christian Church to construct the traffic signal at the intersection of Golden View and Pyramid Highway.

04-825 CHANGE ORDER - FREHNER CONSTRUCTION - REGIONAL ANIMAL SERVICES CENTER EARTHWORK PROJECT - 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 change order number one for Washoe County Regional Animal Services Center Earthwork project, in the amount of \$46,760 to Frehner Construction, be approved and the Contract Administrator be authorized to execute the necessary documents.

04-826 LEASE AGREEMENT - CENTERPOINTE PROFESSIONAL BUILDING - UNIVERSITY OF NEVADA, RENO - COOPERATIVE EXTENSION - INCLINE VILLAGE - PUBLIC WORKS

Upon recommendation of Mike Turner, Facilities Management 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 a twelve month First Amendment to the Lease Agreement between Washoe County (Lessee) and Edward and Carol Jean Newman (Lessor), concerning the use of budgeted funds to continue uninterrupted occupancy within the Centerpointe Professional Building, for operation of the University of Nevada at Reno, Cooperative Extension Office at Incline Village, retroactive from July 1, 2004 through June 30, 2005, be approved and Chairman Shaw be authorized to execute the same.

04-827 **INTRASTATE/INTERLOCAL CONTRACT - NEVADA DIVISION
OF ENVIRONMENTAL PROTECTION - CLEAN WATER ACT
SECTION 208 - WATER RESOURCES**

Upon recommendation of Jim Smitherman, Water Resources Program Manager, and Jeanne Ruefer, Water Resources Planning Division 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 Intrastate Interlocal Contract between Washoe County and State of Nevada, Department of Conservation and Natural Resources and the Division of Environmental Protection for a Clean Water Act Section 208 Water Quality Management Planning Grant, extending the term of the contract to March 31, 2005, be approved and Chairman Shaw be authorized to execute the same.

04-828 **AGREEMENT - NATURE CONSERVANCY - MCCARRAN
RANCH RIVER WETLANDS PILOT RESTORATION PROJECT -
WATER RESOURCES**

Upon recommendation of Jim Smitherman, Water Resources Program Manager, and Jeanne Ruefer, Water Resources Planning Division 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 agreement between Washoe County and the Nature Conservancy, concerning the completion of the McCarran Ranch River Wetlands Pilot Restoration Project on the lower Truckee River, and the development of a restoration best management practices handbook, utilizing \$89,118 in Water Management funds, be approved and Chairman Shaw be authorized to execute the same.

04-829 **AMENDMENT TO AGREEMENT - U.S. GEOLOGICAL SURVEY
- DRY VALLEY GROUNDWATER RESOURCE EVALUATION -
WATER RESOURCES**

Upon recommendation of Jim Smitherman, Water Resources Program Manager, and Jeanne Ruefer, Water Resources Planning Division 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 amendment to the Joint Funding Agreement between Washoe County and the U.S. Geological Survey, concerning the Dry Valley Groundwater Resource Evaluation decreasing the federal cost share amount and the total project budget by \$18,660, be approved and Chairman Shaw be authorized to execute the same.

04-830 **CORRECTION OF FACTUAL AND CLERICAL ERRORS -
ASSESSOR**

Upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Galloway, seconded by Commissioner Humke,

which motion duly carried, it was ordered that the following Roll Change Requests, correcting factual errors on tax bills, and the Order directing the County Treasurer to correct the errors, be approved and Chairman Shaw be authorized to execute the same.

PROPERTY OWNER	APN NO.	AMOUNT	ROLL
Lake Group Investors II LLC	008-193-0	[-\$110.79]	2003 Secured
James D. & Lisa A. Zaccheo et al.	008-193-02	[-\$129.72]	2003 Secured
John T. Cimino Inc.	008-331-02	[-\$202.62]	2004 Secured
Western Nevada Holdings Inc.	013-260-01	[-\$2,225.13]	2003 Secured
Curtis B. Coulter	017-400-19	[-\$275.91]	2003 Secured.
George J. Aycock	032-022-35	[-\$50.23]	2004 Secured
A K C Inc.	032-022-40	[-\$110.43]	2004 Secured
George J. Aycock	032-022-44	[-\$96.07]	2004 Secured
Moreland Properties LLC	032-022-54	[-\$96.78]	2004 Secured.
Berry-Hinkley Enterprises	032-023-01	[-\$25.63]	2004 Secured
Meyer Investments LLC	032-023-02	[-\$100.24]	2004 Secured
Salvatore F.& Katharine N.Blancato Tr	032-023-10	[-\$87.85]	2004 Secured
Charles N. Mathewson Tr	040-640-06	[-\$433.23]	2003 Secured
Stephen & Darlene Jaffee	051-632-03	[-\$28.20]	2004 Secured
Oasis Mobile Estates LLC	083-291-02	[-\$322.48]	2004 Secured
Frederick Decker et al.	090-122-01	[-\$121.91]	2002 Secured
Frederick Decker et al.	090-122-01	[-\$120.80]	2003 Secured
Howard M. Amundsen ETTR	122-132-17	[-\$1,051.08]	2004 Secured
Michael & Shannon Hess et al.	122-135-01	[-\$23.69]	2001 Secured
Michael & Shannon Hess et al.	122-135-01	[-\$24.53]	2002 Secured
Michael & Shannon Hess et al.	122-135-01	[-\$24.45]	2003 Secured
Gerald T. & Diana G. Olson	122-212-15	[-\$844.74]	2004 Secured
Arthur Thomas	125-134-21	[-\$36.34]	2001 Secured.
Arthur Thomas	125-134-21	[-\$37.59]	2002 Secured.
Arthur Thomas	125-134-21	[-\$37.51]	2003 Secured
John L. & Anne H. Isaacson Tr	125-531-15	[-\$53.83]	2001 Secured
John L. & Anne H. Isaacson Tr	125-531-15	[-\$55.64]	2002 Secured
John L. & Anne H. Isaacson Tr	125-531-15	[-\$55.57]	2003 Secured
J. D. & Gretchen Lavich	160-270-36	[-\$701.92]	2004 Secured.
Travis & Laurie Coombs	402-281-38	[-\$256.61]	2002 Secured
Travis & Laurie Coombs	402-281-38	[-\$271.52]	2003 Secured

04-831 AUDIT ADJUSTMENT – WRITE-OFF CERTAIN BAD DEBTS – WATER RESOURCES

County Manager Katy Singlaub noted staff direction from the Board at the caucus meeting to pursue Small Claims Court on the accounts that would be appropriate concerning certain inspection and utility service accounts that have remained unpaid for a number of years.

Jerry McKnight, Finance Manager, explained that the \$44,012, as identified in the agenda memorandum dated July 14, 2004, was a matter of an agreement that had been structured with the developer back in 2002. He stated that because of the delay in the time the debt was incurred, and when it could be collected, it was not under the accounting rules that would have normally kept it on the books. The auditors wrote it off the County books on June 30, 2003. He said the Department of Water Resources (DWR) wanted the Board to be aware of the audit adjustment as the end of 2004 approaches and to know that action had been taken. He noted DWR is in negotiations with the developer at this time; and, as the Pleasant Valley Interceptor, which is the item the \$44,012 relates to, would be constructed over the course of the next couple of years, the debt would be able to be collected upon completion of the project.

