

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

TUESDAY

2:00 P.M.

MAY 24, 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:

**05-503      AGENDA**

In accordance with the Open Meeting Law, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, Chairman Weber ordered that the agenda for the May 24, 2005 meeting be approved with the following change: **Delete:** Item 6, Washoe County Hearing on Tentative Budget and possible adoption of Final Budget.

**\*2:10 p.m.**      Commissioner Sferrazza arrived at the meeting.

**05-504      PUBLIC COMMENTS**

John Bradbury, Sparks resident, read a letter about the planning of a round-a-bout at the intersection of Eagle Canyon Drive and Alena Way, which was placed on file with the Clerk.

Gloria Hope, Reno resident, detailed the book she had written about Reno in the 1960's. She said it was available at Sundance Bookstore.

Guy Felton, area resident, stated he had presented questions to the Commissioners on April 19, 2005, and no attempt had been made to answer them. He said those who did not answer, should not serve.

Al Hesson, Reno resident, commented on letters to the editor in the *Sacramento Bee* concerning homelessness in the richest country in the world.

Sam Dehne, local resident, welcomed the students in attendance and declared the media was the powerful arm of the government in Reno.

Gary Schmidt, Washoe County resident, remarked he was confused by the outcome of the hearings regarding his service on the Board of Equalization. He questioned who would train him, when the training start, and what it would entail.

**05-505            COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS**

County Manager Katy Singlaub explained there was a revision to agenda Item 13 in the form of an addendum. She pointed out there were three parts to the item. Melanie Foster, Legal Counsel, stated the addendum was attached to the agendas; it was properly posted within the limits required by the Open Meeting Law; therefore, it would not be necessary to reopen and reapprove the agenda.

Commissioners Galloway and Larkin asked that the planning of a round-about at the intersection of Eagle Canyon Drive and Alena Way be placed on a future agenda.

Commissioner Larkin noted each newly elected Commissioner swears an oath to support the Constitution of the Federal and State governments.

Commissioner Larkin commented on a letter from Precision Construction, Inc. to Jess Traver, Building and Safety Director, and his staff. He said the letter spoke highly of them, and the letter was placed on file with the Clerk. Commissioner Larkin read a memorandum to Tom Gadd, Public Works Director, from Gerry Bayfield, Special Projects Inspector/Accessibility Inspector, concerning the Caucus Room ADA Compliance Inspection, which was placed on file with the Clerk.

Commissioner Humke called attention to a recent graduate of Wooster High School who had received national prominence as a leading pitcher for Oregon State University, and he commended her efforts. Commissioner Humke gave contact information and details about the Special Advocates for Elders (SAFE) program. He noted the SAFE program was a court-based, volunteer project serving seniors under or facing guardianship.

Commissioner Galloway said an item concerning the financial impact of redevelopment agencies, and their possible expansion, on the revenues of Washoe County and other local governments was being postponed to the June 14, 2005 meeting. He pointed out the importance of the issue and asked that School District representatives be invited to that meeting.

Commissioner Sferrazza thanked citizen Gloria Hope for her attendance at the meeting, and he asked for a resolution on behalf of her efforts to publish a book about the community. He alerted the Commission he had requested an agenda item on the issue of the annexation of North Valleys High School into the City of Reno. He stated people

were upset about it, and he asked the Commission to take a position on the issue. Commissioner Sferrazza indicated he attended part of the cleanup in Golden Valley, and he met with a citizen who took him on a tour of what was described as the old County dump site. The citizen was asking the County to acquire the land from the Bureau of Land Management (BLM) in order to patrol it, maintain it, or turn it into a park or open space. Commissioner Sferrazza noted, in discussing the issue with Commissioner Galloway, it was proposed that the County approach the BLM about contracting with the County to patrol the area. He and Commissioner Galloway requested the issue be placed on a future agenda.

Ms. Singlaub advised the Board that staff was not able to complete a comprehensive analysis for the meeting today pursuant to the request last week for an agenda item regarding the impacts of other redevelopment districts. She announced there was an item on the May 25, 2005 agenda for the Reno City Council regarding the extension of their existing Redevelopment District; and staff had prepared an overview of the estimated fiscal impacts, which were submitted to the City Council. Ms. Singlaub said it was made clear in the letter that this was not a position of the Board because the Board had not heard the item or taken a position. She confirmed staff would be in attendance at the public hearing to respond to any questions.

Chairman Weber acknowledged citizens of Golden Valley who had a successful area cleanup last weekend. She encouraged staff to work with the community, Regional Parks and Open Space, BLM, and the Forest Service to achieve enforcement in that area. She expressed it was atrocious to see what people were doing to the open space area. She thanked the various companies and people who helped with the cleanup. Chairman Weber commended the Washoe County team for earning the "Silver Award" under the Corporate Challenge.

Ms. Singlaub thanked all the employees who participated in the Corporate Challenge, and she said they represented Washoe County well. She acknowledged Mimi Fujii-Strickler, Marketing Coordinator, and Chris Matthews, E-Government Information Officer, who coordinated the event; and she invited the Commissioners to participate next year.

**05-506            PUBLIC HEARING – WASHOE COUNTY FINAL BUDGET –**  
**FISCAL YEAR 2005/06**

County Manager Katy Singlaub noted the item was not necessary because the Board had adopted the budget. She said the public hearing had been closed. Chairman Weber allowed public comment on the item.

Sam Dehne, Reno resident, commented on the massive Washoe County budget and stated his recommended amendments to the budget.

Gary Schmidt, Washoe County resident, remarked the lobbyist portion of the budget should be clear and not hidden. He discussed the County's lobbyist policy.

Juanita Cox, Sparks resident, submitted a photograph, which was placed on file with the Clerk. She described the photograph as an example of how Community Development created work for itself. She agreed there should be a line item in the budget for lobbyists to show the people of Washoe County who lobbies and what department they represent.

**05-507            MINUTES**

On motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the minutes of the regular meeting of April 19, 2005 be approved.

**05-508            SEXUAL ASSAULT - MEDICAL CARE - PAYMENT**

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care and follow-up medical or psychological treatment for 25 sexual assault victims in an amount totaling \$7,230.20 as set forth in a memorandum from Kim Schweickert, Program Assistant, District Attorney's Office, dated May 2, 2005.

**05-509            AGREEMENT – TECHNOLOGY MAINTENANCE AND SERVICE CONTRACTS – INFORMATION TECHNOLOGY/PURCHASING**

Upon recommendation of John Young, Assistant Buyer, through John Balentine, Purchasing and Contracts Administrator, and Matt Beckstedt, Information Technology Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the renewal of technology maintenance and service contracts over \$25,000, as a group, that have been budgeted for fiscal year 2006 be approved. It was further ordered that the Purchasing and Contracts Administrator be authorized to sign the contracts as they come due after approval from the District Attorney, the Budget Office and Risk Management.

**05-510            AMENDMENTS TO OFFICE OF DOMESTIC PREPAREDNESS HOMELAND SECURITY GRANTS – MANAGEMENT SERVICES**

Upon recommendation of Cathy Ludwig, Emergency Management Grants 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 following amendments to the Federal fiscal year 2004 Office of Domestic Preparedness/Homeland Security Grants for performance period extensions be approved:

Sheriff's Office

Citizens Corps through November 1, 2005

State Homeland Security through November 30, 2005  
Law Enforcement Terrorism Prevention through November 30, 2005

Health Department

State Homeland Security through November 30, 2005

Truckee Meadows Water Authority

State Homeland Security through November 30, 2005

Cities of Reno and Sparks as joint owners of Truckee Meadows Water Reclamation Facility

State Homeland Security through October 1, 2005

It was further ordered that the County Manager be authorized to execute the amendments for the Sheriff's Office and Truckee Meadows Water Authority, and Chairman Weber be authorized to execute the amendments for the District Health Department and the Truckee Meadows Water Reclamation Facility.

