

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

OCTOBER 11, 2005

PRESENT:

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

Amy Harvey, County 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:

05-1052 AGENDA

Discussion ensued concerning the approval of non-controversial items in a block vote at the appropriate time in the meeting.

Commissioner Galloway moved to approve the agenda for the October 11, 2005 meeting in accordance with the Open Meeting Law. Commissioner Humke seconded the motion.

Sam Dehne, Reno resident, requested specific items be moved from the consent agenda for discussion. He expressed his disapproval of block votes and moving items into the consent agenda.

Gary Schmidt, Washoe County resident, read from sections of the Open Meeting Law and stated the Board would be in violation of the Open Meeting Law if they approved the agenda. He requested a copy of the new agenda the Board would be establishing. He strongly suggested Commissioner Sferrazza walk out of the meeting and not vote on the approval of the agenda.

In response to Chairman Weber, Melanie Foster, Legal Counsel, stated the final agenda was the agenda that was posted for the meeting, posted on the Washoe County website, and provided to the public prior to the meeting. She affirmed the Board could vote on a block of items, as the public would be allowed to speak on any of the items.

Commissioner Sferrazza commented he did not believe the Open Meeting Law could prohibit the Board from commenting or responding to public comment; however, the practice had been that the Board did not respond. He stressed he would not be forced to respond to the public nor would he be forced not to respond by the Chairman. He stated he would exercise his right as he saw fit on the appropriate occasion.

Commissioner Galloway acknowledged he had been on the Board for over eight years, and the Board had the option to approve non-controversial items in a block vote format throughout that entire period. He referenced the second paragraph on the agenda that gave instructions about public comment and stated the motion was not intended to endorse that advisory comment, which was prepared by staff. Commissioner Galloway said he would remove that section from the motion because it was not accurate or legally binding.

Commissioner Humke said he did not agree with Commissioner Galloway. Commissioner Galloway declared he would leave the motion as it stood with the statement that the intent was that it was advisory from staff and written legal counsel. Commissioner Humke commented it was clearly legal advice, and he did not see a need to remove it. Chairman Weber read the statement from the agenda.

Commissioner Sferrazza said he supported Commissioner Galloway's proposed amendment to the motion and asked that the wording on the agenda be changed from "Commissioners will not respond to public comments" to "Commissioners are not required to respond to public comments." He requested those changes be on future agendas.

On call for the question, the motion passed on a 5-0 vote.

05-1053 PUBLIC COMMENTS

Chairman Weber asked for citizens to have respect and decorum during the public comment portion of the meeting. She explained Patricia Axelrod, area resident, had requested right before the meeting that staff make arrangements for someone to call into the meeting. Chairman Weber remarked staff was unable to do that, and she stressed no prior arrangements had been made. She read from Section 8.05 of the Open Meeting Law and indicated the Board desired to hear comments from the public, but there would be respect and decorum when the meeting was being conducted.

Sam Dehne, Reno resident, addressed freedom of speech and sang a song.

2:32 p.m. Commissioner Galloway temporarily left the meeting.

Guy Felton, Reno resident, stated he had no intention of disrupting the meeting. He read remarks about open government, which he presented to the Board.

James Kozera, local resident, commented areas around the Senior Center were not being maintained and requested the area be restored. He asked for restrictions on the hours in which the Livestock Event Center could operate their sound system.

2:42 p.m. Commissioner Galloway returned during the next speaker's comments.

Al Hesson, local resident, summarized letters he sent to Chairman Weber, Richard Gammick, District Attorney, and Melanie Foster, Assistant District Attorney, on September 25, 2005 concerning his removal from the Commission meeting on that day. He said he was putting Chairman Weber on notice. He stated, if she interrupted one more of his future public commentaries, he would sue her personally, the other four Commissioners collectively, and Washoe County in federal court, and seek substantial monetary damages for violating his free speech rights that are protected by the United States (U.S.) Constitution.

Ms. Axelrod asked Chairman Weber to explain, before her public comment time was to begin, why Nadia McCaffrey's public comment could not be brought in. Chairman Weber said Ms. McCaffrey was the next speaker, and she asked if Ms. Axelrod was speaking for her. Ms. Axelrod said she was speaking for Ms. McCaffrey and herself.

In response to Chairman Weber, Ms. Foster acknowledged Ms. McCaffrey was the woman that would like to have her phone call accepted by the Board. Ms. Foster said, if Ms. Axelrod decided to speak for Ms. McCaffrey, she may use her three minutes to do so; however, that would be all the time allowed for Ms. Axelrod. She emphasized there was no requirement to allow an individual to speak for other individuals during public comment.

Chairman Weber informed Ms. Axelrod she could speak for herself or Ms. McCaffrey. Ms. Axelrod continued to speak to the Chairman and questioned her about why Ms. McCaffrey could not speak through the telephone. Chairman Weber clarified arrangements could have been made to have that happen today, but they were not. Ms. Axelrod continued to speak to the Chairman.

Commissioner Sferrazza said if the call could have been arranged it should have been. Chairman Weber requested comments from Ms. Foster, and Ms. Axelrod interrupted Chairman Weber. Chairman Weber gave Ms. Axelrod one warning and asked her to wait.

Ms. Foster explained staff was not available to create that connection without prior arrangements. She stated it was up to the Board whether or not to allow the public to call in during public comment. She said it was not required by the Open Meeting Law, as the Open Meeting Law required that people appear in person or file written comments.

Commissioner Sferrazza requested a vote by the Board concerning whether or not a person could call in to the meeting. Chairman Weber said the Board would not be voting on anything right now. Commissioner Sferrazza appealed the ruling of the Chairman to the body as a whole because he did not believe the Board had ever said no one could call in.

Commissioner Larkin inquired of Ms. Foster if the Board was on the agenda item at the current time or if the item should be placed on a future agenda for discussion on the Board's policies.

Chairman Weber asked Ms. Axelrod to be seated while the discussion continued among the Board members. Ms. Axelrod again asked the Chairman if she could inform the Board about Ms. McCaffrey. Chairman Weber stated she had given Ms. Axelrod one warning, and she was asking her to have a seat until the Board finished the discussion at the dais.

Commissioner Galloway said he would disagree with any policy that would turn the Commission meetings into a call-in, television show and a policy of non-agendized phone calls would do that. He did not agree with people speaking by proxy. Commissioner Galloway stated allowing this would open the Board to disruption by abuse of the process, and it was not the Board's intent to have a non-functioning meeting. He commented there were people at the meeting who were trying to abuse the process by disrupting the meeting.

In response to Commissioner Larkin, Ms. Foster stated if the Board desired to change their policy, they should do that under a properly noticed agenda item. She remarked she was unaware the Board had allowed call-ins except when Board members were out of town, and they wanted to participate in the meeting. She confirmed the discussion was off the agenda.

Chairman Weber asked Ms. Foster about Commissioner Sferrazza's appeal of the Chairman. Ms. Foster stated appealing the Chairman's decision in that fashion was generally reserved for bodies that were bound by Roberts Rules of Order, which this Board had chosen not to be. She said the general conduct of the meeting was within the hands of the Chairman beyond the rules that had been published. She encouraged the Board to not vote on anything that was not on the agenda.

Commissioner Sferrazza stated he did not think the Board had any policy about citizens calling in, and he disagreed with Legal Counsel.

Chairman Weber informed Ms. Axelrod, before the timer began, that she could speak for herself or Ms. McCaffrey. Ms. Axelrod said she had a cell phone and could put the phone right next to the microphone and then she could be heard. Chairman Weber informed Ms. Axelrod that the clock had started. Ms. Axelrod asked if she could make the phone call, and Chairman Weber said she would not interrupt her because her time had started.

Ms. Axelrod presented a resolution entitled, "Homeward Bound" that called for the withdrawal of American troops from Iraq. She asked the Commissioners to pass the resolution and inform the President of their disapproval of the war. She dedicated the resolution to Ms. McCaffrey's son who died in Iraq.

Betty Joura, Rich Haber, and Mary Anne Galperin, Reno residents, spoke in support of the resolution presented by Ms. Axelrod. Ms. Joura said a diplomatic negotiation to bring the servicemen home was necessary and possibly the only solution to ending the war in Iraq. Mr. Haber addressed the war in Iraq and talked about a recent anti-war demonstration held in Washington D.C. Ms. Galperin commented on the U.S. policy regarding the war in Iraq.

Gary Schmidt, Washoe County resident, presented a definition of the word "humbug" and a copy of a recent opinion from the Attorney General's Office concerning a complaint filed by Mr. Felton regarding an alleged violation of the Open Meeting Law by the County Commission on July 12, 2005.

Juanita Cox, local resident, asked the Commissioners to give attention to speakers at the podium, and she spoke against the war in Iraq. She detailed her concerns about the Community Wildfire Risk and Hazard Assessment for Washoe County and questioned why the report had not been presented to the public as promised.

Chairman Weber read remarks from Walden Joura, Reno resident, which supported the resolution brought forward by Ms. Axelrod.

Commissioner Larkin read comment cards from citizens Victoria Haynes, Robert Sheller, Marsha Crawford, and Anita Brossard that addressed the importance of free speech during the Commission meetings. He read a comment card from citizen Wendy Hall who requested the Commissioners give attention to all speakers during the public comment section of the meetings.

