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:

**AGENDA**

Discussion ensued concerning approving non-controversial items in groups rather than moving them to the consent agenda, which had been the recent practice of the Board.

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Larkin, which motion duly carried with Commissioner Humke absent, Chairman Weber ordered that the agenda for the September 20, 2005 meeting be approved.

**INTRODUCTION OF NEW WASHOE COUNTY EMPLOYEES**

Chairman Weber invited approximately 33 new Washoe County employees to come forward and introduce themselves to the Board. The Board members welcomed the new employees.

**PUBLIC COMMENTS**

There was no response to the call for public comment.
COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS

Commissioner Larkin asked that staff reports reflect a connection to the priorities list. He commented the State mandated an implementation of a unified voter system in 2005. He said a portion of the project would address precinct delineation and voter precinct assignments, and a second portion would be for the acquisition of new equipment for use in offices and polling places. He noted his concerns and requested an update from the Registrar of Voters on these issues and the software.

County Manager Katy Singlaub commented she had recently discussed these topics with Dan Burk, Registrar of Voters. She confirmed she and Mr. Burk were both concerned about the project and the on-time completion of the software. Ms. Singlaub said she asked Mr. Burk to build a matrix of all election issues from 2004, the recommendations for the future, the status of implementation of each of those items, and to present a report to the Board.

Commissioner Larkin inquired about the remapping of the districts. Ms. Singlaub explained she had formed a team to look into that, and staff was working with the District Attorney's Office on issues regarding mid-cycle re-districting.

Commissioner Galloway requested an agenda item regarding mid-cycle re-districting. He stated he would like to limit the staff time expended if the Board was not favorable to doing that. He said rough population figures could be presented, and the Board could decide whether or not to proceed further. Ms. Singlaub concurred.

Commissioner Sferrazza asked for an agenda item focusing on the hours of the Downtown Library. He said he was concerned the Downtown Library was not open after 5:00 p.m. on any night, while all other Washoe County libraries offered evening hours.

Chairman Weber thanked the Reno Air Race Association for the Reno Air Races event. She commented on the Town Hall meetings held in Gerlach in August 2005. She stated they were well attended, and the predominant issue brought forward by citizens was the possibility of a Sempra coal-fired plant coming to the area. Chairman Weber requested a trip be arranged for the Commissioners to visit a Sempra site due to the importance of the issue for Washoe County. She requested the issue be placed on a future agenda. She asked for information regarding the Emergency Preparedness Plan and a review of the roles of the Commissioners within that plan.

Commissioner Galloway requested the Rancho San Rafael Advisory Board and the Open Space and Regional Parks Commission review the matter of parking for public events at Rancho San Rafael Regional Park. He asked they look at accessibility issues for seniors and the handicapped. Commissioner Galloway announced the Open Space and Regional Parks Commission would be meeting on September 21, 2005 at 5:30 p.m. in the Chambers. He emphasized citizens could attend and speak
during public comment if they had concerns about any County park issue. Chairman Weber mentioned it would be televised.

Ms. Singlaub commented staff was developing a web-based system where various issues brought forward by the Board could be tracked for progress.

05-972 MINUTES

On motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried with Commissioner Humke absent, Chairman Weber ordered that the minutes of the regular meeting of August 16, 2005 be approved.

05-973 PROCLAMATION – A DAY TO EAT DINNER WITH YOUR CHILDREN – SEPTEMBER 26, 2005

The Commissioners commented on the value of eating dinner together as a family and encouraged people to take one day next week to do that.

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

PROCLAMATION

WHEREAS, The use of illegal drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America's children; and

WHEREAS, Surveys conducted by The National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs; and

WHEREAS, Teenagers who virtually never eat dinner with their families are 72% more likely than the average teenager to use illegal drugs, alcohol and cigarettes; and

WHEREAS, Teenagers who almost always eat dinner with their families are 31% less likely than the average teenager to use illegal drugs, alcohol and cigarettes; and

WHEREAS, The correlation between family dinners and reduced risk for teen substance abuse are well documented; and

WHEREAS, Parental influence is known to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers; and
WHEREAS, Family dinners have long constituted a substantial pillar of family life in America; now, therefore, be it

PROCLAIMED, By the Washoe County Board of Commissioners that September 26, 2005, is "Family Day - A Day to Eat Dinner With Your Children" in Washoe County and the Board encourages all citizens in the Truckee Meadows community to participate.