Mr. McKnight detailed the two bankruptcy items for the Board and reviewed the additional four items listed on the staff report. Commissioner Galloway commented that no additional explanation was necessary because \$13,000 was not going to break the financial statement.

Commissioner Galloway inquired why the smaller debts, with the exception of the bankruptcy debts, had not been taken to Small Claims Court. Mr. McKnight responded that the information had been submitted to the District Attorney's Office, as all of the actions are handled through that office. Commissioner Galloway commented that professional attorneys cannot appear in Small Claims Court, but the DWR would have to send their own representative to present the case. Mr. McKnight confirmed staff would follow that process if that was the correct procedure, as it has not been done that way in the past. Commissioner Galloway requested the items be left on the books until the outcome of the proposed action is brought back to the Board.

Commissioner Sferrazza asked what services were rendered and why the amount of debt was allowed to accumulate for the people. Ms. Singlaub responded that the items were for development inspection services. Commissioner Sferrazza inquired as to why no liens were placed on the property before the property sold, so the County could recover the money at the time the property sold. Mr. McKnight explained the items date back to the early 1990's; and, on the large debt, the County did file to get a lien recorded, but the bankruptcy plan had already been approved. The letter from the attorneys stated it was too late to file a lien on that item.

Mr. McKnight stated that DWR has only a few of these cases and they are dated. He said normally DWR follows the procedure Commissioner Sferrazza outlined as far as filing liens; and the DWR has the ability to put the utility bills directly on tax bills in most cases, so people are required to pay. He confirmed there is little loss in the utility operation.

Upon recommendation of Mr. McKnight, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, Chairman Shaw ordered that the bankruptcy debt items be written off, and

with respect to the others items, staff be directed to attempt Court action and, if that fails, to return to the Board for further direction.

04-832 SPANISH SPRINGS VALLEY WATER SYSTEM FACILITY PLAN
- WATER RESOURCES

Rick Warner, Senior Licensed Engineer, presented a PowerPoint presentation outlining the Spanish Springs Valley Water System Facility Plan, which was placed on file with the Clerk. He acknowledged the many people who had worked on the four-year project. Chairman Shaw thanked Mr. Warner for his labor on the project.

Upon recommendation of Mr. Warner, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the Spanish Springs Valley Water System Facility Plan be approved.

04-833 RESOLUTION – AUGMENT BUDGET – MILLS B. LANE
JUSTICE CENTER – FINANCE

Upon recommendation of Kim Carlson, Fiscal Analyst, through John Sherman, Finance Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the publication of a notice of intent to augment the budget be acknowledged, and the following Resolution be adopted and Chairman Shaw be authorized to execute the same. It was further ordered that the Comptroller be directed to make the appropriate adjustments.

RESOLUTION

**A RESOLUTION TO AUGMENT THE PUBLIC WORKS CONSTRUCTION
FUND**

WHEREAS, The Public Works Construction Fund will experience an increase in appropriations due to costs associated with the construction of the Mills B. Lane Justice Center; and

WHEREAS, Additional revenues will be available for the City of Reno's portion of the project pursuant to an interlocal agreement between the parties;

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

Section 1. That the budget of the Public Works Construction Fund be augmented as follows:

Increase Revenues

PW920329-433300 Local Contributions \$15,126,300

Increase Expenditures

PW920329-710400 Payments of Other Agencies \$15,126,300

Section 2. This Resolution shall be effective on passage and approval and the augmentation will be effective upon delivery of an executed copy of this Resolution to the Department of Taxation pursuant to NRS.354.498005.

Section 3. The County Clerk is hereby directed to distribute copies of the Resolution to the Department of Taxation, the Comptroller and the Finance Department.

04-834 HISTORICAL REVIEW OF DEFERRED COMPENSATION 457 PLAN – HUMAN RESOURCES

Upon recommendation of Joanne Ray, Human Resources Director, through John Berkich, Assistant County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that receipt of the Historical Review of the Washoe County Deferred Compensation 457 Plan, Providers and Committee activities be acknowledged.

04-835 ACCEPTANCE OF GRANT AWARD – UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE – SHERIFF

Upon recommendation of Valerie Gilmore, Fiscal Compliance Officer, through Dennis Balaam, Sheriff, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the grant from the United States Department of Justice, Bureau of Justice Assistance, in the amount of \$477,898 be accepted and the Finance Division be directed to make the following budget adjustments:

State Criminal Alien Assistance Program (SCAAP)
Fiscal year 2004-05 Budget Adjustments

Expenditure Budget Authority	Revenue Budget Authority
SCAAP Equip > \$10,000 10060-781004 \$137,989	SCAAP-Federal Grants 10060-431185 \$477,898
Public Works Jail Alien Reim Water Heater-Equip > \$10,000 PW920457.61-781004 \$ 50,000	
Public Works Jail Alien Reim Infirmary	

Remodel Building and Imprv> \$ 10,000 PW920457.62-781002 <u>\$290,000</u>	
Total \$477,989	Total \$477,898
Transfer Out Budget Authority	Transfer In Budget Authority
General Fund Transfers-Transfer to Public Works – Note this is needed so that the cash will get from the General Fund to Public Works 10060-814092 <u>\$340,000</u> Total \$340,000	Public Works Jail Alien Reimbursement PW920457.01-621001 <u>\$340,000</u> Total \$340,000

**04-836 AWARD OF BID – COLD SPRINGS WATER RECLAMATION
FACILITY EXPANSION PROJECT - BID NO. PWP-WA-2004-252
– WATER RESOURCES**

This was the time to consider award of bid for constructing the Cold Springs Water Reclamation Facility Expansion Project for the Water Resources Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on May 26-29 and 31, and June 1-5 and 7-11 2004. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

- K. G. Walters Construction Co., Inc.
- Pacific Mechanical Corporation
- Kiewit Western Co.
- Shaver Construction, Inc.

Upon recommendation of Joe Howard, Engineer, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that Bid No. PWP-WA-2004-252 for constructing the Cold Springs Water Reclamation Facility Expansion Project for the Water Resources Department be awarded to K.G. Walters Construction Company, Inc. in the amount of \$6,490,077. It was further ordered that Chairman Shaw be authorized to execute the contract documents upon receipt; the Engineering Manager be authorized to issue the Notice to Proceed; and the Water Resources Director be directed to amend the current engineering contract with Kennedy/Jenks Consultants, Inc. to provide construction management and support services for an amount not to exceed \$939,900.

**RESOLUTIONS – WATERFALL FIRE INCIDENT –
EMERGENCY MANAGEMENT**

John Slaughter, Emergency Management Services Director, presented a video and commented on the Waterfall Fire incident. He noted most of the video was filmed on July 15, 2004, which was the second day of the fire.

Marty Scheuerman, Reno Fire Department and Incident Commander for the Waterfall Fire, remarked that there were minimal losses and excellent cooperation from all entities involved. He said advanced planning helped to lessen the damage of the fire. He added, as local governments begin to acquire properties for open space, a management plan needs to be in place to encompass managing the open space for wildlife, fire protection, and the safety of the residents.