Later in the meeting, Chairman Weber called for public comment from Mr. Dehne on the consent items, and he was no longer at the meeting. She commented Mr. Felton turned in request to speak cards for each consent item; and Amy Harvey, County Clerk, verified he had left the meeting before he could be informed that he would be allowed to speak only three minutes on all items.

05-1054 COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS

Commissioner Galloway commented at a recent Citizen Advisory Board (CAB) meeting the topic of conduct during public comment was discussed. He expressed there were people conducting themselves in a manner during public comment that he found contrary to how people should behave. He said the CAB suggested the Board be firm on this and place on the meeting agendas what the Board did not have to tolerate. Commissioner Galloway stated the issue was about the Open Meeting Law and not the United States (U.S.) Constitution. He explained the Open Meeting Law intended that

people would be able to make statements within the limits of the Board conducting their business, which meant not disrupting the meeting. He confirmed this should be considered and reviewed.

Commissioner Sferrazza acknowledged his support of the comments made concerning the war in Iraq. He explained the Commission took a position a couple of years ago that they would not take any position on issues outside the purview of the Board. He emphasized that was the standing rule of the Commission at this time. He voiced his concerns about the interpretation of Section 8.05 of the Open Meeting Law. He stated slanderous remarks and repetitious and irrelevant comments were protected free speech; however, disrupting a meeting was not protected. He suggested a review of free speech Supreme Court cases. Commissioner Sferrazza requested an agenda item on deferred compensation and presented a handout on the performance of Hartford Life Insurance Company. He said employees were being denied the option to go through other companies, and he would like this item placed on the next available agenda.

In response to Chairman Weber, Melanie Foster, Legal Counsel, explained the case law was clear that meetings of public bodies were not public forums, as they were deemed to be a limited public forum, which means public bodies did have some control over what was presented to them. She remarked the most common form of regulation, which the City of Sparks had adopted, was for the public body to not listen to any public comment except on matters within their purview. Ms. Foster stressed this was not the same situation as speech in a public park or speech on a sidewalk. She confirmed she would prepare materials in order for the Board to discuss the matter.

Commissioner Sferrazza stated the Commission did not have the City of Sparks rule in place. He said this Commission had an open, public forum for public comment. He believed a public official could be slandered, and the Board could not stop people from saying offensive things to the Commissioners.

Commissioner Larkin requested the Washoe County Mission Statement and Priorities be placed on the home page of the Washoe County Commission. He asked for an update from the Humboldt-Toiyabe National Forest Supervisor's Office on the Forest Plan revision. He inquired if there was an advisory board in place focusing on locations for early voting. Commissioner Larkin asked for the Blue Ribbon Election Committee recommendations concerning early voting, and he inquired about the kind of marketing promotion systems that would be put into place for early voting. He asked staff to follow-up on the community infrastructure reinvestment process that was identified in his sub-group at the retreat. He requested an update on the paperless and electronic agenda process. He asked about the status of the review on training requirements for citizens appointed to boards and committees. Commissioner Larkin commented he received an e-mail from Congressman Jim Gibbons requesting citizens contribute their refunds from the Department of Motor Vehicles to the Nevada Patriot Fund, and he explained the history of the fund.

Commissioner Humke asked for an agenda item concerning an appointment of a representative to the West Washoe Valley CAB. He stated the Board previously approved Commission funds to assist the work of the Seventh Annual Washoe County Court Appointed Special Advocates (CASA) Conference on October 1, 2005. He mentioned names of several Washoe County employees who participated and named others who made monetary contributions. He thanked the conference planning committee and named the members. Commissioner Humke requested an agenda item calling for this to be written into the CASA budget. He commented on the delegation of foster grandparents who participated and commended them for their participation and work.

Chairman Weber thanked the Commissioners for attending the joint retreat on October 3-4, 2005. She thanked the staffs of Washoe County and the Cities of Reno and Sparks for their work on the retreat. She said the entities recommended representatives from each body attend the Washoe County and Cities of Reno and Sparks meetings to give updates and share information.

Commissioner Galloway said he supported the idea of having a liaison report from the Cities to update the Commission.

County Manager Katy Singlaub confirmed she recently met with the City Managers from Reno and Sparks to begin the follow up process from the joint retreat. She remarked they were drafting a memorandum of understanding as requested by the officials. She stated Dan Burk, Registrar of Voters, was preparing a summary for the Board concerning voting issues. Ms. Singlaub commented on a meeting with the Washoe County School District Superintendent and said staff would be presenting a concept proposal in November to the Board and the School Board of Trustees. She explained the proposal concerned closing the schools for in-service trainings on election days. She said that would be coming back as an agenda item, and Washoe County would be the first county in the state to implement that kind of a project.

3:35 p.m. The Board took a brief recess.

3:42 p.m. The Board reconvened with Commissioners Galloway and Humke temporarily absent.

3:44 p.m. Commissioners Galloway and Humke returned to the meeting during the following item.

**05-1055 APPEARANCE – HOWARD RIEDL – REGIONAL
TRANSPORTATION COMMISSION**

Howard Riedl, Regional Transportation Commission (RTC) Senior Engineer, presented a PowerPoint presentation concerning a status report on the Virginia Transit Corridor (VTC) project.

Discussion ensued and the Board members offered suggestions concerning the VTC project, transportation issues and options, and asked questions regarding the status report. Mr. Riedl provided the information.

05-1056 **MINUTES**

On motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that the minutes of the regular meeting of September 13, 2005 be approved.

05-1057 **DISINTERMENT OF HUMAN REMAINS - HEALTH**

Upon recommendation of Patsy Buxton, Health Analyst, through Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the request from Malcolm Theodore Laitinen to disinter and remove the remains of Sandra Ellen Laitinen, his wife, who died on July 21, 1986 be approved. It was noted that the death certificate indicates the death was not due to a contagious disease.

05-1058 **VICTIM OF CRIME ACT GRANT – SOCIAL SERVICES**

County Manager Katy Singlaub noted Commissioner Larkin's wife, Sylvia Larkin, sits on the Board of Directors of the Committee to Aid Abused Women; however, she receives no compensation for this service.

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that the Social Services Director be authorized to accept a Victim of Crime Act (VOCA) grant from the State Division of Child and Family Services (DCFS) in the amount of \$270,624, to provide direct services to victims of child abuse and/or domestic violence. It was noted the total grant award would be \$338,280 with a 20 percent County match required of \$67,656. It was further noted the grant period would be from July 1, 2005 through June 30, 2006.

05-1059 **REFRESHMENTS – STRATEGIC PLANNING RETREATS –
MANAGEMENT SERVICES**

Upon recommendation of Julie Skow, Administrative Assistant II, through John Slaughter, Management Services Director, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that the expenditure to provide refreshments for participants during fiscal year 2005/06 Strategic Planning retreats at the existing per diem rate be approved. It was noted the amount expended would not exceed \$600.

05-1060 **COMMUNITY DEVELOPMENT BLOCK GRANT 2006/07**
ANNUAL PARTICIPATION STATEMENT – GRANTS
ADMINISTRATOR

Upon recommendation of Gabrielle Enfield, Grants Administrator, through John Slaughter, Management Services Director, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried, it was ordered that Chairman Weber be authorized to sign the Community Development Block Grant 2006/07 Annual Participation Statement.

05-1061 **GRANT – STATE OF NEVADA – SENIOR SERVICES**

Marietta Bobba, Senior Services Director, clarified the dates for the grant represented the federal fiscal year.

Commissioner Humke disclosed he serves on the Nevada Commission on Aging.

Upon recommendation of Ms. Bobba, through John Berkich, Assistant County Manager, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that a one-time supplemental grant award from the State of Nevada, Division of Aging Services, for the purpose of purchasing an ice machine for the Reno Senior Center and refurbishing an ice machine for the Sparks Senior Center, in the amount of \$3,000 with a County match of \$529 for the period of October 1, 2004 through September 30, 2005, be accepted. It was further ordered that the Finance Department be directed to make the following budget adjustments:

Account No.	Description	Amount of Increase
10265-431100	Nutrition Equipment – Federal Grants	\$3,000
10265-711504	Nutrition Equipment – Equipment < \$10,000	\$3,000

It was noted the total cost for the purchase and refurbishment of the ice machines was \$3,850; and the \$850 difference between the grant award and the total price, including the 18 percent (\$529) County match requirement associated with this grant, was already included in the Department's existing fiscal year 2005/06 budget.

05-1062 **GRANT – HOMEBOUND AND CONGREGATE MEALS**
PROGRAMS – SOCIAL SERVICES

Commissioner Humke disclosed he serves on the Nevada Commission on Aging.

County Manager Katy Singlaub clarified the County received a suggested donation of \$1.75 per meal for seniors aged 60 and over. She said the County accepted donations at the congregate meal sites and from the home delivered meal clients. She

noted donation amounts that were collected for congregate and home delivered meals in fiscal year 2004/05. Ms. Singlaub confirmed the donations were considered Program Income, as they applied directly to the receipt of services. She said Senior Services has a General Donation account where anyone could donate funds toward the meal program, and \$4,850 in donations was collected in fiscal year 2004/05.

Marietta Bobba, Senior Services Director, commented staff was making changes to the program to ensure that it did not exceed anticipated cost increases with the consumer price index. She said the program was looking at changing routes and delivery mechanisms due to fuel prices. She confirmed the number of meals would not decrease, but there may be a reduction in the number of delivery days.