**05-511      PURCHASE VEHICLES – CHILD WELFARE INTEGRATION – SOCIAL SERVICES**

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that Social Services be authorized to expend approximately \$48,000 to purchase three replacement vehicles from the dealer identified by Equipment Services to support child welfare services budgeted for Washoe County by the State of Nevada for fiscal year 2005 to support child welfare integration. It was further ordered that the Finance Department be directed to make the following budget adjustments:

<b>Cost Center</b>		<b>Internal Order</b>	
280910-710100	\$48,000	10472-781004	\$48,000

**05-512      REAPPOINTMENT – BOARD OF MASSAGE EXAMINERS – COMMUNITY DEVELOPMENT**

On motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Deborah Wenig be reappointed to the Board of Massage Examiners with a term to expire on June 30, 2008.

**05-513      AGREEMENT – SECRETARIAL SERVICES FOR CITIZEN ADVISORY BOARDS – COMMUNITY DEVELOPMENT**

County Manager Katy Singlaub stated Allayne Donnelly-Everett has had an agreement with Washoe County for several years. Chairman Weber noted that Ms. Donnelly-Everett did an outstanding job.

Commissioner Sferrazza said he would support the agreement; however, there should be a formal effort of review every three years and a request for proposal process for the next three years.

Commissioner Humke described the thorough work of Ms. Donnelly-Everett and said the contract was well worth the price.

Upon recommendation of Bob Webb, Planning Manager, through Adrian Freund, Community Development Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that an independent contractor agreement between Washoe County and Allayne Donnelly-Everett, dba Specialized Secretarial Services, concerning the provision of recording secretarial services to Washoe County Citizen Advisory Boards for fiscal year 2005/06 in the amount of \$67,240, be approved and Chairman Weber be authorized to execute the same.

**05-514            CASH DONATION – SIERRA PACIFIC POWER COMPANY – SILVER KNOLLS FIRE STATION – PUBLIC WORKS**

County Manager Katy Singlaub recognized the cash donation from Sierra Pacific Power Company for the Silver Knolls Fire Station, and she expressed the gratitude of the Board for the generous donation. She said Sierra Pacific Power Company offered the donation for mitigation on the Tracy to Silverlake power line that was recently authorized.

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the cash donation to the Silver Knolls Fire Station from the Sierra Pacific Power Company in the amount of \$200,000 be accepted. It was further ordered that the Finance Department be directed to make the following budget adjustments:

<b>Cost Object/Account</b>	<b>Title</b>	<b>Amount</b>
20270 – 484000	General Donations	\$200,000
PW920458 – 781002	Building Improvements	\$200,000

**05-515            LEASE AGREEMENT – MMK PROPERTIES – WAREHOUSE SPACE – SEARCH AND RESCUE – PUBLIC WORKS**

Upon recommendation of Mike Turner, Facility Management Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that a 36-month lease agreement between Washoe County and MMK Properties, concerning continued use of warehouse space for Search and Rescue at 405 Western Road Nos.18 and 26, for the period of July 1, 2005 through June 30, 2008, be approved

and Chairman Weber be authorized to execute the same. It was noted the lease rates for the new term were fixed for the entire 36-month period as follows:

Term	Sq. footage	Per Sq. foot \$	Per month	Annual Exp.
7/1/05 – 6/30/08	4,000 warehouse	\$.43	\$1,695	\$20,340

**05-516            AGREEMENT – SHULMAN, ROGERS, GANDAL, PORDY & ECKER, P.A. – REBANDING PROJECT – PUBLIC WORKS**

Upon recommendation of Mike Turner, Facility Management Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that a retainer agreement between Washoe County and Shulman, Rogers, Gandal, Pordy & Ecker, P.A., concerning representation in the implementation of the FCC mandated re-banding project of the Washoe County 800 MHz Regional Radio System, be approved and Chairman Weber be authorized to execute the same. It was noted that all legal fees related to the re-banding project would be paid directly by Nextel.

**05-517            INTERLOCAL AGREEMENT - RESOURCE SHARING – PUBLIC WORKS**

County Manager Katy Singlaub explained the agreement was pursuant to one of the 33 recommendations that were brought forward by Lorick Associates Consulting for a regional collaboration to make efficient use of transportation resources within Washoe County. She noted there would be substantial savings to taxpayers when implemented.

Upon recommendation of Bill Oroszi, Assistant Manager Roads Operations, through Tom Gadd, Public Works Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that an interlocal agreement between Washoe County and the Cities of Reno and Sparks, and the Regional Transportation Commission concerning Resource Sharing (labor, equipment, and/or materials) relating to the construction and maintenance of streets, roads, and highways to enable all parties to make the most efficient use of their resources when available on an in-kind exchange and reimbursable basis, not to exceed \$5,000 annually per agency for reimbursement, be approved and Chairman Weber be authorized to execute the agreement upon presentation.

**05-518            AMENDMENT TO AGREEMENT – U.S. DEPARTMENT OF AGRICULTURE – UNIFORMED DEPUTY SHERIFFS – SHERIFF**

Sam Dehne, Reno resident, asked what security was needed for the Department of Agriculture.

County Manager Katy Singlaub explained the agreement provided for supplemental law enforcement security from Memorial Day weekend through Labor Day

weekend within the Humbolt-Toiyabe National Forest. She said the contract reimbursed the County for the cost of providing the uniformed Deputy Sheriffs.

Upon recommendation of Donald Depoali, Sergeant, through Dennis Balaam, Sheriff, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that an amendment (modification No. 4) to the security agreement between Washoe County and the U.S. Department of Agriculture, concerning the provision of uniformed Deputy Sheriffs for security in the Humbolt-Toiyabe National Forest beginning May 28, 2005 through Labor Day weekend, be approved and Chairman Weber be authorized to execute the same. It was noted there would be no fiscal impact for Washoe County, and the reimbursed security costs would be approximately \$15,000.

**05-519            AGREEMENT – NEVADA STATE CONTRACTORS BOARD –  
UNIFORMED DEPUTY SHERIFFS - SHERIFF**

Upon recommendation of Donald Depoali, Sergeant, through Dennis Balaam, Sheriff, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that a security agreement between Washoe County and the Nevada State Contractors Board, concerning the provision of uniformed Deputy Sheriffs to aid with security during Nevada State Contractors Board disciplinary hearings beginning June 1, 2005 through December 15, 2005, be approved and Chairman Weber be authorized to execute the agreement upon receipt. It was noted there would be no fiscal impact for Washoe County, and the reimbursed security costs would be approximately \$2,500.

**05-520            INTERLOCAL CONTRACT – PYRAMID LAKE TRIBAL POLICE  
– DISPATCH SERVICES - SHERIFF**

Upon recommendation of Steven Kelly, Lieutenant, through Dennis Balaam, Sheriff, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that an interlocal contract between Washoe County and the Pyramid Lake Tribal Police Department, concerning the provision of dispatch services, be approved and Chairman Weber be authorized to execute the same. It was noted the Sheriff's Office would receive \$50,000 per fiscal year for the dispatch services.

**05-521            INTERLOCAL CONTRACT – RENO/SPARKS INDIAN COLONY  
– DISPATCH SERVICES – SHERIFF**

Upon recommendation of Steven Kelly, Lieutenant, through Dennis Balaam, Sheriff, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that an interlocal contract between Washoe County and the Reno/Sparks Indian Colony, concerning the provision of dispatch services, be approved and Chairman Weber be authorized to execute the same.