05-974 SEXUAL ASSAULT - MEDICAL CARE - PAYMENT

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried with Commissioner Humke absent, 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 58 sexual assault victims in an amount totaling $10,154.40 as set forth in a memorandum from Kim Schweickert, Program Assistant, District Attorney's Office, dated August 31, 2005.

05-975 RESOLUTION – BUREAU OF LAND MANAGEMENT APPLICATION – SPARKS JUSTICE COURT FACILITY – PUBLIC WORKS

County Manager Katy Singlaub stated this matter went before the Spanish Springs Citizen Advisory Board (CAB), and the CAB was supportive. She said the CAB wanted to make sure traffic would exit at Disc Drive or Los Altos Parkway, which was the plan for both the park and the Sparks Justice Court facility.

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried with Commissioner Humke absent, it was ordered that the following resolution be adopted and Chairman Weber be authorized to execute the same:

RESOLUTION OF SUPPORT OF THE BLM APPLICATION FOR LAND FOR RECREATION AND PUBLIC PURPOSES FOR THE SPARKS JUSTICE COURT FACILITY

WHEREAS, The existing Sparks Justice Court facility was intended to be a temporary facility 13 years ago and is inadequate, as it is leased, not easily accessible for patrons, is lacking in security for staff and the public, and will not meet the needs of the growing community; and

WHEREAS, The population of Sparks and the Spanish Springs Valley has anticipated additional growth of 22.9% by the year 2020; and
WHEREAS, Washoe County is in need of a site to construct a new Sparks Justice Court facility to accommodate the demand for additional justice facilities due to this escalating growth; and

WHEREAS, NRS 244.275 authorizes the County to purchase or lease property for use; and

WHEREAS, The United States Department of the Interior, Bureau of Land Management (BLM) provides opportunities to lease Federal Lands for Recreation and Public Purposes; and

WHEREAS, Washoe County Department of Regional Parks and Open Space and the City of Sparks Parks and Recreation Department are working jointly and in conjunction with BLM on the proposed Wedekind Park project, located between Sparks and the Spanish Springs Valley; and

WHEREAS, two parcels (APN 083-061-03 and APN 035-182-01) totaling 17.277 acres of BLM land are available adjacent to the proposed Wedekind Park site; and

WHEREAS, the community will benefit in obtaining the property due to its desirable location, cost savings and surrounding amenities; and

NOW, THEREFORE, be it resolved that the Washoe County Board of Commissioners supports the BLM Application for Land for Recreation and Public Purposes for the Sparks Justice Court facility.

RESOLUTION – NATIONAL PUBLIC LANDS DAY – PARKS

Upon recommendation of Karen Mullen, Regional Parks and Open Space Director, through Michelle Poche, Assistant County Manager, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried with Commissioner Humke absent, it was ordered that the following resolution be adopted and Chairman Weber be authorized to execute the same:

WASHOE COUNTY BOARD OF COMMISSIONERS RESOLUTION
NATIONAL PUBLIC LANDS DAY

WHEREAS, National Public Lands Day will be celebrated on September 24, 2005 for the purpose of raising awareness about the benefits of preserving public lands and keeping valuable open space in the public trust; and

WHEREAS, Washoe County's open spaces are a major factor in businesses and individuals choosing to relocate to this area, and preservation of these open spaces protects the northern Nevada lifestyle while influencing our water quality and supply, economic growth, health, educational and cultural opportunities; and
WHEREAS, Washoe County Priorities and Goals include improving growth management, planning and land use through regional collaboration, and effective planning and management of our natural assets to capitalize on our unique natural setting; and

WHEREAS, Efforts to acquire and manage public lands in northern Nevada have led to the formation of important partnerships such as the current collaboration between Washoe County, the U.S. Forest Service, and other government and non-profit agencies to ensure that the valuable Incline Lake property of Lake Tahoe is placed in public trust and managed for future generations to cherish and enjoy; and

WHEREAS, The Conservation Fund is currently working to purchase the final 300 acres of the Casey Ranch property in Washoe Valley in partnership with the Bureau of Land Management, using Southern Nevada Public Lands Management Act funds. A purchase that will complete the link between Bowers Mansion Regional Park and Washoe Lake State Park and preserve the historic site of the V&T Railroad stop in front of Bowers Mansion and secure the magnificent views of the Comstock region; and