Ms. Singlaub commented staff would be completing a public information campaign to let people know about changes to the delivery schedule. Ms. Bobba added each person who was eligible for the program currently and was getting a delivery would receive an individual notice with contact phone numbers.

In response to Commissioner Sferrazza, Ms. Bobba stated a donation was requested from anyone 60 years of age or older because the program was funded through the Federal Older Americans Act. She said there would be a \$4.00 charge if a meal was provided to anyone 59 years of age and younger because federal funding could not be utilized.

Upon recommendation of Ms. Bobba, through John Berkich, Assistant County Manager, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that the fiscal year 2005/06 Nutrition Grant Awards from the Division of Aging Services for the Homebound Meals Program, in the amount of \$336,213 with a County match of \$59,339, and for the Congregate Meals Program, in the amount of \$197,661 with a County match of \$34,885, for the period of October 1, 2005 through September 30, 2006, be accepted. It was further ordered that the Finance Department be directed to make the following budget adjustments:

Account No.	Description	Amount of Increase
10110-431100	Home Delivered Meals – Federal Revenue	\$16,213
10110-710592	Home Delivered Meals – Nutrition Program	\$16,213
		Amount of Decrease
10109-431100	Congregate Meals – Federal Revenue	(\$27,339)
10109-710592	Congregate Meals – Nutrition Program	(\$27,339)

It was noted the 18 percent (\$59,339 and \$34,885 respectively) County match requirements associated with these grants was already included in the Department's existing fiscal year 2005/06 budget.

05-1063 AWARD OF BID – JOHN DEERE TRACTORS - BID NO. 2500-06 - PARKS

This was the time to consider award of the bid for two new John Deere tractors for the Regional Parks and Open Space Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on August 24, 2005. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

Nevada Power Products Inc.
Reed Equipment
Renner Equipment Co.

Upon recommendation of Charlene Collins, Buyer, through John Balentine, Purchasing and Contracts Administrator, and Karen Mullen, Regional Parks and Open Space Director, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that Bid No. 2500-06 for two new John Deere tractors for the Regional Parks and Open Space Department be awarded to the low bidder, Renner Equipment Co., in the amount of \$41,155. It was further ordered that the Purchasing and Contracts Administrator be authorized to purchase additional John Deere tractors from Renner Equipment Co., as specified in the bid, if appropriated in the budget, and provided that there is no increase in pricing through June 30, 2006.

05-1064 AWARD OF BID – TORO ROTARY MOWER - BID NO. 2499-06 – PARKS

This was the time to consider award of the bid for a new Toro Rotary mower for the Regional Parks and Open Space Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on August 22, 2005. Proof was made that due and legal Notice had been given.

A bid was received from Turf Star.

County Manager Katy Singlaub remarked the vendor from Rancho Cordova, California was the closest vendor that had the equipment needed for the Regional Parks and Open Space Department. She said there were no local vendors. She noted the bid was advertised in the newspaper and through the service of www.DemandStar.com.

Upon recommendation of Charlene Collins, Buyer, through John Balentine, Purchasing and Contracts Administrator, and Karen Mullen, Regional Parks and Open Space Director, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that Bid No. 2499-06 for a new Toro Rotary mower for the Regional Parks and Open Space

Department be awarded to Turf Star in the amount of \$42,908.54. It was further ordered that the Purchasing and Contracts Administrator be authorized to purchase additional Toro mowers from Turf Star, as specified in the bid, if appropriated in the budget, and provided that there is no increase in pricing through June 30, 2006.

05-1065 RIGHT-OF-WAY GRANT – PUBLIC WORKS

Tom Gadd, Public Works Director, commented staff had been in discussion with the Cities of Reno and Sparks concerning the eventual use of the property, and the entities were in favor of a right-of-way grant.

Upon recommendation of Bill Oroszi, Roads Division Director, through Mr. Gadd, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Right-of-Way Grant for a maintenance yard at Highland Ranch Road and State Route 445, Pyramid Highway, be accepted and Chairman Weber be authorized to execute the grant documents.

05-1066 RENEWAL AGREEMENT – M/A-COM INC. – EDACS FX INC. SOFTWARE MAINTENANCE – PUBLIC WORKS

Upon recommendation of Mike Turner, Facilities Management Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the renewal of the EDACS FX Software Maintenance Agreement between Washoe County and M/A-Com Inc., for support of the Washoe County Regional Communications System (WCRCS), be approved and Chairman Weber be authorized to execute the same. It was noted sufficient funding, in the amount of \$92,700, was available in the WCRCS Operation and Maintenance budget, IN 20261, for fiscal year 2005/06.

05-1067 TRAVEL EXPENSE – EXTERNAL AUDIT – SHERIFF

In response to County Manager Katy Singlaub, Melanie Foster, Legal Counsel, confirmed it was a requirement of the ordinance that the Board approve travel for non-County employees.

Commissioner Humke commented this was an unusual request for travel of a non-County employee from Idaho to come to the Sheriff's Office to audit various aspects of the DNA laboratory. He said it was an important task, and he commended Sheriff Dennis Balaam for pursuing this action.

Upon recommendation of Don Means, Commander, through Sheriff Balaam, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that the non-County employee travel expense for Cyndi Hall, to perform an external audit of the Washoe County Sheriff's Office DNA laboratory December 14-16, 2005, be authorized. It was further ordered that the Finance Department be authorized to transfer \$700 from 20003-710319

[Genetic Marker Testing-Chemical Supplies] to 20003-711210 [Genetic Marker Testing-Travel]. It was noted \$700 was the estimated cost of travel.

**05-1068 GRANT – CONVICTED OFFENDER DNA BACKLOG
REDUCTION PROGRAM – SHERIFF**

Upon recommendation of Don Means, Commander, through Dennis Balaam, Sheriff, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that the National Institute of Justice Grant Award, for the Convicted Offender DNA Backlog Reduction Program (In-House Analysis) in the amount of \$66,227, be approved. It was further ordered that the Finance Department be authorized to make the following budget adjustments:

Increase Revenues:	Amount
10509-431100 [Convicted Offender DNA Backlog – Federal Grants]	\$66,227
Increase Expenditures:	
10509-701300 [Convicted Offender DNA Backlog – Overtime]	\$66,277

**05-1069 AUCTION OF DELINQUENT LANDS – RESOLUTION -
TREASURER**

Upon recommendation of Linda Jacobs, Deputy Treasurer, through Bill Berrum, Treasurer, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that the Washoe County Treasurer be authorized to auction all delinquent lands held in trust with the exception of those parcels listed on Exhibit "A." It was further ordered that the following resolution be adopted and Chairman Weber be authorized to execute the same:

RESOLUTION

**A RESOLUTION DIRECTING THE COUNTY TREASURER TO TRANSFER
TO OTHER GOVERNMENTAL ENTITIES, REAL PROPERTY HELD IN
TRUST DUE TO PROPERTY TAX DELINQUENCIES AND OTHER MATTERS
PROPERLY RELATED THERETO**

WHEREAS, after the expiration of the period of redemption for tax delinquent parcels of real property, the county tax receiver is required to execute and deliver deeds conveying title to such property to the county treasurer in trust for the use and benefit of the state and county, (NRS 361.585); and

WHEREAS, upon the order of the board of county commissioners entered upon the record of its proceedings, such tax delinquent parcels held in trust by the treasurer may be conveyed in the manner required by state law after proper notice is given, (NRS 361.595); and

WHEREAS, incorporated in this resolution herein is Exhibit A, a list of tax delinquent parcels held by the county treasurer in trust that the board of county commissioners desires to have conveyed to other governments as more specifically set forth in Exhibit A; and

WHEREAS, pursuant to NRS 361.603 local governments or the University System are authorized to acquire property held in trust by the county to serve a public purpose in return for the payment of the delinquent taxes; and

WHEREAS, pursuant to NRS 361.603 no delinquent taxes need be paid for property transferred to a local government for street, sewer or drainage uses, for use in a program for the rehabilitation of abandoned residential properties established by the local government pursuant to chapter 279B of NRS, or for use as open-space real property as designated in a city, county or regional comprehensive plan.

NOW THEREFORE BE IT HEREBY RESOLVED by the Washoe County Board of County Commissioners as follows:

1. The Washoe County Board of County Commissioners finds that transferring the parcels listed in Exhibit A to Washoe County would serve the public purposes stated in the exhibit.

2. The Washoe County Treasurer is hereby ordered pursuant to NRS 361.603 to transfer the parcel listed in Exhibit "A" item #3, to the governmental unit for the purposes stated in Exhibit "A" in the manner required by state law after proper legal notice has been given. The Washoe County Treasurer is further ordered to retain the parcels in Exhibit "A" item #2 for the purposes stated in Exhibit "A" until further order of the board.

3. If some irregularity or circumstance arises before the transfer of any certain parcel listed in the exhibits to this resolution such that in the opinion of the Washoe County Treasurer the public interest would best be served by withdrawing such a parcel from a sale or transfer, the Washoe County Treasurer is hereby expressly authorized to make such a withdrawal on behalf of the county. The treasurer shall report to the board in writing his or her decision to make such a withdrawal and shall state the reasons for the decision. The board may thereafter permit the parcel to remain in trust for the benefit of the state and county or may again order it be sold or transferred.