Tim Rochelle, Regional Forester, reported on the costs of the Waterfall Fire, the damage to homes and businesses, and the areas that were burned. He commented on the National Fire Plan Workshop that was held by the Carson Ranger District three years ago and the vital information pulled from numerous fire protection districts, homeowners, and governmental entities in identifying areas where fuels projects would offer the most protection. Chief Rochelle stated no homes were lost in the Lakeview subdivision due to the suppression efforts of multiple firefighting agencies and homeowners taking action to reduce fuels on their properties. He acknowledged that homeowners must be conscientious partners to motivate communities to take responsibility for reducing their vulnerability to wildland fire.

Chairman Shaw inquired if there was an update on the exact cause of the fire, and Chief Rochelle said all that is known is that it was a person caused fire.

Commissioner Galloway pointed out that the majority of the fire took place on publicly owned land, and he inquired if the Forest Service land and the Carson City owned land were in acceptable conditions. Chief Rochelle responded that some of the inaccessible areas were not in desired condition.

Commissioner Humke stated a key factor in the firefight was the Forest Service naming the fire a Type I fire. He inquired if the conditions the fire presented brought that naming about or did Forest Service representatives make the decision. Chief Rochelle responded that it was a unified decision based on the complexity of the fire. Chief Scheuerman explained what is involved in identifying a fire as a Type I fire, and he described the team that is part of a Type I fire.

County Manager Katy Singlaub thanked all the people involved in fighting the fire. She responded to the issue of fire management planning for open spaces, and she explained that the Federal Government owns most of the County's open space acquisitions. The lands transfer into Federal Government ownership and management plans are completed cooperatively with the Federal Government agencies. She noted that the 1/8 cent sales tax increase advisory question that is proposed on the ballot includes

forest and fuels management as an eligible expenditure of those funds should it pass and should the County have the opportunity to have it approved by the Legislature.

Chief Scheuerman announced a meeting at Pleasant Valley Elementary School on August 11, 2004. He said the Forest Service would be going over their fuel management plan for northern Washoe Valley, and he urged the public to attend.

Pete Anderson, State Forester Fire Warden, thanked Washoe County for the paid and volunteer staff that was a part of fighting the fire. He said that on August 5, 2004 he showed the Secretary of the Interior the fire and the evident fuels work mentioned by Chief Rochelle. He stated the Carson City water system is in trouble and the City is faced with the tremendous challenge of rehabilitating the water shed.

Sam Dehne, Reno resident, said that the firefighters are heroes and the Board and all entities involved should have implored the Governor to have firefighting C130's available and on alert for the Nevada Air National Guard to assist in fighting the Waterfall Fire.

Upon recommendation of Mr. Slaughter, through Ms. Singlaub, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the report on the Waterfall Fire incident be accepted and the following resolutions be adopted and Chairman Shaw be authorized to execute the same:

**RESOLUTION COMMENDING STAFF AND VOLUNTEERS
FOR EFFORTS DURING THE WATERFALL FIRE**

WHEREAS, our entire region relies upon a multi-tiered emergency response system for the protection of lives and property during times of emergency; and

WHEREAS, this emergency response system could not exist without the dedicated staff and volunteers from a multitude of agencies from throughout the region who respond to all types of emergency events, including wildland fires; and

WHEREAS, the Waterfall Fire, a wildland fire in the urban interface of Carson City and Washoe County started on July 14, 2004 and was not controlled until July 27, 2004, consumed 8,723 acres, forced the evacuation of hundreds of residents of Carson City and Washoe County, destroyed 17 homes and one commercial building; destroyed 51 vehicles, including 4 emergency response vehicles; and damaged 48 other homes and structures; and

WHEREAS, during the events of the Waterfall Fire, staff and volunteers from throughout the region responded in an overwhelming effort to minimize the loss of life and property; now, therefore, be it

RESOLVED, that the Washoe County Board of Commissioners, on behalf of the residents of Washoe County, extend heartfelt gratitude to the many staff and

volunteers who responded, and commend their tremendous effort in response to the Waterfall Fire in July, 2004. The Board's thanks goes to the staff and volunteers of the Reno Fire Department, the Pleasant Valley Volunteer Fire Department, the Washoe Valley Volunteer Fire Department, the North Lake Tahoe Fire Department, the Nevada Division of Forestry, the Galena Volunteer Fire Department, the Sparks Fire Department, the Carson City Fire Department, the United States Forest Service, the Bureau of Land Management, the Washoe County Sheriffs Office, the Washoe County Animal Control Division, the City of Reno Regional Public Safety Dispatch Center, the Washoe County Department of Social Services, the Washoe County Emergency Management Program and the Washoe County Manager's Office.

RESOLUTION URGING PROPERTY OWNERS OF WASHOE COUNTY TO EMPLOY DEFENSIBLE SPACE PRACTICES

WHEREAS, much of Washoe County is considered a high hazard fire environment, possessing all the elements to support large, intense, and uncontrollable wildfires; and

WHEREAS, recent events have shown this fire danger is not limited only to rural areas of Washoe County, but exists throughout the region, and serves as a reminder that property owners have an important role in reducing the threat and impact of wildfire by creating defensible space around their home and property; and

WHEREAS, "defensible space" refers to those areas between a structure and an oncoming wildfire where the vegetation has been modified to reduce the wildfire threat and provides an opportunity for firefighters to effectively defend against the fire, and

WHEREAS, the University of Nevada, Reno (Cooperative Extension) and the Sierra Front Wildfire Cooperators offer a program for homeowners entitled "Living With Fire" that provides detailed information and guidance on implementation of pre-fire activities such as defensible space; therefore, be it

RESOLVED, that the Washoe County Board of Commissioners urges all property owners in the region to learn the principles of "Living With Fire" and to employ defensible space practices to protect property against wildland fire.

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Commissioner Sferrazza requested a report on the four homes that were recently burned in his District. Ms. Singlaub said that would be placed on a future agenda for discussion and information.

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**APPEARANCE – LORI WILLIAMS – TRUCKEE RIVER FLOWS
AND TRUCKEE MEADOWS WATER AUTHORITY - WATER
SUPPLY OPERATIONS**

Lori Williams, Truckee Meadows Water Authority (TMWA) General Manager, displayed slides and presented a report on anticipated Truckee River flows and the TMWA water supply operations for 2004, which were placed on file with the Clerk.

In response to Commissioner Sferrazza, Ms. Williams explained that TMWA completed a water resource plan that the TMWA Board adopted earlier this year, and that has a modified nine-year drought planning standard. She noted this was a conservative standard.

Commissioner Sferrazza said staff had recommended an eight-year drought cycle, while the TMWA Board approved a nine-year cycle. He inquired as to what would happen if the area goes into a ten-year drought and development has been allowed to occur with lesser amounts of dedicated water. Ms. Williams explained there is opportunity to adjust as events develop in the future. She confirmed, at the end of the nine-year cycle, the area would not be out of water because there are options still available to meet the need.