It was noted the Sheriff's Office would receive \$50,000 per fiscal year for the dispatch services.

**05-522            COOPERATIVE AGREEMENT – RENO POLICE DEPARTMENT**  
**– CLANDESTINE DRUG LABORATORIES - SHERIFF**

Upon recommendation of James Lopey, Assistant Sheriff, through Dennis Balaam, Sheriff, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that an agreement between Washoe County and the Reno Police Department, concerning cleanup of clandestine drug laboratories, be approved and Chairman Weber be authorized to execute the same.

**05-523            HOLD HARMLESS AGREEMENTS - MAN PERSONAL AIR**  
**DEFENSE SYSTEM – AREA CASINOS – TRAINING DRILL -**  
**SHERIFF**

Sam Dehne, Reno resident, said he admired and appreciated the law enforcement officers and asked for an explanation about these agreements.

County Manager Katy Singlaub explained the Man Personal Air Defense System (MANPADS) was a threat identified nationally as a person who was walking or was on the ground attempting to attack an airport. She said the Federal government asked all law enforcement agencies nationwide to be prepared to supplement airport security in that regard, and there would be a training drill on May 25, 2005. Ms. Singlaub clarified the rooftops of the Atlantis Casino and Resort, John Ascuaga's Nugget Hotel and Casino, and the Reno Hilton Hotel and Casino would be used for the drill.

Upon recommendation of Russ Pedersen, Sergeant, Search & Rescue, through Dennis Balaam, Sheriff, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that the Hold Harmless MANPADS Mitigation Plan agreements between Washoe County and the Atlantis Casino and Resort, John Ascuaga's Nugget Hotel and Casino, and the Reno Hilton Hotel and Casino, concerning a training drill to be held on May 25, 2005, be approved and Chairman Weber be authorized to execute the same.

**05-524            PURCHASE – DIGITAL HELICOPTER VIDEO MICROWAVE**  
**DOWNLINK SYSTEM – SHERIFF**

Upon recommendation of Marshall Emerson, Patrol Commander, through Dennis Balaam, Sheriff, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the sole source justification and purchase of digital helicopter video (real-time) microwave downlink system in the amount of \$75,036.14 be approved.

**05-525            DARE CAR – CHILD IDENTIFICATION EVENTS – SHERIFF**

Sam Dehne, Reno resident, inquired about child identification events within Washoe County.

Gary Schmidt, Washoe County resident, said citizens should be the first responders in emergencies, and he commented on the loss of his home in 2004.

County Manager Katy Singlaub explained child identification events were held in the community as a service to parents. She said parents ask for a child identification kit to be prepared, and the volunteers prepare them.

Upon recommendation of Darrin Rice, Deputy Sheriff, through Dennis Balaam, Sheriff, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the Community Emergency Response Team (CERT), the Citizens Homeland Security Council (CHSC), and the Sheriff's Mobile Auxiliary Response Team (SMART) volunteers be approved to drive the DARE car to child identification events.

**05-526            ACCEPT REIMBURSEMENT – 2004 TRANSFORMING LOCAL GOVERNMENT CONFERENCE – COMMUNITY RELATIONS**

Upon recommendation of Kathy Carter, Community Relations Director, through Katy Singlaub, County Manager, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the reimbursement of \$6,150 from the 2004 Transforming Local Government Conference be accepted and the Finance Department be directed to make the following budget adjustments:

<b>Increase Revenue:</b>	<b>Amount</b>
20214-485100 (Reimbursements)	\$6,150
<b>Increase Expenditure:</b>	<b>Amount</b>
20214-711210 (Travel)	\$6,150

**05-527            CORRECTION OF FACTUAL ERRORS – ASSESSOR**

County Manager Katy Singlaub stated there were two role change requests for Washoe Medical Center South Meadows. She explained Washoe Medical Center appropriately and timely filed for the exemptions, and there were staff errors that resulted in the taxes being requested in error.

Upon recommendation of Susan Goodlett, Principal Account Clerk, on motion by Commissioner Humke, seconded by Commissioner Larkin, 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:

<b>PROPERTY OWNER</b>	<b>PARCEL NO.</b>	<b>AMOUNT</b>	<b>ROLL</b>
5 <sup>th</sup> Street Ventures 1 LLC	007-281-05	[-\$120.89]	2004 Secured
5 <sup>th</sup> Street Ventures 1 LLC	007-281-06	[-\$4.67]	2004 Secured
5 <sup>th</sup> Street Ventures 1 LLC	007-281-07	[-\$69.39]	2004 Secured
5 <sup>th</sup> Street Ventures 1 LLC	007-281-08	[-\$47.66]	2004 Secured
MJW Investments Inc.	012-111-29	[-\$88.23]	2004 Secured
Washoe Medical Ctr S. Meadows	012-172-15	[-\$95,142.44]	2004 Secured
STFC Properties	013-081-15	[-\$63.34]	2004 Secured
Gary & Sue Van Ness	150-221-02	[-\$42.06]	2002 Secured
Gary & Sue Van Ness	150-221-02	[-\$14.37]	2003 Secured
Gary & Sue Van Ness	150-221-02	[-\$16.74]	2004 Secured
Washoe Medical Ctr S. Meadows	160-040-15	[-\$341,740.91]	2004 Secured

**05-528            AWARD REQUEST FOR PROPOSAL – SEGREGATED  
COMPUTING RESOURCE NETWORK SERVICES – NO. 2485-05 -  
PURCHASING AND INFORMATION TECHNOLOGY**

This was the time to consider award of RFP for Segregated Computing Resource Network Services for the Purchasing and Information Technology Departments. The Notice to Proposers for receipt of sealed proposals was published in the *Reno Gazette-Journal* on March 30, 2005. Proof was made that due and legal Notice had been given.

County Manager Katy Singlaub explained there was only one bidder on the project, and staff had advertised nationally, online, and in the local newspaper. She noted 22 vendors downloaded the Request for Proposal (RFP), but it was a highly complicated project and only BMD Solutions, Inc. presented a proposal. Ms. Singlaub said the proposal was within the budgeted amount that staff had estimated at the front end. She stated this was meeting the specifications of the Federal Bureau of Investigation (FBI) and other criminal justice information agencies.

Upon recommendation of Michael Sullens, Senior Buyer, through John Balentine, Purchasing and Contracts Administrator, and Matt Beckstedt, Information Technology Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that RFP No. 2485-05 for Segregated Computing Resource Network Services for the Purchasing and Information Technology Departments be awarded to BMD Solutions, Inc., in the estimated amount of \$337,224.59. It was further ordered that the Criminal Justice Information System (CJIS) Firewall Compliance Project be approved, and the Purchasing and Contracts Administrator be authorized to sign subsequent vendor contracts, as identified in Exhibit A, which was placed on file with the Clerk, in the estimated total project cost of \$467,020.27.

05-529

**AWARD OF BID – LEMMON VALLEY WATER SYSTEM  
IMPROVEMENTS – HEPPNER WATERLINE EXTENSIONS –  
PHASE 3 - WATER RESOURCES**

This was the time to consider award of the bid for the Lemmon Valley Water System Improvements, Heppner Waterline Extensions, Phase 3 for the Water Resources Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* April 14, 20-21, and 27-28, 2005. Proof was made that due and legal Notice had been given.

County Manager Katy Singlaub noted the project was funded by connection fees that were separate for ratepayers and users of the Washoe County Utility Division only. She confirmed no general fund dollars were going into the project.

Bids were received from the following vendors:

Mike's Trenching, Inc.  
Gerhardt & Berry Construction, Inc.  
Cruz Construction, Inc.