EXHIBIT "A"

2005 Tax Delinquent Parcels to be withheld
From Sale to the general public

1. Those parcels previously withheld (as noted in the Tax Delinquent Lands Book).

2. The Washoe County Engineering Division has requested that the following parcels be withheld due to their being existing streets, common areas, drainage easements, or unusable parcels:

APN's

016-730-29	Improvement Only/Radio Antenna
020-321-37	Neil Road
077-360-13	Sliver Parcel
087-390-07	Well Site
088-201-46	Retention Pond
518-110-10	Common Area

3. The University of Nevada, Reno requested acquisition for the following parcel:

<u>APN</u>	<u>USE</u>	<u>BACK TAX</u>
007-062-01	Campus Expansion	\$2,778.83
TOTAL		\$2,778.83

05-1070 AGREEMENT – ECO:LOGIC, LLC – CONSULTING ENGINEERING SERVICES – 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 Larkin, seconded by Commissioner Galloway, which motion duly carried, it was ordered that an agreement for Consulting Engineering Services between Washoe County and ECO:LOGIC, LLC, concerning the Lemmon Valley/Stead Water Facility Plan in the amount of \$59,344 to be paid from the Regional Water Management Fund, be approved and Chairman Weber be authorized to execute the same.

05-1071 AGREEMENT – TRUCKEE MEADOWS WATER AUTHORITY – DEVELOPMENT OF FOOTHILLS – WATER RESOURCES

Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the water service agreement between Washoe County and the Truckee Meadows Water Authority, concerning Development of Foothills at Wingfield Village 10 and portions of Villages 7 and 8 in Sparks, Nevada, be approved and Chairman Weber be authorized to execute the same.

05-1072 **MEMORANDUM OF UNDERSTANDING – JAMES O. PARKER – WATER RESOURCES**

Gary Schmidt, Washoe County resident, suggested the County consider equipping the storage tank with a quick fill capacity for fire equipment and include that in the approval of the Memorandum of Understanding (MOU).

Commissioner Larkin voiced support of Mr. Schmidt's suggestion, and he requested it be investigated. He said it may not be possible with this MOU, but there might be a future element that could be put together.

Upon recommendation of Alan Reich, Engineer, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Memorandum of Understanding between Washoe County and James O. Parker, for the construction of a two million gallon water storage tank, underground water line, and access road on APN 051-010-25, be approved and Chairman Weber be authorized to execute the same.

05-1073 **CONVEYANCE OF WATER RIGHTS – SUN VALLEY GENERAL IMPROVEMENT DISTRICT - WATER SALE AGREEMENT – WATER RESOURCES**

Upon recommendation of Vahid Behmaram, Water Rights Manager, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that the conveyance of 35.63 acre-feet of water rights from Sun Valley General Improvement District (SVGID) to Washoe County in support of the Sun Mesa, Phase 1 subdivision, and the associated Water Sale Agreement leasing said water rights back to SVGID be approved. It was further ordered that Chairman Weber be authorized to execute the water rights deed and the water sale agreement and the Engineering Manager be directed to record both documents.

05-1074 **CORRECTION OF FACTUAL ERRORS – ASSESSOR**

Van Yates, Appraiser III, explained there was a problem this year when some new parcels were created and the exemption was not transferred from the old parcel to the new parcel. He clarified that impacted the Saint Mary's Hospital property, the Airport Authority, and several Washoe County School District properties. He emphasized that should not occur in the future because checks had been put into place by staff.

Upon recommendation of Susan Goodlett, Principal Account Clerk, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following Roll Change Requests correcting factual errors and the Order directing the Treasurer to correct the error be approved and Chairman Weber be authorized to execute the same.

PROPERTY OWNER	PARCEL #	AMOUNT	ROLL
St Mary's Regional Med Center Inc	007-212-30	[-\$560,687.32]	2005/06 Secured
Washoe County School District	013-343-04	[-\$184,195.80]	2005 Secured
Airport Authority of Washoe Co	012-284-01	[-\$93,319.83]	2005 Secured
Washoe County	083-730-11	[-\$10,706.19]	2005/06 Secured
United States of America	083-730-12	[-\$10,142.30]	2005/06 Secured
United States of America	083-011-17	[-\$8,147.58]	2005/06 Secured
Washoe County School Dist	038-060-38	[-\$7,162.36]	2005 Secured
Washoe County School Dist	556-420-16	[-\$4,639.90]	2005 Secured
Truckee Meadows Water Authority	025-261-39	[-\$3,056.51]	2005/06 Secured
Camden At Virginia LK Crossing	019-500-01	[-\$2,087.61]	2005 Secured
Sprint Communications Company	082-315-16	[-\$1,953.69]	2005/06 Secured
Camden At Virginia LK Crossing	019-500-02	[-\$1,797.26]	2005 Secured
Camden At Virginia LK Crossing	019-500-10	[-\$1,794.78]	2005 Secured
Camden At Virginia LK Crossing	019-500-09	[-\$1,706.72]	2005 Secured
Camden At Virginia LK Crossing	019-500-08	[-\$1,668.95]	2005 Secured
Andre Porter et al	154-063-09	[-\$1,540.59]	2005 Secured
The Ridge House	164-202-08	[-\$1,512.70]	2005 Secured
Sierra Pacific Power Co	010-051-45	[-\$1,299.18]	2005/06 Secured
JJE Holdings LLC	023-750-01	[-\$1,165.65]	2005 Secured
IRA P. Rodman TR	125-131-35	[-\$1,039.58]	2005 Secured
Cross Bow LLC	131-224-12	[-\$956.20]	2005 Secured
Henry G. Lapolla	005-033-15	[-\$714.48]	2005/06 Secured
Michael J. & Teresa L. Stafford	160-343-12	[-\$564.09]	2005/06 Secured
Truckee Meadows Water Authority	086-154-10	[-\$509.08]	2005/06 Secured
Reno City of	002-361-21	[-\$485.25]	2005/06 Secured
Washoe County	083-011-16	[-\$444.01]	2005/06 Secured
Dean Smith	014-045-04	[-\$199.08]	2005 Secured
United States of America	071-211-83	[-\$189.01]	2005/06 Secured
Oil Dri Corporation of Nevada	080-710-06	[-\$159.64]	2005 Secured
Wilson J. & Jenny K. Eral	125-201-04	[-\$121.17]	2004 Secured
Wilson J. & Jenny K. Eral	125-201-04	[-\$121.74]	2002 Secured
Wilson J. & Jenny K. Eral	125-201-04	[-\$121.42]	2003 Secured
Sally Thurman et al	020-201-12	[-\$75.23]	2005/06 Secured
Virginia L. Carter	021-082-05	[-\$32.70]	2005/06 Secured
Ginger E. Ridley	017-350-19	[-\$32.70]	2005/06 Secured
Reno City of	204-360-02	[-\$6.82]	2005/06 Secured
Airport Authority of Washoe Co	090-410-03	[-\$6.38]	2005/06 Secured
Richard N. & Debbie Talbot et al	124-890-03	[-\$5.70]	2004 Secured
Washoe County	049-752-08	[-\$5.46]	2005/06 Secured

**05-1075 SPONSORSHIP – CELEBRATING WOMEN IN LEADERSHIP
DINNER – COMMUNITY RELATIONS**

Gary Schmidt, Washoe County resident, said he was opposed to the Board spending any of his or any citizen's taxpayer dollars on the annual "Celebrating Women in Leadership Dinner." He stated the Commission would violate the Open Meeting Law by approving items in a block vote format.

Upon recommendation of Kathy Carter, Community Relations Director, through John Berkich, Assistant County Manager, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Weber ordered that a \$1,000 table captain sponsorship at the Girls Scouts of Sierra Nevada's annual "Celebrating Women in Leadership Dinner" on November 2, 2005 be approved. It was noted the event would be honoring Washoe County Manager Katy Singlaub.

**05-1076 SPONSORSHIP – SPARKS CHAMBER OF COMMERCE'S
ANNUAL SPARKS BUSINESS FORUM – COMMUNITY
RELATIONS**

Upon recommendation of Kathy Carter, Community Relations Director, through John Berkich, Assistant County Manager, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Weber ordered that a \$600 table sponsorship at the Sparks Chamber of Commerce's Annual Sparks Business Forum event on October 12, 2005 be approved.

**05-1077 AGREEMENT – RESOLUTION - INCLINE VILLAGE GENERAL
IMPROVEMENT DISTRICT – MANAGEMENT SERVICES –
GRANTS ADMINISTRATOR**

Upon recommendation of Gabrielle Enfield, Grants Administrator, through John Slaughter, Management Services Director, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that an interlocal agreement between Washoe County and the Incline Village General Improvement District, for support of park maintenance, recreation programs and senior citizen activities in Incline Village in the amount of \$155,000 for fiscal year 2005/06, be approved and Chairman Weber be authorized to execute the agreement. It was further ordered that the following resolution be adopted and Chairman Weber be authorized to execute the same:

RESOLUTION

**AUTHORIZING GRANT OF FUNDS TO THE INCLINE VILLAGE GENERAL
IMPROVEMENT DISTRICT**

WHEREAS, pursuant to NRS 244.1505, Washoe County may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county; and

WHEREAS, Washoe County desires to provide money to Incline Village General Improvement District to support park maintenance, recreations programs, and make available meeting rooms to the Incliners, a senior citizens' group, for the senior activities at Incline Village, and to support senior specific recreation programs.