Commissioner Sferrazza asked what the impact on development would be having moved from a ten-year drought cycle to nine-year cycle. Ms. Williams stated that it added 10,000 acre-feet of committable demand to the yield calculation, and the current dedication requirement per residence is two homes per acre-foot.

Commissioner Galloway asked who were the private owners of the privately owned stored water, and Ms. Williams explained that TMWA owns the storage rights in Donner Lake. Commissioner Galloway inquired why it is called privately owned stored water when TMWA is a public agency. She further explained that it is general terminology TMWA developed in negotiations under the Truckee River Operating Agreement (TROA); and it is called privately owned stored water because most of the other water in the reservoirs currently is either fish credit water, fish water or Floriston rate water. In response to Commissioner Galloway, Ms. Williams stated .11 acre-feet per acre-foot of demand is the fraction the homeowner or property owner must dedicate for the water rights for that water. She commented, when the drought cycle changed from ten to nine years, the yield of resources went up during that period because of the way the water supply is managed. Commissioner Galloway said more development could be afforded and served because of the new calculation, and Ms. Williams concurred.

Commissioner Weber encouraged other Commissioners to participate in the tour offered by Ms. Williams. She said she found it to be beneficial and informative.

Commissioner Galloway inquired if the water rights that have been previously dedicated for stored water still remain; and Ms. Williams stated the water rights are there, and they need to remain to meet the drought supply for the community.

Chairman Shaw asked if the water patrol was operating, and Ms. Williams confirmed that to be true. She noted that the TMWA Board authorized TMWA to issue citations on customers' water bills. She added that the water patrol would become an important part of the Fall water savings campaign that is to be launched to preserve as much of the drought reserves as possible.

Al Hesson, area resident, stated water is in short supply in the Truckee Meadows and water experts need to start representing the real facts and situations concerning water. He read parts of several letters written by citizens pointing out that the area is in the fifth year of a drought, Washoe County is located in a desert, and the water supply is a problem throughout the State of Nevada. Mr. Hesson noted many water experts who are saying there will be enough water until 2025, yet 7,000 homes are proposed for Cold Springs with no plan for their water supply.

04-839 TRUCKEE MEADOWS WATER AUTHORITY – TRUCKEE RIVER FUND – FUND ADVISORS PANEL

County Manager Katy Singlaub noted at the July 27, 2004 meeting the Board asked staff to contact seven individuals, and she acknowledged that all the individuals were contacted and were willing to serve if the Board desired.

Commissioner Sferrazza said there was debate about the appropriateness of monies being taken from the ratepayers and placing those monies into a private foundation. He did not vote in support of this at the Truckee Meadows Water Authority (TMWA) Board meeting, but he felt that since the majority of the TMWA Board members did support the item, the Commission would be better served by appointing three members to the committee.

Lori Williams, TMWA General Manager, confirmed that during the budget hearing in May, the TMWA Board voted to fund a line item in the budget for developing a river foundation project. She explained at the July meeting TMWA staff recommended that the Board operate the river foundation project through the established Community Foundation. She said the fund would provide an opportunity for meaningful projects on the Truckee River that could enhance water quality to the benefit of the Authority.

In response to Chairman Shaw, Ms. Williams confirmed the amount of money for the fund had remained at \$340,000. She said the TMWA Board is looking to put together a group of fund advisors who would review submitted projects and make recommendations to the Board.

Commissioner Humke stated he had questions about the legality of taking ratepayer money and turning it over to a charitable organization. He said he did not think the ratepayers intended that their money be given away, even if it was for a positive purpose.

Sylvia Harrison, Legal Counsel for TMWA, commented that they did scrutinize the statutory authority for the use of money for this purpose; and they are relying upon NRS 268.028 and NRS 244.1505, one of which applies to cities and the other to counties. She said these statutes authorize cities or counties to expend money for public purposes by giving money to a charitable organization. She confirmed the money would be going to 501C3 organizations that would be eligible to receive the money. Ms. Harrison remarked that TMWA's authority derives from the authority of its members, and it was concluded that TMWA would be on solid legal ground in this matter. She noted whether or not the revenues could be used for that purpose is a policy decision that the TMWA Board has decided is an appropriate furtherance of public policy.

Commissioner Humke inquired, as to NRS 244.1505, if there is a provision for a triple majority vote. Ms. Harrison said it requires that such grants be made by resolution, which specifies the purpose. Commissioner Humke asked if Washoe County would have a voice in this; and Ms. Harrison stated that Washoe County's member could bring any concerns of the Commission forward to Commissioner Sferrazza, and Commissioner Sferrazza could relay the concerns to the TMWA Board.

Commissioner Sferrazza stated that he voted against the appropriation of the funds, as a member of the TMWA Board, and the vote was not unanimous. Ms. Harrison said the motion to create the fund and to direct staff to begin working on the by-laws, structure, and implementation was a unanimous vote.

Commissioner Galloway said he was not in agreement with TMWA taking ratepayer money and paying it over to a charity. He stated he did not regard TMWA as general government; and, regardless of the technicality of the law, as referred to by Ms. Harrison, these powers were not intended to apply to utility organizations or other groups of more limited purpose. He acknowledged his support of the appointment of the people to the panel, and he hoped the representatives would be mindful of these concerns.

Commissioner Weber stated this Board should inform the public about the situation, and discuss with the TMWA Board a reconsideration of using the ratepayers' money for such an inappropriate use.

Chairman Shaw inquired as to the timeline of the distribution of the money. Ms. Harrison explained that there is an agenda item at the August 11, 2004 meeting to approve a draft agreement with the Community Foundation that sets out the general framework for directing the fund advisors to meet to create by-laws. The agenda item allows an opportunity for the TMWA Board to discuss in detail the precise purpose and limitations of the use of the funds, and that resolution would be used to authorize the use of the funds. She said there is the opportunity to finalize everything at the August 11,

2004 meeting, but she would be surprised if the Board would finalize the agreement tomorrow.

In response to Chairman Shaw, Ms. Harrison explained that she views this as no different from the use of funds that are authorized by the Legislature. She confirmed she sees the public purposes that are authorized in the Legislature as analogous to the public purposes that TMWA is attempting to accomplish by this fund.

Commissioner Humke said he believed that voting to approve the representatives for this purpose at this time would ratify the legal position that this is appropriate by the minimal legal standard. He confirmed he would not be voting for these representatives at this point in time.

Commissioner Sferrazza pointed out that this would be the first time the County would have three representatives on a nine member Board, and that would increase the County's representation as to the expenditures of these funds. He did vote for the formation of the panel; and he believes the Commission could say, by this appointment, that the Commission is not ratifying the appropriation or the expenditure of those funds. He acknowledged that if the Commission failed to appoint the representatives, this could allow the six members from Reno and Sparks to decide how the funds would be allocated. He noted there is no requirement of how the funds should be spent, so he believes the representatives need to be appointed to the panel, especially if they start meeting and making decisions as to appropriations. He suggested that the Commission could instruct the three representatives as to the issue that has been identified.

Commissioner Weber disagreed with Commissioner Sferrazza and stated the Commission should not participate and should not appoint representatives because of the Commission's opinion that it is not right that ratepayers would pay for the fund. She noted the ratepayers are the ones the Commission needs to consider.