Upon recommendation of Joe Stowell, Licensed Engineer, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that the bid for the Lemmon Valley Water System Improvements, Heppner Waterline Extensions, Phase 3 for the Water Resources Department be awarded to the lowest responsive bidder, Mike's Trenching, Inc., in the amount of \$463,193. It was further ordered that Chairman Weber be authorized to execute the contract documents upon receipt, and the Engineering Manager be authorized to issue the Notice to Proceed.

05-530

**AWARD OF BID – SPRING CREEK NORTHEAST WATER  
STORAGE TANK – WATER RESOURCES**

This was the time to consider award of the bid for the Spring Creek Northeast Water Storage Tank for the Water Resources Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on April 13-14, 20-21, and 27-28, 2005. Proof was made that due and legal Notice had been given.

County Manager Katy Singlaub noted the project was funded by connection fees that were separate for ratepayers and users of the Washoe County Utility Division only. She confirmed no general fund dollars were going into the project.

Bids were received from the following vendors:

Canyon Construction Company  
Rapid Construction

Upon recommendation of Alan Jones, Licensed Engineer, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that the bid for the Spring Creek Northeast Water Storage Tank for the Water Resources Department be awarded to the lowest responsive bidder, Canyon Construction Company, in the amount of \$2,244,154. It was further ordered that Chairman Weber be authorized to execute the contract documents upon receipt, and the Engineering Manager be authorized to issue the Notice to Proceed.

**05-531            WASHOE COUNTY CODE OF CONDUCT – HUMAN RESOURCES**

County Manager Katy Singlaub said the Employee Labor Organizations and the Organizational Effectiveness Committee had reviewed the Washoe County Code of Conduct, and many staff members contributed to the process.

Joanne Ray, Human Resources Director, reviewed the background of the Washoe County Code of Conduct, as outlined in the agenda memorandum dated May 4, 2005. She said what staff defined as the code of conduct reflected each of the values the Board had approved. She confirmed this set forth expectations with respect to behavior for employees who came into the organization.

Commissioner Sferrazza remarked he had been advised that any disciplinary action under this code would be subject to the grievance procedure; however, he noted not all employees had grievance procedure rights. He asked that the following statement be added if the code was to be adopted: "if any disciplinary action was taken against any employee, the employee would be afforded the grievance procedure rights."

Ms. Ray confirmed non-represented employees were afforded due process under County Code, Chapter 5. Commissioner Sferrazza commented there were other employees, and he asked that all employees be given that right.

Chairman Weber requested under the "Purpose" section, the word "behave" be changed to "conduct themselves."

Commissioner Galloway questioned if it was clear from the context of the document that this referred to on-the-job. He questioned the right the County had to intervene in the private lives of employees. Ms. Ray clarified off duty conduct that negatively affects County operations or brings discredit to the organization may be cause for discipline, including termination. She said that could occur now, and the code of conduct puts it in the context of a document.

Commissioner Galloway asked if an employee engaged in behavior that was not consistent with the code of conduct in their private lives, and it does no damage to the County, could a department head decide that this code gave him or her a right to intervene in that employee's private life by terminating their employment.

Ms. Singlaub responded staff agreed with Commissioner Galloway's concerns. She added there was a careful process of review with the District Attorney's Office in any case in which there was a suggestion that off duty conduct had negatively impacted a person's performance on the job or had negatively affected Washoe County. She explained a team reviewed those types of allegations, and Legal Counsel and the Labor Relations Manager were included to ensure it was compliant with the provisions of the County's collective bargaining agreements. Ms. Singlaub noted this process included unrepresented employees. She said the case must meet the legal test of being able to provide a defensible, legal nexus that it had negatively impacted Washoe County. She confirmed the only time in which the County would have a disciplinary action for off duty conduct was when such a nexus occurred. She stated there was no interest in off duty conduct that did not negatively impact Washoe County.

Commissioner Sferrazza requested a definition of off duty conduct, outlining at what point off duty misconduct would be subject to termination.

Melanie Foster, Legal Counsel, clarified the Deputy District Attorneys assigned to Human Resources had reviewed the language that was contained in the draft, and there was no black and white definition. She said it was a case-by-case analysis depending on many elements, and those were carefully reviewed in each instance. Ms. Foster pointed out the due process protection was spelled out in the County Code and in the individual contracts. She cautioned the Board to not create any rights in this document as codes that were not contained elsewhere. She noted it was important not to do anything that was inconsistent with items that had been carefully negotiated with employee associations.

Commissioner Sferrazza stated he did not favor that type of language and said it should be more descriptive. He expressed it gives too much discretion to individual department heads.

Ms. Singlaub confirmed Human Resources, Labor Relations, and the District Attorney's Office reviewed every case; therefore, there was a consistent application of the procedure and an arbitrary application was prevented through that means.

Commissioner Larkin inquired if this was the first time Washoe County had considered a code of conduct, and Ms. Ray concurred. He asked what samples were used to put the document together. Ms. Ray replied staff looked at samples from corporate, business, and professional organizations. She said best practices and other models from counties and cities were considered, and staff inquired of employees in the organization. She confirmed an exhaustive review process took place to create the document. Commissioner Larkin voiced his support for a code of conduct.

Commissioner Galloway offered language changes to the draft, and Ms. Ray was agreeable to the modifications.

Commissioner Sferrazza said he was concerned because it appeared that there were specific rules for on duty conduct, but not for off duty conduct. He asked if this encompassed everything an employee was subject to. Ms. Ray clarified there were many policies that spoke to behavior in the workplace, and she gave examples. Commissioner Sferrazza asked that all the policies be grouped together, and he stated the code of conduct should cover all conduct. Ms. Ray stated the policies would be grouped together, and she confirmed the information was being disseminated to all new employees.

Sam Dehne, Reno resident, remarked the Board of County Commissioners were employees of the citizens, and the code of conduct should apply to the Board members. He said his experience with County employees had been that they conducted themselves professionally, and he supported a code of conduct.

Gary Schmidt, Washoe County resident, commented on the hearing held concerning his conduct as a member on the Board of Equalization. He stated any adoption of a code of conduct should require a change in leadership at the highest levels, and the code of conduct would be mere words without that change.

Juanita Cox, Sparks resident, voiced her support for a code of conduct. She referenced the photograph presented earlier in the meeting, which was placed on file with the Clerk. She said it displayed one example of a Community Development Code Enforcement employee having questionable conduct; she confirmed she had filed numerous complaints on the employee; and she declared it was a serious matter.

Commissioner Galloway made a motion to adopt the Washoe County Code of Conduct, making it clear that it was for employees, and there would be no attempt to regulate elected officials, such as: the Treasurer, the District Attorney, or Judges; and the Washoe County Code of Conduct be accepted as written with the following changes: under the "Purpose" section, change "employees are expected to behave at all times in a manner consistent with this Code of Conduct" to "employees, while on duty, are expected to conduct themselves at all times in a manner consistent with this Code of Conduct"; and, change "off duty conduct that negatively affects County operations" to "off duty conduct that, at a significant level, negatively affects County operations." He added a section entitled, "Compliance with other adopted Policies" to read, "Employees shall comply with all other applicable adopted polices: such as Workplace Violence, Discrimination policies, etc." Commissioner Sferrazza seconded the motion.

Commissioner Humke questioned the appropriateness of the last modification made by Commissioner Galloway. He was concerned that, if there was a reference to other policy matters, this Washoe County Code of Conduct would serve as a way to enhance methods of discipline under those other policies, codes, and ordinances. Commissioner Humke said he heard in testimony that this code was negotiated by the various employee groups, and those employees not covered by those negotiating groups

were also going to have the benefit of this. He noted the last bullet by Commissioner Galloway could change that negotiation.