WHEREAS, Washoe County finds that in making these parks, recreation programs, meeting rooms for seniors to use, and support of new senior specific programs provides substantial benefit to the inhabitants of the county;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, that the Board hereby enters into the attached Grant Agreement to provide funds to Incline Village General Improvement District for the purposes set forth in the attached Grant Agreement.

**05-1078 GRANT – GALENA CREEK TRAILHEAD AND INTERPRETIVE
PATH – PARKS**

Upon recommendation of Jennifer Budge, Park Planner, through Karen Mullen, Regional Parks and Open Space Director, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Weber ordered that the Nevada Division of State Parks Recreation Trails Grant, for the Galena Creek Trailhead and Interpretive Path in the amount of \$100,000, be accepted. It was further ordered that the Regional Parks and Open Space Director be authorized to sign the Project Agreement along with the supplemental documentation and the Finance Department be authorized to make the following budget adjustments:

Increase Fund 404-IN10504-431100 (Revenue-Federal Grants) \$100,000

Increase Fund 404-PK-905114-781080 (Project expense) \$100,000

**05-1079 AWARD OF BID – PASSENGER BUSES - BID NO. 2494-05 –
PUBLIC WORKS**

This was the time to consider award of the bid for 15 passenger buses for the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on July 9, 2005. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

SVI, Inc., dba Specialty Vehicles
Auto Safety House LLC
A-Z Bus Sales, Inc.

County Manager Katy Singlaub explained on June 1, 2004 the National Highway Traffic Safety Administration reissued a rollover warning to users of 15 passenger vans and similar warnings were issued in 2001 and 2002. She said the County has been using 15 passenger vans for Juvenile Services to transport children, and those vans have not been filled as a result of the rollover warnings. Ms. Singlaub noted the replacement vehicles would make it possible for the County to safely transport children at a lower cost.

Upon recommendation of Michael Sullens, Senior Buyer, through John Balentine, Purchasing and Contracts Administrator, Jean Ely, Equipment Services Superintendent, and Tom Gadd, Public Works Director, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Weber ordered that Bid No. 2494-05 for 15 passenger buses for the Public Works Department be awarded to the lowest responsive, responsible bidder, SVI, Inc., dba Specialty Vehicles, in the amount of \$354,584.

05-1080 SETTLEMENT – BARNEY VS. WASHOE COUNTY – DISTRICT ATTORNEY

Juanita Cox, Sparks resident, said she was pleased to see when there was a problem with the Community Development Department's interpretation of any section of the code.

County Manager Katy Singlaub stated the Community Development Department did recommend the interpretation that was upheld by the court.

Commissioner Sferrazza inquired if there would be any additional cost to Washoe County. Melanie Foster, Legal Counsel, said the parties agreed they would waive any claims to attorneys' fees, costs, and damages in exchange for the original interpretation by staff being applied to the property.

Commissioner Sferrazza requested the name of the judge and a copy of the decision be provided to the Board. Ms. Foster noted Judge Janet Berry served in this case, and she would provide a copy of the decision.

Chairman Weber asked for direction concerning a comment card she was presented on the item. Ms. Foster explained the Board's practice concerning public comment has been to take three-minute comments on the items in the block, and she confirmed the Chairman did not have an obligation to take a second round of comments

from the person if that person had already spoken. Chairman Weber confirmed the person had already spoken and had the opportunity to talk on the same item.

Upon recommendation of Brian Brown, District Attorney's Office, Civil Division, through Ms. Foster, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Weber ordered that the settlement of Barney versus Washoe County (Case No. CV03-06112), involving the Community Development Department's interpretation of Section 110.902.15 of the Washoe County Code and an application for a building permit for property at 20 Somers Drive at Crystal Bay, Nevada, be approved.

4:45 p.m. The Board recessed.

5:25 p.m. The Board reconvened with Commissioner Humke temporarily absent.

05-1081 **ORDINANCE NO. 1275 - BILL NO. 1454 - AMENDING WCC**
CHAPTER 25 - BUSINESS LICENSE CODE

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on September 30, 2005 to consider second reading and adoption of Bill No. 1454. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Ann Demers, local resident, said the masseuses who have licenses should be grandfathered into the ordinance without having to retest.

Adrian Freund, Community Development Director, explained the therapists who had completed the practical and written examinations and held County licenses would not be affected by the changes in the ordinance. He said the changes were to conform to changes in State law and coincide with the termination of the County's Massage Board in 2007.

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

Commissioner Larkin asked, if the State decided to exercise their authority to regulate this field, would the County grandfather those currently holding licenses. Mr. Freund replied it could be standard practice to grandfather and remarked the Counties that had regulated massage therapy and administered the exam may flow over to the new State Massage Board.

Melanie Foster, Legal Counsel, explained the statutory change was written to allow current license holders issued by Counties two years to receive a State license; and during that two-year period both licenses would be recognized. She said beginning

July 1, 2007, an individual who wished to be employed as a massage therapist in the State must hold a State license and comply with State requirements. She was unsure if the State would be re-testing or whether they would accept the County test. Mr. Freund commented he did not know if the requirements would be identical between County and State.

6:30 p.m. The Board took a brief recess to research the definition of a “tent show.”

6:32 p.m. The Board reconvened with Commissioner Humke temporarily absent.

In response to Commissioner Galloway, Mr. Freund replied a “tent show” was a traveling business providing music, lectures, or entertainment in a tent, and was a type of outdoor festival or outdoor community event.

On motion by Commissioner Galloway, seconded by Chairman Weber, which motion duly carried with Commissioner Humke temporarily absent, it was ordered that Ordinance No. 1275, Bill No. 1454, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY BUSINESS LICENSE CODE AT CHAPTER 25 BY ADDING THERETO PROVISIONS THAT REQUIRE LICENSE APPLICATIONS, INFORMATION AND FEES FOR TENT SHOWS, THEME PARKS AND PERMANENT EXHIBITIONS, AND THAT REQUIRE REGISTRATION CARDS FOR TENT SHOWS AND THEME PARKS; ADDING A DEFINITION FOR TENT SHOWS, AND INCLUDING TENT SHOWS, THEME PARKS AND PERMANENT EXHIBITIONS IN OTHER DEFINITIONS; REVISING PROVISIONS REGARDING EVENT PERFORMANCE SECURITY REVIEW AND APPROVAL; ADDING PROVISIONS REGARDING STATE MASSAGE THERAPIST LICENSES; REVISING AND ADDING PROVISIONS REGARDING FEES CHARGED FOR WRITTEN EXAMS AND PRACTICAL EXAMS CONDUCTED BY MASSAGE BOARD MEMBERS; ADDING PROVISIONS TO COMPENSATE MASSAGE BOARD MEMBERS FOR CONDUCTING AND GRADING EXAMS BUT NOT FOR BOARD SERVICE; REVISING PROVISIONS TO DISBAND THE MASSAGE BOARD ON JULY 1, 2007; ADDING PROVISIONS TO EXPIRE VALID MASSAGE THERAPISTS PERMITS ON JULY 1, 2007 AND NOT ISSUE NEW PERMITS AFTER THAT DATE; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO,**" be approved, adopted and published in accordance with NRS 244.100.

05-1082 PUBLIC HEARING TO CONSIDER PROTESTS - SPECIAL ASSESSMENT DISTRICT NO. 37 (SPANISH SPRINGS SEWER PHASE 1A) – PUBLIC WORKS

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on September 23, 30 and October 7, 2005 to consider all complaints, protests, and objections made in writing or verbally to the assessment roll or to the proposed assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specifically benefited by, and proposed to be

assessed for, the improvements in the Special Assessment District No. 37 (Spanish Springs Sewer Phase 1a), by any person interested, and by any parties aggrieved by such assessments.

Chairman Weber opened the public hearing by calling on anyone wishing to speak.

Donald Heacock, Reno resident, said he was a member of a focus group from 2000 to 2001 and understood the sewerage of the Spanish Springs Valley could have been accomplished quickly. He commented the public threat to the environment that prompted the County to require sewer connection in the Spanish Spring Valley continued unabated.

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

Steve Bradhurst, Water Resources Director, explained the timeline for the sewer project. He said in the year 2000 the County received a letter from the Nevada Division of Environmental Protection (NDEP) directing the County to convert approximately 2,000 homes with septic systems to community sewer and devise a plan to be developed within 18 months. He said over the course of two years, there were approximately 44 meetings with focus groups as well as the Spanish Springs Action Committee, Spanish Springs Citizen Advisory Board (CAB), Regional Water Planning Commission, and the County Commission to secure information to develop the plan approved in 2002. He said critical to the plan was the adoption of Alternative 8, which stated the plan would not be implemented unless the County received 75 percent funding from the federal government to cover off-site costs. Mr. Bradhurst said the following year staff was successful in securing federal funding, and the Board approved a grant from the Corp of Engineers for approximately \$3-million for the first phase. He said in 2003 staff successfully went before the Legislature and requested funds for on-site costs. Mr. Bradhurst said as a result staff moved forward with the engineering design, additional meetings with the public, and developed a financing process for the Special Assessment District (SAD). He indicated the State Department of Conservation of Natural Resources and the NDEP were pleased with the direction the County was moving in.

5:43 p.m. Commissioner Humke returned to the meeting.