Commissioner Galloway suggested the Commission make appointments to the panel under protest of the appropriation of the funds, or continue the matter to allow for time to interview the possible representatives to find out how they feel about the use of ratepayer money for these purposes.

Ms. Harrison said she believed it was the intention of the TMWA Board to set the potential fund advisors in place quickly because the TMWA Board was interested in receiving input from stakeholders in the Truckee River about how this fund might be administered and what the appropriate purposes might be.

Chairman Shaw inquired who would be presenting the agenda item to the Board, and Ms. Harrison responded that she would be. Chairman Shaw asked how the Commission's views would be communicated to the TMWA Board at that meeting, beyond comments from Commissioner Sferrazza. Ms. Harrison answered that it is an

open meeting, and she would deliver a message to the TMWA Board from the Commission.

Gary Schmidt, Washoe County resident, voiced his agreement that this is an inappropriate use of funds, and citizens should make the decisions on how they spend their money. He offered three suggestions to the Commission on how they could handle the appointments to the panel.

Michael Cameron, representative of the Nature Conservancy of Nevada, disclosed that he had been appointed to the panel by the City of Reno. He spoke in favor of the general idea of the fund, and he encouraged the Commission to allow for the development of the guidelines for how the funds would be expended. He said, as long as the water quality and watershed health of the river is the purpose to which these funds are directed, the best interest of the ratepayers would be served. He added that it was too early to judge that the use of the funds would be inconsistent with the interests of ratepayers.

Elisa Maser, Board member of the Champions of the Truckee River and TMWA ratepayer, noted the comments about ratepayer dollars going to charitable causes and said she does not see the Truckee River as a charity. She believed it to be appropriate for TMWA to protect its number one asset. She expressed that the best way to address all of the concerns would be to have all voices represented. She urged the Commission to appoint the representatives; with whatever caveats or concerns the Commission has, to allow the representatives to be part of the discussion.

Sam Dehne, Reno resident, stated that each member of the TMWA Board should give \$10,000 of their own money to support this fund. He questioned where the friends of the Truckee River were when the plans for the kayak course on the river were made. He said he does not agree with the potential appointments.

Commissioner Sferrazza made the following motion:

1. Appoint Susan Lynn, Arlan Melendez, and Gene Gardella to the panel.
2. Instruct the representatives that the principle concern of the Commission is that ratepayer money is being diverted to charitable purposes.
3. The representatives would review that concern and in their decisions insure there is a nexus between the monies expended and a benefit to the ratepayer as a whole, specifically in terms of reducing rates and improving water quality.
4. Instruct the District Attorney to review the legality of diverting these monies to a charitable foundation.
5. The District Attorney return to the Commission with a recommendation of any legal action that may be taken in the future.

He further moved that the Commission does not in any way gratify or condone appropriation of those funds by these appointments. Chairman Shaw seconded the motion.

Commissioner Humke amended the motion to continue the item. He said he did not disagree with many of the concepts stated by Commissioner Sferrazza, but he questioned how the Commission could appoint people and bind them to the Commission's desires. He acknowledged that the Commission needs time to construct a set of rules that would be given to the appointees. He noted the second part to his motion of continuance would be to reserve Washoe County's position as to its right to name three persons to the panel, if the Commission desires and if it is deemed legal. Commissioner Weber seconded the amended motion.

Commissioner Sferrazza stated he would agree to continue the matter, and he urged his fellow Commissioners to attend the TMWA Board meeting on August 11, 2004 to voice their concerns because he has had no success in getting the Board to change their position. He explained that he would carry the Commission's message back to the TMWA Board, but he believed the Commission should be prepared to commence legal action or appoint three members to serve on the panel with instructions from the Commission.

Chairman Shaw said his concern was that the item was on a fast track; and, if the item was continued, the County could be left without representation on the panel. Commissioner Humke stated he was assuming good faith and fair dealings with the representatives from the Cities on the TMWA Board.

On call for the question, the amended motion carried on a 4-1 vote, with Commissioner Sferrazza voting "no." Commissioner Sferrazza said he would not support the amended motion because, by continuing the item, the County could lose their voice on the panel.

ALLOCATIONS OF CONTRIBUTIONS TO COMMUNITY ORGANIZATIONS – CONTINUED

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the discussion and possible direction to staff regarding methodology by which Washoe County allocates contributions to community organizations seeking financial support be continued.

04-840 DENIAL OF REFUND OF TAXES – ROBERT AND DOROTHY COLBERT – DISTRICT ATTORNEY

Blaine Cartlidge, Deputy District Attorney, reviewed the agenda memorandum dated June 30, 2004 giving background on the request for refund of taxes on real property from Robert and Dorothy Colbert. He said the legal analysis was

extensive, the result of his in-depth research was that there was no refund to be made, and the recommendation would be for denial of the refund claim.

In response to Commissioner Humke, Mr. Cartlidge stated he has not researched the legal influence of the Recorder's Office making recordings on this property. He commented when the Recorder's Office accepts a document and approves it for recordation, they are examining the form of the document to insure that it complies with statutory prerequisites.

Cami Freeman, family member representing the Colberts, explained that her Godfather, Harry Richman, left the property to her parents in 1972, so the family has been under the impression that they have owned the property all along. She confirmed the taxes were paid from 1949-1999. She noted that in 1999 the family visited the property after receiving a letter from the Bureau of Land Management (BLM) informing the family that they did not own the land, and at that point the family stopped paying taxes. She said the statute of limitations is frustrating because the family hired an attorney immediately after receiving the letter from the BLM, and the BLM would not respond to the case. She believed the BLM allowed the time to run out on their decision until the three-year statute of limitations had passed; and when the title application was denied, the family did not take the case any further because of the costs involved. She urged the Board to refund the taxes because the family was entitled to receive the refund.

Commissioner Humke asked if Ms. Freeman believed there were problems with the chain of title, and she concurred. He inquired if she had a copy of the deed in her records, and she said she did not. Commissioner Humke and Ms. Freeman discussed Exhibit 1, which was placed on file with the Clerk, and the problems with the chain of title of the property. Ms. Freeman questioned, if no homestead was ever granted officially, how could the property be sold back and forth between people. She expressed that it was shocking to her family to research and find that they never truly owned the property, yet they paid taxes on the land for 50 years. She added the family had no prior knowledge of any of the history of the property, and there was never any wrongdoing on their part. They paid the taxes in good faith, and the family should be refunded the taxes if the BLM says the family never owned the land.

Commissioner Sferrazza informed Ms. Freeman that the family would have recourse against the predecessors in the chain of title, and he inquired if they had taken legal action against any of them. Ms. Freeman explained that the family has not filed a suit against any of the successors because most of the people are dead. Commissioner Sferrazza said the chain of title did indicate that the property interest was not treated as a deeded interest, but as a possessory interest based on a grazing lease; and it implies that the property was used and taxed as a possessory interest, not as a deeded property. Ms. Freeman said Mr. Richman could have leased the land for grazing, but she could not confirm that.