WHEREAS, Washoe County citizens currently enjoy the benefits of successful partnerships between the County and the US Forest Service and the Bureau of Land Management in maintaining and operating recreation facilities and managing natural resource on our public lands;

NOW, THEREFORE, BE IT RESOLVED by the Washoe County Board of Commissioners that National Public Lands Day be observed as a time to recognize the important steps taken to preserve specific parcels of critical Nevada open space as public lands, reiterate the need to preserve the final piece of the Casey Ranch and acquire the Incline Lake property, encourage future partnerships between local and federal agencies to manage recreational uses and natural resources on public lands and express our appreciation and support for the efforts of the U.S. Forest Service, Bureau of Land Management, and U.S. Senators John Ensign and Harry Reid to preserve and provide public access to Nevada's scenic and historic open spaces.

05-977 R ATIFY - DECLARATION OF EMERGENCY – HURRICANE KATRINA

County Manager Katy Singlaub commented the preparations of staff and other jurisdictions assisted about 200 people who arrived in the community due to Hurricane Katrina. She said the County had spent approximately $50,000 - $100,000 on preparations to date.

Commissioner Sferrazza inquired if the federal government would reimburse the County for those costs, and Ms. Singlaub confirmed that was the reason for declaring the emergency. Commissioner Sferrazza commented it did not appear there was an emergency in this community. Ms. Singlaub explained that was the protocol from the State Department of Emergency Management that staff was directed to follow even
though there was not an emergency here. Commissioner Sferrazza said he understood, but he voiced his misgivings about the reimbursement from the federal government.

Commissioner Galloway asked if the Reno Air Race Association would be reimbursed for the approximately $25,000 additional cost they incurred because they could not use the barracks facilities. Ms. Singlaub said staff discussed the process with Mike Houghton, Reno Air Racing Association President/CEO. She noted it was not clear if they were eligible for reimbursement. Commissioner Galloway stated they testified at the Commission meeting on September 13, 2005 that they incurred those costs directly as a result of a request from the Federal Emergency Management Agency (FEMA) to place approximately 300 refugees here. He said they would not have incurred those costs if that request had not been made by FEMA, and Ms. Singlaub agreed.

Commissioner Sferrazza commented it looked as if there were not enough funds to take care of those who were truly injured, and he hoped the people who were directly impacted would get assistance before the County would get its reimbursement. Ms. Singlaub remarked she would convey the concerns of Commissioner Sferrazza to the State Department of Emergency Management.

Upon recommendation of Aaron Kenneston, Emergency Manager, through Ms. Singlaub, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried with Commissioner Humke absent, Chairman Weber ordered that the Declaration of a State of Emergency resulting from the Hurricane Katrina relief support by the acting County Manager on September 8, 2005 be ratified.

05-978 GRANT – STATE OF NEVADA – FIRE PUMPER TRUCK – GERLACH VOLUNTEER FIRE DEPARTMENT – MANAGEMENT SERVICES/GRANTS ADMINISTRATOR

Upon recommendation of Gabrielle Enfield, Grants Administrator, through John Slaughter, Management Services Director, on motion by Commissioner Sferrazza, seconded by Commissioner Larkin, which motion duly carried with Commissioner Humke absent, Chairman Weber ordered that a Community Development Block Grant (CDBG) award from the State of Nevada, to fund a portion of the purchase of a Fire Pumper Truck for the Gerlach Volunteer Fire Department (GVFD) in the amount of $200,000, be accepted. It was further ordered that the Chairman be authorized to execute the Notice of Grant Award and the Finance Department be directed to make the following budget adjustments:

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<th>Increase Revenue</th>
<th>Amount</th>
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<tr>
<td>#TBD-431100</td>
<td>$200,000</td>
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<tr>
<td>Increase Expenditure</td>
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<tr>
<td>#TBD-781004</td>
<td>$200,000</td>
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Commissioner Larkin asked when Silver State Fair Housing and/or Keep Truckee Meadows Beautiful made presentations to the Board. County Manager Katy Singlaub replied no presentations had been made; however, the agencies submitted reports of their benefits and accomplishments to the Grant Administrator. Commissioner Larkin requested the groups be scheduled to appear before the Board.