Commissioner Larkin commented the construction had begun on the southern end of SAD No. 37, and Mr. Bradhurst remarked a sewer line from Eagle Canyon to Phase 1a had been completed. Commissioner Larkin believed, given the constraints, Water Resources secured a cost effective way to put this into effect.

In response to Chairman Weber, Mr. Bradhurst said additional federal funds would be available by the end of 2005.

05-1083

RESOLUTION - SPECIAL ASSESSMENT DISTRICT NO. 37
(SPANISH SPRINGS SEWER PHASE 1A)

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

RESOLUTION NO. 05-1083

A RESOLUTION CONSIDERING PROTESTS MADE AT THE PUBLIC HEARING ON THE PROVISIONAL ORDER AND CONSIDERING HARDSHIP APPLICATIONS FOR WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 37 (SPANISH SPRINGS SEWER PHASE 1A); DIRECTING THAT THE ENGINEER PREPARE AND FILE A REVISED AND DETAILED ESTIMATE OF COST, FULL AND DETAILED FINAL PLANS AND SPECIFICATIONS, AND A REVISED MAP AND ASSESSMENT PLAT; AND PROVIDING OTHER MATTERS RELATED THERETO.

WHEREAS, the Board of County Commissioners (herein "Board") of the County of Washoe (herein "County") and State of Nevada, pursuant to a resolution adopted September 13, 2005 (the "provisional order resolution"), provisionally ordered the acquisition, pursuant to Chapter 271, Nevada Revised Statutes, of a sanitary sewer project as defined in NRS 271.200 (the "Project") within the Washoe County, Nevada, Special Assessment District No. 37 (Spanish Springs Sewer Phase1a) (herein the "District"); and

WHEREAS, pursuant to the resolution, the County Clerk and the Engineering Division of the Washoe County Department of Water Resources, as the engineer for the County, gave notice of the time and place of hearing thereon, in the manner specified by law and that the County will consider all hardship applications filed in accordance with NRS 271.357 at such time; and

WHEREAS, the manner of giving such notice by mail, publication and posting was reasonably calculated to inform the parties of the proceedings concerning the District which might directly and adversely affect their legally protected interests; and

WHEREAS, all owners of property to be assessed and interested persons so desiring were permitted to file a written protest or objection or to appear before the Board on Tuesday, October 11, 2005, and be heard as to the propriety and advisability of acquiring the Project provisionally ordered, as to the cost thereof and manner of payment therefore, as to the amount thereof to be assessed against the property and to evaluate any

hardship applications submitted in accordance with the hardship procedure established by the Board pursuant to an ordinance; and

WHEREAS, the written and oral objections or protests received were duly considered, and the Board has determined that it is in the best interests of the District, the County, and inhabitants thereof to create the District as theretofore proposed; and

WHEREAS, the Board has determined (based upon the tabulation of the percentage of owners protesting prepared by the Engineering Division of the Washoe County Department of Water Resources, as the engineer for the County, and filed with the County Clerk) that the total percentage of those owners filing written or oral objections from the entire District amounted to less than one-half of the total area to be assessed; and

WHEREAS, the Board has now considered each and every written protest and objection and all oral protests and objections made at the hearing, and the Board finds that each and every written and oral protest or objection is without sufficient merit and is overruled and denied.

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

Section 1. The Board determines that each and every protest and objection filed or otherwise made (representing less than 50 percent of the area to be assessed) is without sufficient merit, and that the same is overruled and finally passed on by the Board except the District is modified as described in Section 2.

Section 2. The Board has determined, and does hereby determine, that, except as hereinafter stated, it is advisable to acquire the Project as provided by the provisional order resolution and does hereby order that assessments be levied therefore; except that the following are deleted from the District:

[unless changes are listed here, no changes are made an all protests or objections are overruled and denied]

Section 3. Pursuant to NRS 271.360 and an ordinance adopted on October 23, 2001 establishing a hardship determination procedure, the Board has considered all applications for hardship determinations and the recommendations of the Washoe County Department of Social Services and hereby finds and determines that no qualifying applications for hardships were filed, except as listed below:

[unless changes are listed here, all filed hardship applications have been considered and no hardship applications are granted]

Section 4. Any person who filed, and did not withdraw a written protest or objection as aforesaid, shall have the right, within 30 days from the effective

date of this resolution, to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination, but thereafter all actions or suits attacking the validity of the proceedings and the amounts of benefits, shall be perpetually barred.

Section 5. The Engineering Division of the Washoe County Department of Water Resources as the engineer for the County is requested and directed to prepare in the manner required by law and present to the Board:

- (A) A revised (to the extent necessary) and detailed estimate of the total cost of the District, including each of the incidental costs;
- (B) Full and detailed final plans and specifications; and
- (C) A revised (to the extent necessary) map and revised assessment plat.

Section 6. The officers of the County are directed to effectuate the provisions of this resolution.

Section 7. All resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of such inconsistency.

Section 8. The invalidity of any provision of this resolution shall not affect any remaining provisions hereof.

Section 9. The Board has determined, and does hereby declare, that this resolution shall be in effect after its passage in accordance with law.

05-1084 BILL NO. 1455 - SPECIAL ASSESSMENT DISTRICT NO. 37 - WATER RESOURCES

In response to Commissioner Galloway, Kendra Follett, Swenseid and Stern, replied statute required an estimate of the amount to be paid through the special assessment; and the assessment could go up to the amount of the special benefit incurred by each property. She said the current estimated assessment for each parcel was \$4,591.56 with the maximum special benefit for each of those parcels being \$7,500. Commissioner Galloway asked if that was based on the face value of the property may increase by having a sewer connection, and Ms. Follett concurred.

In response to Commissioner Galloway, Tom Kelly, Senior Engineer, said staff went through several variations of calculations for replacements of septic systems. He said staff made comparisons of assessed values between properties on sewer and on septic systems. Mr. Kelly remarked the comparisons showed the general numbers did not make it too high since the assessments could increase to the maximum benefits if there were additional costs.

Chairman Weber questioned if the elementary school would be affected by the funding. Ms. Follett said by statute, a school district must consent. She said their estimated assessment would be \$41,324 because they were equivalent to nine units.

Bill No. 1455, entitled, "**AN ORDINANCE CREATING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 37 (SPANISH SPRINGS SEWER PHASE 1A); ORDERING A SANITARY SEWER PROJECT WITHIN WASHOE COUNTY, NEVADA, PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFORE; AND PRESCRIBING OTHER MATTERS RELATING THERETO,**" was introduced by Commissioner Larkin, the title read to the Board and legal notice for final action of adoption directed.

05-1085 PUBLIC LOCATION DESIGNATION FOR SALES OF REAL PROPERTY - DISTRICT ATTORNEY

Melanie Foster, Legal Counsel, explained sales under Deed of Trust were equivalent to a mortgage foreclosure. She said the 2005 Legislature changed the statute allowing a governing board of a county with a population of over 100,000 to designate a public location where trustee sales would occur. Ms. Foster said, in reviewing the legislative history, the testimony that prompted this bill had to do with perceived abuse, as seen by the legislature, where sales were being held in trustee's offices.

Phil Frink, Trustee Sale Officer, Stewart Title, suggested if the office of the trustee was located in Washoe County, the sale should be held in the office of the trustee or at the County Courthouse.

Juanita Cox, local resident, remarked public sales should always be conducted in a public building. She said the County Courthouse should remain the designated area for such sales.

Ms. Foster noted a trustee's office was not a public location. She said the Legislature clearly intended the Board to designate a public location.

Commissioner Humke said the statute appeared clear in stating a public place, not just a place open to the public. He recommended the courthouse steps should be designated as the public location for trustee sales.

In response to Chairman Weber, Amy Harvey, County Clerk, replied her office was not involved in the sales, but she had observed several of the trustee sales.

Upon recommendation of Ms. Foster, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Weber ordered that the Washoe County Courthouse, located at Virginia and Court Streets, be designated as the public location where trustee sales of real property would be conducted.

05-1086

**VACANCIES - REGIONAL WATER PLANNING COMMISSION -
WATER RESOURCES**

Commissioner Galloway stated the Board did not receive the package containing the applications in an appropriate time to consider the applicants. He moved to continue the item so the Board could access the resumes of the applicants and set a date certain for the applicants to address the Board. Commissioner Humke seconded the motion.

Commissioner Humke commented this was an important appointment, and he said the Board needed to examine the applications thoroughly.

On call for the question, the motion to continue passed on a 5-0 vote.

05-1087

**EVENTS SPONSORSHIP GRANT ADVISORY COMMITTEE -
MANAGEMENT SERVICES**

Katy Singlaub, County Manager, reported the Committee was approved by the Board on May 10, 2005 and includes one or more of the following: County Grants Administration staff member, Parks Department staff member, Community Relations Director, and a community member chosen from the general public or a Citizen Advisory Board (CAB) member. The Board also appointed Commissioner Sferrazza to serve on the Committee. She provided a synopsis of each of the projects, the criteria, and the rating form to the Board. Ms. Singlaub explained the Board supported the 4th of July festivities using sponsorship grant money. She said in the future staff would budget the 4th of July allocations, but this year those funds came out of the events line item, which depleted the account. Ms. Singlaub said the adopted criteria made it difficult to rule out applications when they had met the established criteria.

Commissioner Galloway was concerned since he did not have adequate time to review the information. He suggested continuing the item.