Mr. Cartlidge stated he was sympathetic to the case; and, as suggested in the opinion letter, there does not appear to have been a standard escrow opened on these

transfers for the preliminary title report, title investigation, and title insurance to be obtained. He believes that is why none of these issues rose to the surface prior to the 1999 visit from the family. He explained, when the Legislature deemed that the statute would be stated as it is, with no opportunity to consider equitable circumstances to delay the statute of limitations, that is what has to be followed.

Gary Schmidt, Washoe County resident, suggested that perhaps the position could be taken that the three-year statute of limitations might toll at the result of the District Court ruling that said they did not own the property, which came within the last several months.

Commissioner Galloway asked for Legal Counsel's opinion on Mr. Schmidt's comments; and Melanie Foster, Legal Counsel, responded that there are limited circumstances in Nevada under which the statute of limitations toll. In a situation like this, there is no tolling provisions that she could identify that would apply. Mr. Cartlidge confirmed there is no equitable considerations allowed under the wording of statute by the Legislature; and the statute says that the three years begins from the time the claim was incurred, which is when the tax was paid, and the last tax was paid for the fiscal year 1999-2000. Mr. Cartlidge clarified that it was not a Court decision in this case, but an administrative decision within the BLM title application appeal process.

Ms. Freeman added that last year the family mailed a check for the prior years' taxes even without receiving a bill, but the check was not cashed or acknowledged.

Commissioner Galloway stated the law does not give the Board any other choice except to deny the request. Commissioner Sferrazza said he would support the denial, but there was negligence on the part of the parties involved.

Upon recommendation of Mr. Cartlidge, as stated in D.A. Opinion No. 6429, on motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, it was ordered that the District Attorney's recommendation to deny the refund request be approved and Chairman Shaw be authorized to execute the Decision reflecting the same.

**04-841 INTERLOCAL AGREEMENT - STATE OF NEVADA WELFARE
DIVISION, DEPARTMENT OF HUMAN RESOURCES -
MASTER'S SYSTEM - SECOND JUDICIAL DISTRICT FAMILY
COURT**

Commissioner Sferrazza requested the court certify the order as a true and correct copy of the most current order before enforcement. He said he was requesting this because it had happened orders were enforced from one of the parties that were not the most current orders.

Paul Mozen, Nevada for Equal Parenting representative, said Title IV, USC 42 authorized the enforcement of support obligations owed by non-custodial

parents. Mr. Mozen said the process had been used to enforce child support obligations against many of their members who were joint or sole custodial parents, and that warring parties had abused the process. He stated the Masters needed to determine whether the parties were joint or sole custodians prior to the enforcement proceedings.

Linda Gardner, Family Court Child Support Master, said a specific finding had to be made before each court proceeding that the last order was being used and custody was taken into account. The court does all it can to comply with State and Federal statutes. Ms. Gardner said the contract was administrative only and provides for Washoe County to be reimbursed for its program through the State Welfare Division who receives funds from the Federal government.

Melanie Foster, Legal Counsel, stated State law has provisions for enforcing custody orders pertaining to joint custody. She said this contract addresses reimbursement for the cases that fall within certain parameters.

In response to Commissioner Galloway, Darin Conforti, Assistant Court Administrator, replied the costs associated with the Title IV-D Master program were segregated.

Mr. Conforti said the issue before the Board is an administrative agreement that allows the County to be reimbursed for the cost of the proceedings.

Discussion ensued about alleged allegations of contract violations, and Commissioner Sferrazza requested it be put on a future agenda. Katy Singlaub, County Manager, said his request was noted.

Upon recommendation of Mr. Conforti, Ron Longtin, Court Administrator, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Interlocal Agreement for the Master's System between Washoe County (Second Judicial District Family Court) and the State of Nevada Department of Human resources retroactive to July 1, 2004 through June 30, 2008, concerning reimbursement for enforcement of child support obligations, locating non-custodial parents, establishing paternity, obtaining child support, and adjusting support orders, be approved and Chairman Shaw be authorized to execute the same.

04-842 AGREEMENT - NEVADA LAND CONSERVANCY PROPERTY ACQUISITIONS - TRUCKEE RIVER FLOOD MANAGEMENT PROJECT - WATER RESOURCES

Commissioner Sferrazza asked for the Nevada Land Conservancy's qualifications for acquiring property, and why there was no staff person for property management. Ms. Singlaub replied there was a person on staff but their manager stated they did not have the capacity to handle the intricacies of these acquisitions. She said the

non-profit agency can provide tax benefits to the sellers and can do it for a lower price because they do not personally profit from the transaction.

Ms. Singlaub clarified for Commissioner Weber this was not a donation; it was to acquire the list of parcels that had already been approved in the early acquisition plan for the flood control project. She said these purchases are needed to get the project started.

Upon recommendation of Paul Urban, Flood Control Manager, and Jeanne Ruefer, Planning Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioners Sferrazza and Weber voting "no," it was ordered that the Agreement for Services between Washoe County and the Nevada Land Conservancy to provide professional services in support of the acquisition of real properties for the Truckee River Flood Management Project in the amount of \$100,000 per year for three years with up to three automatic one-year extensions be approved and Chairman Shaw be authorized to execute the same.

04-843 RESOLUTION – NEVADA LAND CONSERVANCY – TRUCKEE RIVER FLOOD MANAGEMENT PROJECT AND APPOINTING LICENSED REAL ESTATE APPRAISERS – WATER RESOURCES

Upon recommendation of Paul Urban, Flood Control Manager, and Jeanne Ruefer, Planning Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioners Sferrazza and Weber voting "no," it was ordered that the following Resolution be approved and Chairman Shaw be authorized to execute the same.

RESOLUTION -- A Resolution Declaring an Intent to Acquire Certain Properties from the Nevada Land Conservancy in Furtherance of the Truckee River Flood Management Project and Appointing Licensed Real Estate Appraisers for the Purpose of Valuing Any Properties so Acquired

WHEREAS, the County of Washoe (hereafter "County") and the Nevada Land Conservancy (hereafter "NVLC") have established a harmonious relationship wherein NVLC acquires properties designated by the County in its Regional Open Space Plan to be desirable for open space; and

WHEREAS, the County desires to continue said relationship by urging the NVLC to consider acquiring additional properties designated by the County as desirable for acquisition in furtherance of its Truckee River Flood Management Project; and

WHEREAS, the County and NVLC intend to enter into an agreement whereby the County may elect to purchase property acquired by NVLC that NVLC deems suitable for the Truckee River Flood Management Project; and

WHEREAS, the law governing counties requires the appointment of a competent real estate appraiser by the board of county commissioners for properties purchased for use by counties; and

WHEREAS, the agreement between NVLC and County intends that, for properties desired to be acquired, the County reimburse NVLC its direct costs and expenses associated with its purchase; and

WHEREAS, the intent of NRS 244.275 requiring the appraisal of property prior to purchase by a county is best met if the appraisal occurs prior to the purchase of property;

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Washoe County do hereby appoint the following real estate appraisers to value property potentially to be acquired by the County: Paul Alves, Stephen Johnson, William Kimmel, Lyn Norberg, Julie Ott, Reese Perkins, Robert Schiffmacher, Lee Smith, Mark Warren, Anthony Wren.