Upon recommendation of Gabrielle Enfield, Grants Administrator, through John Slaughter, Management Services Director, on motion by Commissioner Sferrazza, seconded by Commissioner Larkin, which motion duly carried with Commissioner Humke absent, it was 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 Nonprofit Organization Created for Religious, Charitable or Educational Purposes

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 nonprofit organization created for religious, charitable or educational purposes to be expended for a selected purpose; and

WHEREAS, the Board of Commissioners of Washoe County has determined that $4,465 in funding is needed to assist in providing services to encourage fair housing standards; now, therefore, be it

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

1. The Board hereby grants to Silver State Fair Housing, a nonprofit organization created for religious, charitable or educational purposes, a grant for fiscal year 2005 - 2006 in the amount of $4,465 (Community Support).

2. The purpose of the grant is to provide informational materials and education to increase community awareness of housing discrimination, Fair Housing Act protections, and fair housing rights and responsibilities, which will provide a substantial benefit to the inhabitants of the county.

RESOLUTION
Authorizing the Grant of Public Money to a Nonprofit Organization Created for Religious, Charitable or Educational Purposes
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 nonprofit organization created for religious, charitable or educational purposes to be expended for a selected purpose; and

WHEREAS, the Board of Commissioners of Washoe County has determined that $8,925 in funding is needed to assist in providing services to encourage a clean community; now, therefore, be it

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

1. The Board hereby grants to Keep Truckee Meadows Beautiful, a non-profit organization created for religious, charitable or educational purposes, a grant for fiscal year 2005 - 2006 in the amount of $8,925 (Community Support).

2. The purpose of the grant is to provide assistance to KTMB with Adopt-A-Spot, Open Space Community Clean-up, and Christmas Tree Recycling in the incorporated and unincorporated areas of Washoe County, which will provide a substantial benefit to the inhabitants of the county.

3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are as set forth in the Grant Program Contract, which Contract is attached herein by reference.

05-980 AGREEMENT – KENNEDY JENKS CONSULTANTS – RANCHO SAN RAFAEL WETLAND MITIGATION PROJECT - PARKS

Upon recommendation of Lynda Nelson, Natural Resource Planner, through Karen Mullen, Regional Parks and Open Space Director, on motion by Commissioner Sferrazza, seconded by Commissioner Larkin, which motion duly carried with Commissioner Humke absent, it was ordered that an agreement between Washoe County and Kennedy Jenks Consultants, concerning a design agreement for the Rancho San Rafael Wetland Mitigation Project in the amount of $154,000, be approved and Chairman Weber be authorized to execute the agreement upon presentation.

05-981 REAPPOINTMENT - STATE LAND USE PLANNING ADVISORY COUNCIL – MANAGER'S OFFICE

On motion by Commissioner Sferrazza, seconded by Commissioner Larkin, which motion duly carried with Commissioner Humke absent, Chairman Weber ordered that Bill Whitney, Community Development Senior Planner, be reappointed to the State Land Use Planning Advisory Council with a term to expire June 30, 2008.
05-982  INTERLOCAL CONTRACT – INTERGOVERNMENTAL TRANSFER PROGRAM – SOCIAL SERVICES

Upon recommendation of Ken Retterath, Adult Services Division Director, through Mike Capello, Social Services Director, on motion by Commissioner Sferrazza, seconded by Commissioner Larkin, which motion duly carried with Commissioner Humke absent, it was ordered that the Interlocal Contract between the Public Agencies of Washoe County and the Nevada Department of Human Resources Division of Health Care Financing and Policy, concerning the Intergovernmental Transfer Program in the amount of $1.5-million annually from July 1, 2005 through June 30, 2009, be approved and Chairman Weber be authorized to execute the same.

05-983  ACCENTUATE THE POSITIVE EVENT – COMMUNITY RELATIONS

Upon recommendation of Kathy Carter, Community Relations Director, through Katy Singlaub, County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Larkin, which motion duly carried with Commissioner Humke absent, Chairman Weber ordered that an expenditure in an amount not to exceed $1,350, to allow attendance by Washoe County representatives at the Accentuate the Positive event on October 14, 2005, be approved. It was noted Washoe County would be receiving three Silver Star awards at the event.

*1:47 p.m.  Commissioner Humke arrived at the meeting during the following item.