Ms. Singlaub confirmed the text provided by Commissioner Galloway was acceptable to staff. She pointed out the Washoe County Code of Conduct was not negotiated with the bargaining units or agreed to as a bargaining agreement. She verified what had been bargained with the employee associations were due process and grievance procedures.

Commissioner Humke clarified the discussion with the employee groups was fair, and it did not rise to the level of labor negotiations.

Chairman Weber voiced concern about the added language; however, she said the Washoe County Code of Conduct was important and should be a general purpose to work towards.

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

**4:00 p.m.** The Board recessed.

**4:40 p.m.** The Board reconvened with all members present.

**05-532** **LEASE AGREEMENT – BOYS AND GIRLS CLUB – SUN VALLEY TEEN CENTER – PUBLIC WORKS**

County Manager Katy Singlaub clarified the County had this arrangement in the past with the Boys and Girls Club, and it had been a successful partnership. She said the Boys and Girls Club had provided services to teens in the Sun Valley area that would cost the County approximately \$120,000 to \$150,000 in staffing costs to provide equivalent programming. Ms. Singlaub acknowledged the County was grateful for the partnership.

Commissioner Sferrazza questioned why the Boys and Girls Club would have joint approval for use of the building by other individuals or organizations.

Doug Doolittle, Regional Parks and Open Space Assistant Director, explained when the County entered into a lease agreement with a group that was going to bring equipment into the building, the County tried to work an agreement that would not cause unnecessary delays in the program for the next morning. He said that was why that section was in the agreement. Mr. Doolittle noted last year during the summer and break months there were approximately 15 other uses.

Commissioner Sferrazza asked for clarification on the teen membership fee, the three-strike policy, licensing for a childcare facility, and County payment of utilities and costs.

Mr. Doolittle replied there was a \$35 a week charge for the Teen Adventure Camp, and that was over and above any use of the teen center. He said use of the teen center was \$15 per year for any teen who wanted to use the facility. Mr. Doolittle stated the utilities and paper products that go into the facility were things that would normally be supplied if the County were operating the program. He added the County had negotiated that fee to be paid through General Services.

Laurie Gorris, the Boys and Girls Club of Truckee Meadows Marketing Director, explained the three-strike policy was out-dated and a new policy called, "The ACT Policy," had been implemented in regard to disciplining children. She defined the ACT policy as, "Accept, Comprehend, and Teach new lessons." She added it was not as strict as the three-strike policy.

Commissioner Sferrazza asked if those involved could appeal to someone beyond the Boys and Girls Club because they would be excluded from a public facility. Ms. Gorris explained it was the responsibility and the decision of the Club because the Club was running the program. She added that was consistent throughout the Boys and Girls Club organization. Ms. Gorris pointed out it was very rare that a child was suspended from the Boys and Girls Club because of the need for the parents and the kids.

Ms. Gorris clarified the Boys and Girls Club was not a licensed day care facility, but it was a non-profit youth services agency that served 6-18 year olds. She verified drug testing and thorough Federal Bureau of Investigation (FBI), State and local background checks were performed before employees could begin work. She noted random drug testing was conducted and continuous background checks occurred.

Chairman Weber asked if this was the first time the Joe Mitchell Center would be used, and Ms. Gorris confirmed that to be true. She explained the program was for 6-12 year old members, and it was not a teen center. She detailed avenues utilized to ensure that no child was turned away from the program.

Chairman Weber stated the programs were valuable assets to the communities.

Commissioner Sferrazza questioned if a child did not want to go to the summer day camp, could they pay the \$15 and use the facility during the time that summer camp was conducted. Mr. Doolittle confirmed that no one could use the facilities during those hours unless they were participating in the summer camp.

Commissioner Weber remarked Washoe County currently provided a program at the North Valleys Regional Sports Complex that had higher fees.

Commissioner Galloway inquired if there was anyone lined up to use the facilities that would be excluded because of the lease. Mr. Doolittle stated he was not aware of anyone at this time, and history had shown that most of the use had been for small meetings held in the evenings.

Commissioner Sferrazza requested the agreements be for three years instead of five years. He stated that would give someone else the opportunity to compete for the use of the space if desired.

In response to Chairman Weber, Melanie Foster, Legal Counsel, stated the Board could change the terms in the agreement, and it would be up to the Boys and Girls Club to determine whether or not the change would be accepted. She clarified Commissioner Sferrazza suggested a change from four successive automatic renewal options to two renewal options for a three year total. She said at the end of three years the agreement would conclude, and it could be renegotiated or the building could be opened up to someone else depending on the circumstances that existed at that point.

Commissioner Sferrazza thanked the Boys and Girls Club for providing this service and said it was a reasonable and nominal charge to the community.

Upon recommendation of Mike Turner, Facility Management Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Chairman Weber, which motion duly carried, it was ordered that a 12-month lease agreement between Washoe County and the Boys and Girls Club of Truckee Meadows, concerning the use of space in the Sun Valley Teen Center for the period of June 1, 2005 through May 31, 2006, be approved and the Chairman be authorized to execute the same. It was further ordered that the agreement include two individual and separate option terms of twelve months each for a three-year total. It was noted that funds, expected to be less than \$500, were available in the Public Works Facility Management Division for Utilities (161300-711010) and Custodial Contracts (161700-710200).

Chairman Weber requested an item return to the Board for discussion concerning the policies related to use of the buildings by other groups.

**05-533            AGREEMENT – BOYS AND GIRLS CLUB – JOE MITCHELL  
COMMUNITY CENTER – PUBLIC WORKS**

(See discussion in previous item).

Upon recommendation of Mike Turner, Facility Management Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Chairman Weber, which motion duly carried, it was ordered that a 12-month lease agreement between Washoe County and the Boys and Girls Club of Truckee Meadows, concerning use of space in the Joe Mitchell Community Center for the summer and holiday break programs for youth 6-12 years old for the period of June 1, 2005 through May 31, 2006, be approved and the Chairman be authorized to execute the same. It was further ordered that the agreement include two individual and separate option terms of twelve months each for a three-year total. It was noted that funds, expected to be less than \$500, were available in the Public Works Facility Management Division for Utilities (161300-711010) and Custodial Contracts (161700-710200).

**05-534            GOLF TASK FORCE – PARKS**

County Manager Katy Singlaub explained this item was brought back to the Board to ensure the Golf Task Force had everything they needed.

Doug Doolittle, Regional Parks and Open Space Assistant Director, said the Golf Task Force had met three times on a variety of issues. He said the task force asked staff for additional information as outlined in the staff report including a matrix identifying possible operating options; and there were issues that needed to be researched. Mr. Doolittle asked the Board if there was any information he should take to the task force so when the report came back it would be a complete package and not get kicked back for more work.

Commissioner Sferrazza said he wanted the matrix to show the history of all that was involved in the acquisition of every golf course including agreements, water rights, and any public or private involvement. He said this was an important study for the community and any cost-saving ideas would be helpful.

Commissioner Galloway said he would like to see everything possible integrated into the matrix, including rounds of play, cost per round, and zoning of the land to aid in comparisons and decision-making.

In response to Commissioner Humke, Mr. Doolittle said a long-term lease regarding concession operations would not be considered until the task force had finished their work. Commissioner Humke asked if a long-term lease could be considered in exchange for capital improvements on a leasehold, and Mr. Doolittle said it would be up to the Commissioners.

Chairman Weber asked if Washoe County had any equity interests in the Wildcreek assets. Mr. Doolittle replied that had not been completely researched but would be brought back to the Board when it was finished.