BE IT FURTHER RESOLVED that the Board of County Commissioners of Washoe County will consider for acquisition from NVLC for the Truckee River Flood Management Project only properties that have been appraised by the above-named persons;

BE IT FURTHER RESOLVED that the Board of County Commissioners of Washoe County reserves the right to amend and add to the above list of individuals at any time.

6:05 p.m. Commissioner Sferrazza left the meeting during the discussion on the appointment of the County Board of Equalization member.

04-844 **APPOINTMENT – COUNTY BOARD OF EQUALIZATION (BOE)**

Gary Schmidt, County BOE member, thanked the Board for giving the BOE its fifth member, but he complained there were still no scheduled workshops.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Shaw ordered that the resignation of Richard D. Grauvogel from the BOE be accepted and William Brush be appointed to fill Mr. Grauvogel's unexpired term of June 30, 2005. It was noted that this was not intended to set a precedent of automatically moving the first alternate or any alternate up.

6:08 p.m. The Board recessed to a closed session for the purpose of discussing negotiations with employee organizations.

6:45 p.m. The Board reconvened with Commissioner Sferrazza absent.

04-845 **REAL AND PERSONAL PROPERTY TAX REFUND POLICIES**

On motion by Commissioner Galloway, seconded by Chairman Shaw, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the discussion regarding a possible change of the Board's real and personal property tax refund policies to a general policy of no refunds in cases arising out of a tax exemption be continued to September 14, 2004.

04-846 **SOMERSETT ROAD CONNECTION TO UPPER MOGUL –
COMMUNITY DEVELOPMENT**

Adrian Freund, Community Development Director, said this item relates to the annexation and development of the Somerset Settlement Agreement that was part of the overall Regional Plan settlement. Mr. Freund related Upper Mogul was currently surrounded by exerted jurisdiction of the City of Reno, and the parcels abutting this property were in private ownership.

Mr. Freund said the Somerset Settlement Agreement stated Somerset would not develop any roads connecting to existing Mogul roads. He stated the road was graded for maintenance access to the sewer line but was being used by construction workers coming down from Somerset and continuing onto Mogul roads. Mr. Freund said the concern was the paving of the road would increase traffic and cutting through to Mogul. Mr. Freund said the intent was to eventually relocate the temporary portal that provided access to the federal lands up Peavine to the Somerset development. He said technically there had not been a violation of the settlement agreement, but staff had been working with the residents relative to their concerns and would continue to monitor the situation. Mr. Freund said representatives of Q & D Construction had assured staff the maintenance road was not to serve as a public roadway but there does not seem to be adequate controls to satisfy the concerns of Mogul residents. He said, since this was a District Court settlement agreement, enforcement would be through the Courts.

In response to Commissioner Galloway, Mr. Freund said the road has heavy truck traffic to maintain the high volume sewer line and that was why it needed paving, which had not been done yet. He speculated it might also be for fire access although that had not been verified.

Responding to Chairman Shaw, Mr. Freund said residents were concerned that paving the road would make it attractive to residents, and during construction it was closer access in and out of Somerset.

Commissioner Weber said many residents had contacted her with concerns about the paving of the service road. The agreement said this would never be a public road. Mr. Freund said the jurisdiction was now in the City of Reno and the access road traverses private property. Commissioner Weber said the residents of Mogul are still in an unincorporated area and the County needed to protect their interests. Mr. Freund said the settlement agreement was the only thing that could be used to find a solution.

Andy Manor, Mogul resident, said the road connected all the way from Mogul to Somerset; and she discussed the picture of the road in relation to the map, which were placed on file with the clerk.

In response to Ms. Manor, Commissioner Galloway said the road was in Washoe County, but the City of Reno is exercising the planning authority over lands not in the City under their extra territorial jurisdiction, which was a provision of State law. Ms. Manor said the residents of Mogul were also concerned about a gated road on Gooseberry, which could eventually go into Somerset although Blake Smith had promised under the agreement this would never happen. She asked the Board to find a way to stop any access coming into Mogul from the Somerset, or any new development.

Melanie Foster, Legal Counsel, said there was a prohibition on the development of any road connection from Somerset to the existing roads in the Mogul area. She said any action the Board would take would have to be through the Court through the Settlement Agreement.

Commissioner Weber asked if a Memo of Understanding could be sent to the City of Reno restating the terms of the agreement rather than going through the Court. Chairman Shaw said it could be a good starting point.

Commissioner Galloway said staff should express the Board's concern that paving the road violated the Settlement Agreement, should be directed to make a formal inquiry through the City of Reno Planning Department to discover if a paving permit had been issued, and if it had not, request that it not be issued. He said the letter should be directed to all parties of the Settlement Agreement, and it should state a paved road or an unpaved road without restricted access at both ends would be in violation.

In response to Chairman Shaw, Mr. Freund said the next step would be to set up a meeting with both the City of Reno and the developer to reemphasize the agreement restrictions on the property. Commissioner Weber suggested that she, Councilman Aiuzzi, and Ms. Manor attend the meeting if at all possible.

Commissioner Galloway asked if the County was running into any statutory time limitations in preserving the County's legal rights in following this approach. Ms. Foster replied no.

**APPOINTMENTS – BALLOT ARGUMENTS COMMITTEES –
BALLOT QUESTIONS 2004 GENERAL ELECTION – UNFUNDED
MANDATE, SALES TAX ADVISORY ELECTION RESOLUTION,
VECTOR BORNE DISEASES PROGRAM**

Dan Burk, Registrar of Voters, said three ads had been run in the paper to solicit people to service on the committees; and, after contacting the three Department Heads directly involved with each of these questions and doing some additional calling, staff was unable to locate anyone else interested in serving at this time. Mr. Burk said the law allowed him to make appointments next week if the Board comes forward with any suggestions.

Mr. Burk said the Reno Sparks Chamber of Commerce had been informed at the meeting yesterday of the need for Argument Committee appointees, but no one in the room was interested.

Commissioner Galloway asked why NACO could not help write the argument since the Unfunded Mandate Question is supported by NACO, and he suggested Andrew List be contacted.

Commissioner Weber suggested putting the information on the County web site.

Mr. Burk responded to Chairman Shaw by saying everything needed to be completed by September 10 for inclusion in the sample ballot.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, Chairman Shaw ordered that the following Argument Committee appointments, for each of the ballot Questions placed on the 2004 General Election Ballot by action of the Board of County Commissioners, be made:

1. Pro side of the Vector Borne Diseases Program Question No. 1: Carl Cahill and Dan Arias;
2. Pro side of the Quality of Life Issue Question No. 2: Alicia Reban, Susan Lynn, and Mella Hamon.
3. Pro side of the Unfunded Mandates Question No. 3: Janine Hanson subject to her willingness to serve.

It was further ordered that the Registrar of Voters staff continue to search for additional appointees including contacting Andrew List for assistance.

04-848 **REPORT – EVANS CREEK, LTD. PROPERTY (BALLARDINI RANCH) – DISTRICT ATTORNEY/COUNTY MANAGER**

Michael Chapman, Legal Counsel representing Washoe County, provided a status report on the negotiations and condemnation proceedings regarding Ballardini Ranch the details of which are contained in a memo from Madelyn Shipman, Legal Counsel, and Katy Singlaub, County Manager, placed on file with the Clerk.