Chairman Weber explained agendas were provided on the Wednesdays prior to the meetings. She said, as Board members, they needed to look through the information and present questions to the Manager's office the Monday preceding the meeting.

Commissioner Sferrazza said the Board did not create the budget to fit the applications. He said the applications were \$83,000 and the committee substantially reduced the amounts and were within the \$50,000 budget. He remarked he was unaware the funds for the fireworks came out of this budget.

Juanita Cox, local resident, spoke against monies being dispersed for these types of projects. She said public monies should be used for government business.

Commissioner Galloway shared comments he had received from citizens at CAB meetings he had attended. He said, in regard to the individual recommendations, he would not be able to act on this item.

Commissioner Larkin commented the community grant process represented a small percentage of the County's annual appropriation. He said the process the Board put into place has had public scrutiny. He believed it would not be a judicious use of the Board's time to second-guess the Committee. He said he would be prepared to vote on the issue and move forward.

Commissioner Humke remarked this was a lengthy process, and he understood the rating scale was taken into account. He said the evaluation criterion was exhaustive, and he would approve the item.

In response to Commissioner Galloway, Ms. Singlaub said the Board chose to allocate \$40,500 this year; and those funds were taken from Community support. She said in the future staff would approach the Board at budget time and anticipate 4th of July festivities.

Upon recommendation of Lisa Gianoli, Budget Manager, and Gabrielle Enfield, County Grants Administrator, through John Slaughter, Management Services Director, on motion by Commissioner Larkin, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Galloway voting "no," it was ordered that the Events Sponsorship Grant Advisory Committee's proposal to increase the Community Events Sponsorship budget and allow a maximum award of \$5,000 for future Community Events sponsorship grants be approved. It was further ordered that the following resolutions be adopted and Chairman Weber be authorized to execute the same:

RESOLUTION

AUTHORIZING THE GRANT OF PUBLIC MONEY TO A PRIVATE NONPROFIT ORGANIZATION

WHEREAS, NRS 244.1505 provides that a Board of County Commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the County and that a board may make a grant of money to a private organization, not for profit, to be expended for a selected purpose; and

WHEREAS, the Board of County Commissioners of Washoe County has determined that a certain amount of money is available for fiscal year 2005-2006 for community event sponsorship grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore be it

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

1. The Board hereby grants to Environmental Leadership, a private, nonprofit organization, a grant for fiscal year 2005-2006 in the amount of \$5,000 (Community Event Sponsorship.)
2. The purpose of the grant is to provide support for Northern Nevada's 2006 Earth Day Celebration.

RESOLUTION

**AUTHORIZING THE GRANT OF PUBLIC MONEY TO A PRIVATE
NONPROFIT ORGANIZATION**

WHEREAS, NRS 244.1505 provides that a Board of County Commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the County and that a board may make a grant of money to a private organization, not for profit, to be expended for a selected purpose; and

WHEREAS, the Board of County Commissioners of Washoe County has determined that a certain amount of money is available for fiscal year 2005-2006 for community event sponsorship grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore be it

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

1. The Board hereby grants to Boys & Girls Club of Northern Nevada, a private, nonprofit organization, a grant for fiscal year 2005-2006 in the amount of \$4,000 (Community Event Sponsorship.)
2. The purpose of the grant is to provide support for the 5th Annual National Kids Day Celebration.

RESOLUTION

**AUTHORIZING THE GRANT OF PUBLIC MONEY TO A PRIVATE
NONPROFIT ORGANIZATION**

WHEREAS, NRS 244.1505 provides that a Board of County Commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the County and that a board may make a grant of money to a private organization, not for profit, to be expended for a selected purpose; and

WHEREAS, the Board of County Commissioners of Washoe County has determined that a certain amount of money is available for fiscal year 2005-2006 for community event sponsorship grants, which grants will provide a substantial benefit to

the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore be it

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

1. The Board hereby grants to Safe Embrace, a private, nonprofit organization, a grant for fiscal year 2005-2006 in the amount of \$1,580 (Community Event Sponsorship.)
2. The purpose of the grant is to provide support for Safe Embrace's participation in the 2006 Kids Fair.

RESOLUTION

**AUTHORIZING THE GRANT OF PUBLIC MONEY TO A PRIVATE
NONPROFIT ORGANIZATION**

WHEREAS, NRS 244.1505 provides that a Board of County Commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the County and that a board may make a grant of money to a private organization, not for profit, to be expended for a selected purpose; and

WHEREAS, the Board of County Commissioners of Washoe County has determined that a certain amount of money is available for fiscal year 2005-2006 for community event sponsorship grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore be it

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

1. The Board hereby grants to Nevada Hispanic Services a private, nonprofit organization, a grant for fiscal year 2005-2006 in the amount of \$4,500 (Community Event Sponsorship.)
2. The purpose of the grant is to provide support for Hispanic Heritage Day.

RESOLUTION

**AUTHORIZING THE GRANT OF PUBLIC MONEY TO A PUBLIC
GOVERNMENTAL ENTITY**

WHEREAS, NRS 244.1505 provides that a Board of County Commissioners may expend money for any purpose which will provide a substantial

benefit to the inhabitants of the County and that a board may make a grant of money to a private organization, not for profit, to be expended for a selected purpose; and

WHEREAS, the Board of County Commissioners of Washoe County has determined that a certain amount of money is available for fiscal year 2005-2006 for community event sponsorship grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore be it

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

1. The Board hereby grants to Washoe County School District, a political subdivision of the State of Nevada, a grant for fiscal year 2005-2006 in the amount of \$3,129 (Community Event Sponsorship.)
2. The purpose of the grant is to provide support Gerlach Literacy and Resource coordinated by the Family Resource Centers.

RESOLUTION

AUTHORIZING THE GRANT OF PUBLIC MONEY TO A PRIVATE NONPROFIT ORGANIZATION

WHEREAS, NRS 244.1505 provides that a Board of County Commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the County and that a board may make a grant of money to a private organization, not for profit, to be expended for a selected purpose; and

WHEREAS, the Board of County Commissioners of Washoe County has determined that a certain amount of money is available for fiscal year 2005-2006 for community event sponsorship grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore be it

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

1. The Board hereby grants to YMCA of the Sierra, a private, nonprofit organization, a grant for fiscal year 2005-2006 in the amount of \$3,750 (Community Event Sponsorship.)
2. The purpose of the grant is to provide support for the Tune In To Kids Fair; an outgrowth of TV Turn Off Week, a celebration of life and learning beyond the screen that focuses on parent involvement.

RESOLUTION

**AUTHORIZING THE GRANT OF PUBLIC MONEY TO A PRIVATE
NONPROFIT ORGANIZATION**

WHEREAS, NRS 244.1505 provides that a Board of County Commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the County and that a board may make a grant of money to a private organization, not for profit, to be expended for a selected purpose; and

WHEREAS, the Board of County Commissioners of Washoe County has determined that a certain amount of money is available for fiscal year 2005-2006 for community event sponsorship grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore be it

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

1. The Board hereby grants to Keep Truckee Meadows Beautiful, a private, nonprofit organization, a grant for fiscal year 2005-2006 in the amount of \$5,000 (Community Event Sponsorship.)
2. The purpose of the grant is to provide support for a “Truckee Meadows Clean and Green” event that will focus on engaging residents in cleaning up their neighborhoods and environs.

RESOLUTION

**AUTHORIZING THE GRANT OF PUBLIC MONEY TO A PRIVATE
NONPROFIT ORGANIZATION**

WHEREAS, NRS 244.1505 provides that a Board of County Commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the County and that a board may make a grant of money to a private organization, not for profit, to be expended for a selected purpose; and

WHEREAS, the Board of County Commissioners of Washoe County has determined that a certain amount of money is available for fiscal year 2005-2006 for community event sponsorship grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore be it

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

1. The Board hereby grants to Parent Education and Child Enrichment Project (PEACE), a private, nonprofit organization, a grant for fiscal year 2005-2006 in the amount of \$5,000 (Community Event Sponsorship.)
2. The purpose of the grant is to provide support for the For Kids Sake Festival a new event to prevent child abuse and neglect of children age birth to 18 in Washoe County.

RESOLUTION

**AUTHORIZING THE GRANT OF PUBLIC MONEY TO A PRIVATE
NONPROFIT ORGANIZATION**

WHEREAS, NRS 244.1505 provides that a Board of County Commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the County and that a board may make a grant of money to a private organization, not for profit, to be expended for a selected purpose; and

WHEREAS, the Board of County Commissioners of Washoe County has determined that a certain amount of money is available for fiscal year 2005-2006 for community event sponsorship grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore be it

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

1. The Board hereby grants to The Note-Ables, a private, nonprofit organization, a grant for fiscal year 2005-2006 in the amount of \$1,500 (Community Event Sponsorship.)
2. The purpose of the grant is to provide support for the Hot August Notes performances by youth and adults with disabilities.