**05-535            TRUCKEE RIVER FLOOD MANAGEMENT PROJECT –  
ADDITION OF SEVEN PARCELS – BUDGET INCREASE –  
WATER RESOURCES**

Commissioner Larkin asked how the Early Land Acquisition Plan budget went from \$8-million to \$20-million. County Manager Katy Singlaub explained the Plan was intended to change with the needs of the Flood Project, and the budget was initially set at \$8-million to get the program started. She said \$8-million was the amount of bond sale proceeds that remained for the Flood Project; and using the money fit into the finance plan at the time. Ms. Singlaub stated more work had been done on the financial model for the project and more resources had been accumulated since the implementation of the 1/8-cent sales tax. She said the expenditure of an additional \$12-million would allow the County to generate the funds needed for the remainder of the project. She said the more time that passed that land was not acquired, the higher the price would be for

the properties; and it was in the best interest of all parties to expand the pool of money for the authorized acquisitions.

Commissioner Sferrazza asked why every property designated would not be acquired now instead of delaying. Ms. Singlaub responded the important properties were being identified, but more information on the exact project the Army Corps of Engineers adopts is needed that would give specific definitions of the portion of parcels that may be on the next phase of the list. Ms. Singlaub felt this package was the best recommendation at this time as these parcels were confirmed to be in every alternative of the Corp's project.

In response to Commissioner Galloway, Ms. Singlaub said the University of Nevada, Reno, (UNR) Farms was a large piece of property not common in all three alternatives. She stated staff was working with UNR to negotiate the acquisition. Jeanne Ruefer, Water Resources Planning Division Manager, added there would likely be other easements and parcels needed for the Flood Control Project; but, until the project was identified by the Army Corps of Engineers, she would not know which parcels would be needed. She said Water Resources would bring this item back to the Commissioners to approve additional easements and parcels to construct the final project.

Upon recommendation of Brent Richmond, Flood Hydrologist, Paul Urban, Flood Control Manager, and Ms. Ruefer, through Steve Bradhurst, Department of Water Resources Director, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Weber ordered that the addition of seven Edison Industrial Park parcels (012-272-04 through 012-272-08, 012-272-10, and 012-272-12) to the Truckee River Flood Management Project's Early Land Acquisition Plan – Real Property List be approved. It was further ordered that the Early Land Acquisition Plan be amended to increase its budget from \$8 million to \$20 million.

**05-536            WATER RATE REVIEW COMMITTEE – WATER RESOURCES**

Upon recommendation of Ted Rolfs, Fiscal Compliance Officer, and Jerry McKnight, Finance and Operations Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Weber ordered that staff form a standing water rate review committee consisting of interested water utility ratepayers for the purpose of reviewing the County's water rates.

**05-537            ORDINANCE NO. 1266 BILL NO. 1447 – GENERAL  
OBLIGATION WATER BOND – WATER RESOURCES**

Upon recommendation of Jerry McKnight, Finance and Customer Services Division Manager, through Steve Bradhurst, Water Resources Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Weber ordered that Ordinance No. 1266, Bill No. 1447, entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE BY WASHOE COUNTY,

**NEVADA, OF ITS GENERAL OBLIGATION (LIMITED TAX) WATER BOND (ADDITIONALLY SECURED BY PLEDGED REVENUES) SERIES 2005 IN THE MAXIMUM PRINCIPAL AMOUNT OF \$15,000,000 FOR THE PURPOSE OF FINANCING WATER PROJECTS FOR THE LONGLEY LANE WATER TREATMENT FACILITY; PROVIDING THE FORM, TERMS AND CONDITIONS THEREOF AND COVENANTS RELATING TO THE PAYMENT OF SAID BOND; AND PROVIDING FOR ITS ADOPTION AS IF AN EMERGENCY EXISTS; AND PROVIDING OTHER MATTERS RELATING THERETO,”** be approved, adopted and published in accordance with NRS 244.100.

**05-538                    FIRST READING – BILL NO. 1448 – AMENDING WCC  
CHAPTER 55 – ANIMAL CONTROL – PUBLIC WORKS**

Tom Gadd, Public Works Director, explained the differences between the three versions of the proposed ordinance. He said the first version incorporated and unified the jurisdiction for animal services for the City of Reno into Chapter 55 of the Washoe County Code, established the consolidated Animal Services Center, and designated additional areas of the unincorporated County as congested. Mr. Gadd said the second version included all items contained in version one, and also amended the liability insurance requirements for owners of dangerous dogs and amended the kennel construction requirements for dangerous dogs. He said version three incorporated the changes in versions one and two plus amended the keeping of noisy animals, amended the definition of a kennel to include a residence, amended the kennel requirements for more than three dogs, and added to the jurisdiction of the Washoe County Animal Control Board and its procedures. Mr. Gadd stated version three included many suggestions and comments from concerned citizens.

Juanita Cox, local resident, objected to the nuisance portions of the amendments.

Charles Jarvi, local resident, felt that option three was the most comprehensive and workable for everyone involved. He thanked the Commissioners for the opportunity for public input to ensure the Ordinance’s success.

Gary Schmidt, County resident, felt there were major problems with all three versions of the amendment.

Commissioner Larkin read public comments into the record from the following, who favored version three: James Georges, Pat Jarvi, Toni Strassburg Pearce, Mark Prichard, Donna Prichard, Carol Jaques, and Helen Tyler, who also felt that “congested area” should include five plus acre parcels.

Commissioner Galloway noted on page 22 the Ordinance states the use of the fees are limited to inspection of properties that have a license and are to be used to defray the cost of inspections. He questioned if the description should be so narrow in the event fees were needed for other purposes. Mr. Gadd said they were flexible and the

Ordinance could state the funds would go back into the General Fund. Commissioner Galloway was also concerned someone might misinterpret the Ordinance and think the license was for a commercial kennel permit instead of a permit to keep more than three dogs or seven cats.

In response to Commissioner Sferrazza, Mr. Gadd stated the wording to the Ordinance had been clarified to allow for construction variances.

Bill No. 1448, entitled, "**AN ORDINANCE AMENDING WASHOE COUNTY CODE BY AMENDING CHAPTER 55 RELATING TO ANIMALS AND FOWL AND ENACTING PROVISIONS REGARDING ANIMAL CONTROL IN WASHOE COUNTY TO INCLUDE THE INCORPORATED CITY OF RENO; ESTABLISHING CONGESTED AREAS OF WASHOE COUNTY TO INCLUDE THE INCORPORATED CITY OF RENO FOR PURPOSES OF ANIMAL CONTROL, ENACTING PROVISIONS ESTABLISHING A CONSOLIDATED ANIMAL SERVICES CENTER, PROMULGATING RULES REGARDING IMPOUNDEED ANIMALS, ENACTING REQUIREMENTS AND SPECIFICATIONS FOR CATTERIES, ESTABLISHING CATTERY PERMIT APPLICATION PROCEDURES, PROVIDING FOR THE ADOPTION OF UNCLAIMED ANIMALS, ADDING TO THE POWERS AND DUTIES OF ANIMAL CONTROL OFFICERS, ESTABLISHING A MAXIMUM NUMBER OF CATS A PERSON MAY KEEP WITHOUT A PERMIT AND RELATED CHANGES, ESTABLISHING THE PROVISIONS FOR PERMITS AND OTHER FEES, AMENDING THE LIABILITY INSURANCE REQUIREMENTS FOR OWNERS OF DANGEROUS DOGS, AMENDING THE KEEPING OF NOISY ANIMALS, AMENDING THE DEFINITION OF "KENNEL" TO INCLUDE A RESIDENCE, AMENDING THE KENNEL REQUIREMENTS FOR MORE THAN THREE DOGS AND FOR DANGEROUS DOGS, ADDING TO THE JURISDICTION OF THE WASHOE COUNTY ANIMAL CONTROL BOARD AND ITS PRECEDURES, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO,**" was introduced as amended by Commissioner Galloway, the title read to the Board, and legal notice for final action of adoption directed.