05-984  APPEARANCE – MATT BECKSTEDT – INFORMATION TECHNOLOGY

Matt Beckstedt, Information Technology (IT) Director, referenced the IT Annual Report Fiscal Year 2005 and pointed out the major initiatives for fiscal year 2006.

Mr. Beckstedt gave a PowerPoint presentation entitled, "Technology Strategy." He noted the IT department desired to develop a strategy document that would be updated annually. He acknowledged it was not only a strategy for the IT department, but also the strategy for all Washoe County departments. Mr. Beckstedt commented the Technology Task Force concentrated on identifying the County's technology needs. He referenced the "Accomplishments" section and added the one-on-one interviews the consultants, Pacific Technologies, Inc. (PTI), completed with the users of the County's software were not included in the report. He confirmed the consultants completed 41 application interviews and 17 interviews with department heads.

Commissioner Larkin commented on the importance of Wi-Fi technology for the County. Mr. Beckstedt acknowledged the importance of Wi-Fi, but indicated that the department was working with the Federal Bureau of Investigation (FBI) to tighten up the security network, and that needed to be completed first.
Discussion ensued and the Board members offered suggestions concerning technology and asked questions regarding the status report. Mr. Beckstedt provided the information. The Commissioners requested Mr. Beckstedt investigate obtaining other sources of technology for the County, and they acknowledged the work of staff and committee members.

05-985 PURCHASE ORDER – PROFESSIONAL LEGAL SERVICES – AGREEMENT – UNIVERSITY OF NEVADA, RENO – OFFICE OF SPONSORED PROJECTS – SENIOR SERVICES

Commissioner Sferrazza asked if the contract had gone before the Senior Services Advisory Board. Marietta Bobba, Senior Services Director, said the contract did not go through the Advisory Board. She explained it was part of a grant through the Division of Aging Services. She noted the purpose of the contract was to research the possible impact of the attorneys' representation of potential wards.

Commissioner Sferrazza said he believed anyone who was willing to provide the service at the established rate would have an opportunity to participate. Ms. Bobba stated that was the aim, and she confirmed next year there would be four attorneys under contract. Ms. Bobba explained it was not intended that the attorney, Elizabeth Root, would exceed the $25,000 limit. She said the court ordered a number of cases to be looked into immediately when they became aware of the grant, and Ms. Root was able to meet the needs of the court. Commissioner Sferrazza asked if there would be a panel of attorneys in the future and when the grant would expire. Ms. Bobba concurred and stated the grant expired on September 30, 2005. She said second year funding would begin October 1, 2005. She added Senior Services had multiple attorneys willing to be under contract, and she verified it was an open process.

In response to Commissioner Humke, Ms. Bobba confirmed the attorneys must show qualifications with regard to adult guardianship. She said the grant required the attorneys have experience working with the court system and guardianship procedures. She stated the four attorneys under consideration had met the requirements. Ms. Bobba explained the attorneys were put under contract because this was a two-year, non-renewable research grant; and the goal was to see if there was a positive impact to providing legal services to potential wards. She noted Senior Services was not anticipating this to go beyond one more year.

Commissioner Humke asked why the interlocal agreement with the University of Nevada, Reno (UNR) was with the School of Social Work instead of the Boyd School of Law. Ms. Bobba stated the Division of Aging Services mandated the School of Social Work at UNR.

Commissioner Humke disclosed he serves on the Commission on Aging.

In response to Commissioner Galloway, Ms. Bobba explained the plan to have multiple attorneys was not to keep them under the $25,000 limit, but to make sure...
legal representation was available. Commissioner Galloway noted his concerns about the agreement ending September 30, 2005 and requested the Board approve the total expenditure.

Guy Felton, Reno resident, called the Board members profane people and questioned if retroactive decisions were legal. He said the Board should ask a competent attorney for counsel, and he stated the Board's legal counsel did not qualify as a competent attorney.

Juanita Cox, Sparks resident, said she was concerned about the retroactive decisions on these items. She thanked the Commissioners for their questions and the discussion on the grant award and the interlocal agreement.

Ms. Singlaub clarified the grant was for a research project, which the Division of Aging Services had authorized on behalf of Senior Services. She noted the award of money was not received from the state until two months after the grant period was underway. Ms. Singlaub added there were obligations to meet timelines in conducting the research project. She said Ms. Bobba engaged an attorney that was qualified to do this type of work to get it started until the County could receive the award and gain the full array of legal services from the four-member attorney panel that had been discussed.