04-849 **2002 REGIONAL PLAN SETTLEMENTS**

Adrian Freund, Community Relations Director, said there would be an appeal hearing before the Regional Planning Governing Board on Thursday, on the Board's request to appeal the Regional Planning Commission findings on the *Verdi Development Standards Handbook*.

Mr. Freund said staff had been working on following the Court's direction regarding the planning criteria and have reached agreement across the board with the Cities of Reno and Sparks who are taking action. The major action was that findings language be included in the criteria. He said a streamlined appeal process was being worked on, and this process would take many disputes directly to Court.

Commissioner Galloway said he appreciated the progress made, but he said in Court it was stated there would be specific objective criteria for making the findings and this has not happened yet.

04-850 **PUBLIC HEARING AND RESOLUTION – GENERAL OBLIGATION (LIMITED TAX) BUILDING BONDS – 350 SOUTH CENTER STREET – FINANCE**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on July 30, 2004 to consider issuance of General Obligation Building Bonds in the aggregate principal amount of not exceeding \$11,900,000 for the purpose of acquiring property at 350 South Center Street. Proof was made that due and legal Notice had been given.

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

Upon recommendation of John Sherman, Finance Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, it was ordered that following Resolution be approved and Chairman Shaw be authorized to execute the same:

RESOLUTION NO. 04-850

A RESOLUTION AUTHORIZING THE COUNTY FINANCE DIRECTOR TO ARRANGE FOR THE SALE OF THE WASHOE COUNTY, NEVADA GENERAL OBLIGATION (LIMITED TAX) BUILDING BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) IN THE MAXIMUM PRINCIPAL AMOUNT OF \$11,900,000 FOR THE PURPOSE OF FINANCING AN OFFICE BUILDING LOCATED AT 350 S. CENTER STREET; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH.

WHEREAS, the Board of County Commissioners (the "Board") of Washoe County, Nevada, (the "County," and the "State," respectively), proposes to issue up to \$11,900,000 of general obligation bonds of the County in one or more series (the "Bonds") for the purpose of paying all or a portion of the cost of acquiring, constructing, improving and equipping building projects for the County's, including public buildings to accommodate or house lawful county activities including, without limitation, records, county personnel, offices, supplies, and equipment, as provided in NRS 244A.019 (the "Project"); and

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

WHEREAS, the Board determines that it is necessary and advisable that the County incur a bonded indebtedness pursuant to NRS 244A.011 to 244A.065, inclusive (the "Project Act") and the Local Government Securities Act, NRS 350.500 to 350.720, inclusive (the "Bond Act"), for the purpose of paying all or a portion of the cost of the Project.

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 by the short title "2004 Building Bond Sale Resolution."

Section 2. The County Finance Director or his designee is hereby authorized to arrange for the issuance and sale of the Bonds in a total aggregate principal amount of not more than \$11,900,000, in accordance with the Project Act and the Bond Act.

Section 3. The County Finance Director or his designee is authorized to specify the terms of the Bonds, the methods of their sale, the final principal amounts of

the Bonds (not in excess of \$11,900,000), the terms of their repayment and security therefor, and other details of the Bonds, and if deemed appropriate by the County Finance Director or his designee, to advertise the Bonds for sale, subject to the ratification by the Board by the adoption of a bond ordinance or ordinances specifying the Bond terms and details and approving their sale (the "Ordinance").

Section 4. The officers of the County are hereby authorized to take all action necessary or appropriate to effectuate the provisions of this resolution, including without limitation, assembling of financial and other information concerning the County, the Project, the Pledged Revenues and the Bonds, and preparing and circulating a preliminary official statement, a notice of bond sale for the Bonds, or both, in the forms specified by the Finance Director, or his designee. The Finance Director or his designee is authorized to deem the official statement or preliminary official statement to be a "final" official statement on behalf of the County for the purposes of Rule 15(c)212 of the Securities and Exchange Commission.

Section 5. The Finance Director shall, after arranging for the sale of the Bonds, shall present the proposed final terms of the Bonds to the Board for its approval by adoption of the Ordinance, which shall not be effective until after the expiration of the 90-day petition period as set forth in NRS 350.020(3).

Section 6. The officers of the Board be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 7. All resolutions, or parts thereof, in conflict with the provisions of this resolution, are hereby repealed to the extent only of such inconsistency. This repealer shall not be constructed to revive any resolution, or part thereof, heretofore repealed.

Section 8. If any section, paragraph, clause or other provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this resolution.

Section 9. This resolution shall become effective and be in force immediately upon its adoption.

**04-851 COMPREHENSIVE PLAN AMENDMENT CASE NO. CP03-011 -
SOUTH VALLEYS AREA PLAN – WALTERS APN NO. 046-060-01**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on July 30, 2004 to consider a request to amend the South Valleys Area Plan, being a part of the Washoe County Comprehensive Plan. Proof was made that due and legal Notice had been given.

Chairman Shaw opened the public hearing by calling on anyone wishing to speak for or against the Comprehensive Plan Amendment. There being no one wishing to speak, Chairman Shaw closed the public hearing.

Having made the following findings, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the Comprehensive Plan Amendment Case Number CP03-011 be approved:

1. That proposed amendment to the South Valleys Area Plan is in substantial compliance with the policies and action programs of the *Washoe County Comprehensive Plan*. The amendment conforms to policies POP.1.6, C.2.17, C.3.1, LUT.1.3, LUT.1.4, LUT.1.14, LUT.1.15, LUT.1.17, SV.1.1, SV.2.5, and SV.4.4.
2. That proposed amendment to the South Valleys Area Plan would provide for land uses compatible with existing and planned adjacent land uses and will not adversely affect the public health, safety, or welfare. The amendment conforms to policies LUT.1.3, LUT.1.4, LUT.1.14, LUT.1.15, and LUT 1.17.
3. That proposed amendment to the South Valleys Area Plan responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable use of land.
4. That proposed amendment to the South Valleys Area Plan would not adversely affect the implementation of the policies and action programs of the Conservation Element, the Population Element, and/or the Housing of the *Washoe County Comprehensive Plan*.
5. That proposed amendment to the South Valleys Area Plan would promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
6. That proposed amendment to the South Valleys Area Plan is the first amendment to the Plan in 2004, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.
7. That the Planning Commission has reviewed the regional findings in Article 822 for conformance with the Regional Plan, including Section 822.25(a-c), Finding for Regional Form and Pattern.

8. That the Washoe County Planning Commission gave due and careful consideration to information contained within the staff report and information received during the public hearing.
9. That the Washoe County Board of County Commissioners gave reasoned consideration to the information transmitted from the Washoe County Planning Commission and to the information received during the public hearing.

It was further ordered that the Resolution Adopting the Amended South Valleys Area Plan after a finding of conformance with the Regional Plan by the Truckee Meadows Regional Planning Agency be approved and Chairman Shaw be authorized to execute the same.

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There being no further business to come before the Board, the meeting adjourned at 7:35 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
Jan Frazzetta, Deputy County Clerk*