Commissioner Galloway explained he was introducing the Ordinance with the understanding staff would provide language to page 19, section 55.420 (1) to clarify that findings need to be made and revision to the language on page 22, section 55.440 to make fee usage more flexible. Mr. Gadd said the Ordinance would be brought back to the Commissioners for final approval. Commissioner Galloway requested a copy of the complete Ordinance with the changes in a different color so the Commissioners could see how it all fit together.

Commissioner Sferrazza thanked everyone for their strong support of version three, which made it easier for Commissioners to do their job; and Commissioner Galloway agreed.

**ENFORCEMENT BOARD OR HEARING OFFICER TO ABATE  
NUISANCES – MANAGER**

Michelle Poché, Assistant County Manager, gave an update on the establishment of an enforcement board. She stated staff was looking for direction from the Board as to whether they want to pursue creation of a hearing board, hire an officer, or contract out to one or a pool of officers to hear nuisance ordinance issues. She said there were pros and cons to all options. Ms. Poché stated whoever would be hearing the issues would need to be familiar with ordinances, rules and regulations, legal issues, and power to subpoena.

Commissioner Humke asked to hear staff's comments concerning the pros and cons of an individual hearing officer versus a panel of rotating hearing officers. Blaine Cartledge, Deputy District Attorney, explained the advantage to a single officer would be consistency of decision-making. He said with a panel there could be conflicts, lack of consistency, bias, or other factors that could cause an officer to be rejected by a complainant or the County.

Melanie Foster, Legal Counsel, described her experience working with a group of hearing officers.

Commissioner Sferrazza said he tended to favor a pool of officers even though there may be more inconsistencies because it would give the appellant a choice. He said he preferred a system where citizen complaints were dealt with first before looking for nuisances.

Chairman Weber suggested getting the Citizen's Advisory Boards (CAB's) involved for their input.

In response to Commissioner Larkin, Bob Webb, Community Development Planning Manager, said Clark County and the City of Reno pursued administrative processes to present other options for enforcement, which provided a fair hearing process. He thought this was a better step to gain compliance without resulting in misdemeanor criminal citations. He said he believed Clark County and the City of Reno used a pool of hearing officers, but could not confirm that at this time.

**6:15 p.m.** Commissioner Sferrazza left the meeting.

Commissioner Galloway asked what the current process was if someone filed a complaint. Mr. Webb explained the enforcement officer would respond, verify there was a violation, issue a notice of violation; and, if there were no efforts toward compliance, then a more formal notice or administrative citation would kick in to the administrative process, including facing fines. He said some jurisdictions had a neighborhood hearing board where complaints could be taken. Commissioner Galloway said he would like protections so it would not be easy to get a neighbor embarrassed in the press until a complaint had some merit. He said somebody else should verify the

complaint was valid before going to an administrator. Commissioner Galloway asked if complaints could be anonymous, and Mr. Webb stated there were various procedures for handling complaints depending on the department.

Ms. Poché stated staff's recommendation is for the process to be complaint-driven. She said the Board had previously requested this item be brought to the CAB's for input and all CAB Chairmen had been contacted. Ms. Poché stated the proposal would be taken to the CABs before bringing it back to the Board for final action. Chairman Weber said she would rather hear thoughts from the entire CAB rather than just the Chairman.

Kim Haywood, Reno resident, thanked the Commissioners for changing personnel who are inspecting properties.

Chris Haywood, Reno resident, said he would like to see three members rule on each incident and have five to six members on a board. He gave suggestions on how he would like the nuisance process handled.

Susan Seidl, local resident, spoke on violent responses to nuisance complaints. She requested citizen input in drafting a meaningful ordinance and believed this should go to a board and the public be involved.

Juanita Cox, Citizens in Action member, recommended a citizen's board similar to the Board of Equalization. She did not prefer hearing officers and said nuisances should be area-specific. She discussed property rights and submitted a drawing, which was placed on file with the Clerk.

Kathy Burnett, Cold Springs resident, encouraged Commissioners to update the County enforcement codes and nuisance definitions to protect and ensure a quality lifestyle for everyone. She said code enforcement for residents in unincorporated areas should be no different from neighborhoods in the Cities of Reno or Sparks.

Eric Arentz, Cold Springs resident, would like to see stricter codes and enforcement of those codes in terms of nuisances. He encouraged a citizen-type activity.

Gary Schmidt, County resident, spoke on enforcement issues.

Barry Bouchard, President of the Lemmon Valley Association, said he appreciated Chairman Weber's suggestion to go out to the CAB's for input.

Katherine Snedigar, local resident, discussed unregistered vehicles.

Bill Fraser, Reno resident, spoke on a development code concerning driveway length, which requires a special use permit. He requested Commissioners remove private driveways from the special use permit, as it is prohibitively expensive.

Commissioner Larkin read written comments from Cathy Glatthar, Dennis Grover, and Robert Sheller.

Chairman Weber said the idea of an enforcement board is a very divided issue and needs to have public input in order to put something together that everyone can live with. Commissioner Galloway agreed.

Commissioner Larkin said he did not think the issue was ready for conclusion; and it should be taken to the CAB's with definite guidelines. He does not want this to automatically go to a criminal procedure where there is a record of a misdemeanor conviction for nuisance. He said there are three basic options that staff has identified, and he would like to hear what the CAB's have to say about those options as a regular agenda item.

Commissioner Humke said this is a very subjective issue. He said what he heard from those making public comments is that there should not be a hearing officer. He said he would be willing to compromise, such as a neighborhood mediation board, and understood there would be costs associated with a mediation board. He agreed with Commissioner Larkin concerning misdemeanor convictions for nuisances and felt there were more reasonable ways to solve problems. Commissioner Humke would like this sent out to CAB's for more citizen input.

Chairman Weber said the Commissioners needed to get the word out to the general public because the people they need to hear from might not necessarily be attending CAB's. She thought a few people from the CAB's could work with staff for recommendations

Commissioner Galloway agreed with Commissioner Larkin concerning guidelines for CAB's. He thought CAB's could make other suggestions provided they comment on the items in the agenda packet.

Ms. Poché asked if the Board would be open to staff going back and doing other work in respect to researching ordinance work and taking a series of recommendations out to CAB's once it was more developed. She was reluctant to have staff go out and try to limit the discussion. Chairman Weber said staff would need to say the same thing at each CAB to ensure consistency.

Commissioner Galloway said he would like staff to record comments and keep track of them to see if there was a pattern from one CAB to the next.

**05-540**      **NEVADA PUBLIC UTILITIES COMMISSION (PUC)**  
**INVESTIGATION – UNDERGROUND TRANSMISSION LINES –**  
**DISTRICT ATTORNEY**

Melanie Foster, Legal Counsel, gave background information on the underground transmission lines and referred Commissioners to their copy of the *Petition*

*of Nevada Power Company (NPC) and Sierra Pacific Power Company (SPPC) For a Declaratory Order Relating to Undergrounding of Transmission Lines*, which was placed on file with the Clerk.

Commissioner Galloway stated that Commissioner Sferrazza had expressed support for the intervention because without it they would not be able to do anything later. Commissioner Galloway said his initial position would be to oppose. He said the County has many regulations that impact the cost of development, and this would create a precedent for breaking down all requirements. In response to Commissioner Galloway, Ms. Foster said there were some very interesting legal issues raised in the petition. Commissioner Galloway asked Linda Galli, Sierra Pacific Power Company, about specific numbers in the petition, particularly Section II that states the undergrounding would increase construction costs by approximately \$6.5 million, an increase of 550 percent for the Spanish Springs segment of the line. Ms. Galli said the 550 percent did not sound correct. Commissioner Galloway said he would appreciate having the correct numbers and, the complaint being amended by Sierra Pacific Power Company. Ms. Galli said she would check into it.