Melanie Foster, Legal Counsel, explained the ex post facto clause stated government may not take action that retroactively impaired the rights of any person. She verified it did not apply in this case.

Commissioner Sferrazza agreed, and he added there would be an illegal disbursement of the funds if the Board did not approve these items.

Commissioner Sferrazza moved that the Board approve a fiscal year 2005/06 Single Source Purchase Order to Elizabeth Root for Professional Legal Services in the amount of $50,488 retroactive from July 1, 2005 through September 30, 2005; staff be directed to bring back the entire program for the final year of the grant for approval; and approve an interlocal agreement between Washoe County and UNR, Office of Sponsored Projects, for related research and analysis in the amount of $6,000 retroactive from June 1, 2005 through September 30, 2005. Commissioner Galloway seconded the motion.

In response to Commissioner Larkin, Ms. Bobba explained the research was to look at the opportunity to maintain as many rights and freedoms for a senior by exploring partial guardianships, representative payee programs, or other alternatives that would not take away their civil liberties. Ms. Bobba acknowledged the only time staff would look at something retroactively was if there was a court order to do so, and she confirmed all the individuals that staff was working with received the services due to a court order.
Commissioner Humke noted the Board approved the grant award from the Division of Aging Services on May 17, 2005, and he added it appeared it was a problem with the payment schedule. He asked what timeline was approved. Ms. Bobba verified the Board approved the period of June 1, 2005 through September 30, 2005. She said the contract to begin October 1, 2005 would be expanded to a 12-month contract, which would include a more comprehensive research analysis.

Commissioner Humke requested Ms. Bobba pass on his suggestion of involving the law school in the analysis, and Ms. Bobba agreed.

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

05-986 CONTRACT – SIERRA NEVADA COMMUNITY ACCESS TELEVISION, INC. – COMMUNITY RELATIONS

Commissioner Sferrazza inquired about the dates of the contract and asked if the "Program with Your Commissioner" could be reinstated. Kathy Carter, Community Relations Director, clarified the contract was dated July 1, 2005 through June 30, 2006. She referenced the agenda memorandum dated August 31, 2005 that explained why there was not a completed franchise agreement with Charter Communications at the present time. Ms. Carter pointed out six live town hall meetings were included in the agreement, and that would allow each Commissioner at least one meeting to broadcast.

Commissioner Humke voiced his concerns about the outstanding franchise agreement. He asked for the justification for the increase in the dollar amount. He inquired if there could be discussion about reordering the priorities of what was to be broadcast, and he asked the Board to consider deleting broadcast of some meetings to provide for broadcast of certain Citizen Advisory Board (CAB) meetings. Commissioner Humke outlined the reasons for his requests. He said, if CAB meetings were televised on a rotating basis, it would be a more productive use of broadcast resources.

Ms. Carter explained the three percent increase was consistent with previous contracts and a cost of living increase. She noted the contract was for one year because it was anticipated the franchise agreement would be finalized soon. She said it would be a goal to broadcast meetings out in the community; however, the Chambers was currently the only place with the equipment to broadcast live.

Commissioner Humke noted there were 15 CAB's, and he believed they could be persuaded to meet in the Chambers for one meeting a year.

Commissioner Galloway suggested setting time aside in the contract for meetings of regional significance, and Chairman Weber agreed. Commissioner Galloway said he would support making a proposal to have the contract modified before approval by the Board.
Commissioner Sferrazza asked about the preservation of tapes of the meetings, and he requested DVD’s be made of every meeting to provide a permanent record.

Ms. Carter confirmed DVD copies were made of the meetings. She said the DVD's were available to the public through Sierra Nevada Community Access Television, Inc. (SNCAT), dba The Media Center, for a minimal cost. She recommended the Board approve the contract as written because SNCAT was presently operating without a contract.

Sam Dehne, local resident, requested a pay raise and retirement and health benefits for the hard workers at SNCAT. He said the Board was currently in violation of the contract because of the time change for the meeting. He asked for addendums to the contract to add $30,000 for pay increases and $3,600 to televise the Airport Authority meetings for one year.

Gary Schmidt, Washoe County citizen, stated it was a violation of the Open Meeting Law to not make copies of the meetings available to the public. He emphasized a copy must be provided to a citizen when requested. He spoke loudly over Chairman Weber's warnings after his time had expired.