RESOLUTION

**AUTHORIZING THE GRANT OF PUBLIC MONEY TO A PRIVATE
NONPROFIT ORGANIZATION**

WHEREAS, NRS 244.1505 provides that a Board of County Commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the County and that a board may make a grant of money to a private organization, not for profit, to be expended for a selected purpose; and

WHEREAS, the Board of County Commissioners of Washoe County has determined that a certain amount of money is available for fiscal year 2005-2006 for community event sponsorship grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore be it

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

1. The Board hereby grants to Reno-Sparks NAACP, a private, nonprofit organization, a grant for fiscal year 2005-2006 in the amount of \$3,500 (Community Event Sponsorship.)
2. The purpose of the grant is to provide support for a stay in school rally and education summit.

RESOLUTION

AUTHORIZING THE GRANT OF PUBLIC MONEY TO A PRIVATE NONPROFIT ORGANIZATION

WHEREAS, NRS 244.1505 provides that a Board of County Commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the County and that a board may make a grant of money to a private organization, not for profit, to be expended for a selected purpose; and

WHEREAS, the Board of County Commissioners of Washoe County has determined that a certain amount of money is available for fiscal year 2005-2006 for community event sponsorship grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore be it

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

1. The Board hereby grants to Northern Nevada International Center, a private, nonprofit organization, a grant for fiscal year 2005-2006 in the amount of \$1,500 (Community Event Sponsorship.)
2. The purpose of the grant is to provide support for a Community Summit on Citizen Diplomacy.

05-1088

**SURPLUS – COUNTY-OWNED PROPERTY - APN 018-113-07 -
JACK TUTTLE - PUBLIC WORKS**

In response to Commissioner Sferrazza, Tom Gadd, Public Works Director, replied the \$200 was an offer made by Jack Tuttle. He explained this was a sliver of parcel with no value to the County. Commissioner Sferrazza asked if this would be bid, and Mr. Gadd responded it would not. He said Legislation AB312 allowed the County to transfer a piece of property that was declared surplus.

Juanita Cox, local resident, was concerned with the slight impropriety. She stated the map showed other parcels touching this particular one and felt those residents needed to be noticed.

Mr. Gadd said others surrounding the parcel would be noticed for the public hearing.

Chairman Weber read the summary report from the agenda memorandum.

Commissioner Larkin commented the purpose of the public hearing was to allow for objections. Mr. Gadd concurred and said the citizen whose parcel abutted this sliver parcel was aware of Mr. Tuttle's interest in purchasing it. Mr. Gadd said this item would declare the parcel surplus so a public hearing could be noticed.

Commissioner Galloway asked if this parcel was in a portion not served by sewers. Mr. Gadd said he did not believe it was. Commissioner Galloway asked if the parcel was large enough to build a sewer pump station. Mr. Gadd said this parcel was brought to Water Resources, and they were not interested.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Weber ordered that Mr. Tuttle obtain letters of no interest from the County Health Department, Engineering Department, and the City of Reno stating APN 018-113-07 did not have any use for municipal or sewer facilities prior to the parcel being declared surplus.

05-1089

**ACCEPTANCE OF COMMUNITY WILDFIRE RISK AND
HAZARD ASSESSMENT - MANAGEMENT SERVICES**

Katy Singlaub, County Manager, commented the County recognized there were flaws and staff had been working to rectify those. She said the County was required to have a plan; however, staff did not write this one.

Paul Hefner, Fire Service Coordinator, stated the entire assessment was available on the County web page. He emphasized this was not a land management or regulatory plan but contained wildfire mitigation recommendations. Mr. Hefner said it was an assessment of the wildland fire threat, which must be amended to remain current. He said various omissions staff recognized were fire behavior information and types of

fires attributed to this County. He said staff would complete the omissions and correct the errors. Mr. Hefner remarked the assessment was presented on an informal, informational basis to several of the Citizen Advisory Boards (CAB's). He said the overall intent was to correct the errors, complete the omissions and amendments, and present it officially to all the CAB's in ample time for comments. He explained staff had recently learned that several requested grants through the communities fire safe chapters would fall to a lower priority if the County did not accept the report. Mr. Hefner said the acceptance would not be an adoption but would be tied to the grants. He commented the County assessment was the most complex assessment in the state, and staff would develop a quarterly timetable for additions and updates.

Commissioner Larkin inquired on the amount of grant money at risk. Mr. Hefner said currently the Western States Fire Managers were meeting in Lake Tahoe to consider grant monies through the Healthy Forest Restoration Act, but he was not aware of the actual funding amounts. Commissioner Larkin commented the presentation and process of the original report for the County failed in terms of getting information out. He said to remedy that; staff would do a detailed itemization of correcting of factual errors and elaborating on some areas. Mr. Hefner said the information collected from the CAB's and the fire safe chapters, concerning corrections to the plan, would be recommended to the Commission and be included in the countywide assessment. Commissioner Larkin felt the plan had a number of admirable attributes but some pitfalls as well. He said staff needed to work with communities that had wildland urban interfaces. Commissioner Larkin stated the plan could be beneficial; however, there were areas that needed correction. He said by accepting the plan, the Board was not agreeing that everything was correct; but that would move it to modification.

In response to Commissioner Galloway, Mr. Hefner replied the North Lake Tahoe Assessment was initiated earlier in the process to complete all the plans within the Tahoe Basin; and that was why it was separated out before the County. Commissioner Galloway requested the North Lake Tahoe Assessment be placed on a future agenda.

Joan Presley, Reno Fire Department, remarked the North Lake Tahoe plan was separate and more in-depth since they had additional funds.

Juanita Cox, local resident, was concerned regarding acceptance versus approval. She noted this document was difficult to locate on the Internet.

In response to Chairman Weber, Ms. Singlaub replied staff would move the document so the link would be evident on the County web page.

Upon recommendation of Paul Hefner, Fire Services Coordinator, through John Slaughter, Management Services Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that the Community Wildfire Risk and Hazard Assessment be accepted and Chairman Weber be authorized to execute the implementation document. It was further ordered that staff be directed to complete amendments and present them to the Board by December 13, 2005.

8:20 p.m. The Board recessed.

8:40 p.m. The Board reconvened with Commissioner Larkin temporarily absent.

05-1090 **COUNTY COMMISSION MEETING DAYS - DISTRICT ATTORNEY**

Melanie Foster, Legal Counsel, stated the Board sought flexibility; but unfortunately State law says regular meeting days must be scheduled by ordinance.

In response to Commissioner Galloway, Ms. Foster replied the Board could schedule meetings for a Monday or Tuesday, or continue holding the regular meeting on Tuesdays. She said presently, if the Board needed to schedule a regular meeting on Monday, staff would do a call and notice of a special meeting. Ms. Foster remarked this proposed ordinance would not require that, but the notice requirement would be the same. She said as long as regular meeting day or days were stated in the ordinance, the law was satisfied.

8:43 p.m. Commissioner Larkin returned to the meeting.

Commissioner Sferrazza questioned if the new wording permitted a Monday or Tuesday meeting. Ms. Foster said it would, and it was written to include holidays. Commissioner Sferrazza said this would require Commissioners to leave both days open in the event a meeting would be held on either day. Ms. Foster said there was that concern, but statute required action at a previous meeting to cancel a meeting.

Ms. Foster suggested it would be best not to change the ordinance and continue with the current policy. The Board concurred.

REPORTS/UPDATES FROM COUNTY COMMISSION MEMBERS

Commissioner Galloway remarked the Tahoe Regional Planning Agency held a meeting on casino related issues, concerning certain uses allowed in private spaces, parking, or room areas and if they were an expansion of a structure containing gaming. He noted the issue would be revisited.

Chairman Weber congratulated Commissioner Sferrazza on his reelection to serve on the National Association of Counties (NACo).

Commissioner Sferrazza requested the Nevada Association of Counties (NACO) Pharmacy Card program be placed on an agenda. He declared he had citizens from his district interested in being appointed to the Board of Equalization and requested that be placed on a future agenda.

Katy Singlaub, County Manager, said staff had resolved the implementation of the NACO prescription card, and a report would be supplied to the Board.

Chairman Weber commented NACO requested a letter from the County to the Congressional delegation regarding local government franchise fees. She reported that Commissioner Sferrazza served on the unfunded mandate committee, and they would move forward with an initiative petition to be placed on the November 2006 ballot. Chairman Weber noted the next NACO convention would be held in Clark County in December 2006.

Commissioner Humke reported on claims of the Indigent Accident Board. He said the Truckee River Flood Project Coordinating Committee would meet on October 14, 2005 and would discuss two critical issues.

05-1091 2002 REGIONAL PLAN SETTLEMENT

Melanie Foster, Legal Counsel, said the Board received a copy of a pleading, which was the County's designation of the legal issues that existed in regard to the Annexation Program Settlement Agreement. She said there would be a hearing on October 20, 2005.

Commissioner Galloway explained the negotiating team reached an agreement requiring a map; however, the remaining difficulty was in the drawing of that map. He said principles had been reached, but a map had not been presented that staff from the County and the City of Reno felt they wanted to recommend to their respective Boards.

In response to Chairman Weber, Ms. Foster explained that Justice Hardesty indicated legal issues not raised within the pleadings would be barred from ever being raised. Commissioner Galloway explained by doing this the Judge had an opportunity to make a ruling based on issues without a legal proceeding.

* * * * *

There being no further business to come before the Board, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that the meeting be adjourned to a closed session at 9:12 p.m. for the purpose of discussing negotiations with employee organizations per NRS 288.220. It was further ordered that the meeting would adjourn from the closed session.

BONNIE WEBER, 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
Stacy Gonzales, Deputy County Clerk*