In response to Commissioner Larkin, Ms. Foster said Legal Counsel's advice to the Commissioners is to oppose the Petition because there are issues still needing resolution. Ms. Foster said Legal Counsel would like general guidance in case they needed to take action.

Commissioner Larkin asked Ms. Galli if the reference on page three of the Petition describing the underground cable and concrete trenches was a fair, accurate description of all undergrounding-type facilities. He said this appeared to be a description of an extreme undergrounding facility. He also noted discrepancies in the total amount of the project.

Commissioner Humke said he was very interested in the letter from Alaina Burtenshaw, Staff Counsel, Sierra Pacific Power Company, dated March 23, 2005. He said the PUC seemed to be saying this should not be a ratepayer issue nor spread across all ratepayers in the service area but borne by those who accrue the benefits of the undergrounding. Commissioner Humke commended Legal Counsel for doing the right thing by making the filing to intervene. He stated the Commission had no action to take because the District Attorney took the correct action to preserve the County's position and is working with the public entities that have sought to intervene to answer the question of who pays for the undergrounding.

Commissioner Galloway thought the request to intervene should be ratified. He said the Petition is asking that the four points to be addressed be a declaratory order, and he opposes any declaratory order that interpreted rule #9 to say that the requesting party was Washoe County and puts all the costs on the County. He was not sure a declaratory order was the only way the PUC could resolve the issues. In response to Commissioner Galloway, Ms. Foster said the Commissioners should direct Legal Counsel to represent their interests and advocate on their behalf.

Commissioner Humke said the public should know this item was not as adversarial as it appeared. He also disclosed that he spoke to Ms. Galli at an event about this topic and may have talked to other Sierra Pacific representatives.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, Chairman Weber ordered that the action of the District Attorney in filing the Petition for Leave to Intervene be ratified. It was further ordered that Legal Counsel be given full authority to advocate on the Commissioner's behalf to protect the interest of Washoe County and its citizens.

**7:32 p.m.** The Board took a brief recess

**7:48 p.m.** The Board reconvened with all members present except Commissioner Sferrazza.

**05-541** **VERDI WATER SERVICES – SETTLEMENT AGREEMENT –  
INTERLOCAL AGREEMENT – TRUCKEE MEADOWS WATER  
AUTHORITY**

Melanie Foster, Legal Counsel, explained changes made by the Truckee Meadows Water Authority (TMWA) and Water Resources staff to the Interlocal Agreement for Provision of Water Services in Verdi, Nevada, and the Settlement Agreement for Provision of Water Services in Verdi, Nevada, as provided in a packet to the Board, which was placed on file with the Clerk.

Ms. Foster explained the TMWA Board voted to ratify the Settlement Agreement with the exclusion of the language requiring the cash donation be used for the benefit of the citizens of the Verdi/Mortensen/Mogul area. She said the TMWA Board did not want to limit themselves by the language in the settlement agreement. Ms. Foster stated she conveyed to TMWA this could be an issue for the Commissioners and Judge Hardesty may have to rule on it. Ms. Foster explained, if the Commissioners did not wish to accept the language change, she would advocate to Judge Hardesty the language remain and the funds be dedicated to the area. She did not feel this was an issue with the property owners but was an issue between the County and TMWA.

Chairman Weber said, as the representative of the Verdi/Mortensen/Mogul District, she would ask the Board to consider sending the message to Judge Hardesty to keep the language in the Settlement Agreement. She said the citizens in the area who had been impacted by development should receive full benefit of the monies, and she was surprised TMWA would not consider the monies be used in their neighborhood.

In response to Commissioner Galloway, Ms. Foster stated, if the Board's desire was to have the language reinstated, she would ask the Commissioners to ratify the Settlement Agreement without the change made by TMWA at its May 19, 2005 meeting. Ms. Foster stated she would also be asking the Commissioners to ratify the change made

by the TMWA Board to the Interlocal Agreement with the additional changes to 4.a. recommended by Water Resources staff.

Commissioner Larkin noted on page three of the Interlocal Agreement the change in red says “years” and questioned if it should say “year’s” with an apostrophe. Ms. Foster confirmed it should be with an apostrophe.

On motion by Commissioner Galloway, seconded by Chairman Weber, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the Interlocal Agreement with the changes made by both TMWA and Washoe County, including the correction to the typographical error on page three, be ratified and the Settlement Agreement, without the deletion made by TMWA at its May 19, 2005, meeting be ratified.

#### **05-542            LEGISLATIVE UPDATE**

Commissioner Humke said the County bills were doing well in the Legislature and did not present any immediate problems.

Commissioner Galloway stated the ability to acquire open space by condemnation is greatly at risk for local governments statewide because of amendments that had been introduced. He believed the awareness of the issue in southern Nevada and votes there was critical. He urged anyone who knew people or groups who could advocate to Legislators to do so to preserve that tool. He hoped the denial of a legitimate use of eminent domain would be prohibited.

Randolph Tobey, Vice-Chairman of the Pyramid Lake Paiute Tribe, stated Assemblyman Tom Grady testified that he spoke with a Washoe County lobbyist an hour before the hearing regarding AB440 and the lobbyist told Mr. Grady that Washoe County had no issues with AB440. He said it was his understanding that lobbyists were to inform Senators of the conditions of the bill but apparently that did not happen. Mr. Tobey was concerned that information was not brought forth to the Senate. County Manager Katy Singlaub said she conveyed the Board’s position and the conditions to all members of the Government Affairs Committee. She said it was in writing and she would be happy to provide a copy to Mr. Tobey. Ms. Singlaub said she met with Senator Raggio, Assemblyman Grady and several members of the Committee and asked that the Tribe’s concerns regarding water be put on the record.

#### **REPORTS/UPDATES FROM COMMISSION MEMBERS**

Commissioner Larkin reported the Regional Transportation Committee (RTC) and the Reno-Sparks Convention and Visitors Authority (RSCVA) budget meetings were scheduled at the same time. He said he was able to attend both meetings; however was only able to vote on the RTC budget and the Reno-Tahoe Open portion of the RSCVA budget. Commissioner Larkin said scheduling the meetings in that manner was unacceptable and he would continue to voice his concern.

Commissioner Humke agreed with Commissioner Larkin concerning the budget meetings. He said his impact was the Nevada Juvenile Justice Commission, which meets only quarterly and normally on Thursday. He said the RTC generally meets on Friday but wanted to get a jump on the budget process. He felt it showed disrespect when holding meetings that overlap with other entities. Commissioner Humke said evenings were usually available for meetings and would make that suggestion to all agencies. He noted the Governor had proclaimed May as Older American's Month and the White House Conference on Aging had been moved to December 11-14, 2005.

Commissioner Galloway said he would be attending the NACO Conference in Tacoma, Washington. He said the most controversial item at the Tahoe Regional Planning Agency were conditions that go with the fee schedule.

Chairman Weber said she participated in the Golden Valley open space cleanup and regretted she could not attend the grand opening of the Spanish Springs Library and water park. She also had Coffee With Your Commissioners and had a constituent who greeted people and took comments.

Commissioner Larkin discussed the grand opening of the library and water park in Spanish Springs and commented on those in attendance. He said the facility is very nice and thanked staff for all they did.

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There being no further business to come before the Board, the meeting adjourned at 8:22 p.m.

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**BONNIE WEBER**, Chairman  
Washoe County Commission

**ATTEST:**

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

*Minutes Prepared by  
Lori Rowe, Deputy County Clerk  
Karen Jones, Deputy County Clerk*