Juanita Cox, Sparks resident, spoke in support of SNCAT and commented that better equipment was needed for their agency. She offered suggestions on how to avoid retroactive approval of contracts, such as month-to-month contracts.

Guy Felton, Reno resident, called the Commissioners profane and stupid people and stated ex post facto applied in this situation. He repeatedly asked, "why retroactively instead of before the fact." He stressed it was proof positive that open government was not the rule in Washoe County because the Commissioners would not answer his question.

Commissioner Galloway remarked Ms. Carter explained staff delayed the contract coming to the Board because staff believed they might have changes due to the Charter Communications franchise agreement. He commented on the wording in the agreement and offered options to deal with changes regarding meeting times.

County Manager Katy Singlaub said retroactive contracts come before the Board only in extenuating circumstances, and she confirmed month-to-month agreements were utilized. She clarified it took a minimum of three to five weeks of advanced planning for an item to get through the legal and financial reviews for placement on the Board's agenda.

Chairman Weber stated she appreciated the comments of the public, and the Board had been advised to not interrupt during the three minutes given to a citizen. Commissioner Galloway acknowledged he would not interrupt any citizen when the citizen had only three minutes to speak.
In response to Chairman Weber, Melanie Foster, Legal Counsel, explained the Board had chosen not to engage in ongoing dialog during public comment. She emphasized the Open Meeting Law allowed for discussion, but not deliberation. She said it was her understanding the practice of this Board was to engage in discussion sparingly to avoid any Open Meeting Law violations by straying into the area of deliberation.

Commissioner Larkin commented the Board had taken public comment and the broadcasting of public comment seriously over the years and had devoted over $500,000 since 1999 to that task. He stated the County was diverting sources of income to facilitate public comment and should continue to do so.

Commissioner Sferrazza stated the Airport Authority Board meetings should be broadcast, and he said that should be allowed within the contract.

Commissioner Galloway said he was satisfied that additional meetings could be broadcast using the additional 30 hours of programming. He added adjustments could be made when amendments to the contract returned to the Board.

Commissioner Galloway moved to add a footnote to the contract that would allow times to be changed by administrative agreement with no additional charge. Commissioner Larkin seconded the motion.

Commissioner Humke suggested the Board sign the contract and the changes be dealt with in an addendum or a modification.

Commissioner Galloway agreed with Commissioner Humke and stated the contract could be approved as written, but noting there were unintentional errors and ambiguities in the contract. He requested an addendum be brought back to the Board to address them.

Vivian French, Executive Director of SNCAT, stated altering the language was not a problem. She said she would be agreeable to an addendum, as long as it did not change the total scope of work.

On motion by Commissioner Galloway, seconded by Commissioner Larkin, which motion duly carried, it was ordered that the contract between Washoe County and SNCAT, Inc. dba The Media Center, to support production and broadcasting service for County programming for fiscal year 2005/06 in the amount of $112,010.44, be approved retroactively and Chairman Weber be authorized to execute the same. It was further ordered that if management determined an addendum was necessary, it would be returned to the Board.

05-987 2002 REGIONAL PLAN SETTLEMENTS

Adrian Freund, Community Development Director, reported the staffs of Washoe County, Reno, and Sparks had continued to work to implement the provisions of
the Settlement Agreement. He said the staffs were working through the data that was necessary to finalize recommendations. He remarked the elected officials on the negotiating team had been meeting to guarantee the entities were in a position to return to Justice Hardesty as requested. Mr. Freund confirmed the status hearing with Justice Hardesty would be on October 20, 2005. He noted, in addition to working on the issues of the Truckee Meadows Services Area boundaries, the staffs were also requested by Justice Hardesty to present a list of possible issues that might give rise to legal and or factual disputes under the Settlement Agreement.

Commissioner Galloway commended staff on their hard work and said there were many details to work out. He added he would meet with staff to discuss other issues at a later date.

Robert Cameron, Reno Resident, commented on a Southwest Truckee Meadows Citizen Advisory Board meeting and stated citizens were upset about the Regional Plan. He voiced his concerns about the transfer station in the area, the proposed casinos, and the restructuring of Highway 431.

Sam Dehne, local resident, called the Commissioners buffoons. He commented on the acres of land being annexed and rezoned into the City of Reno. He implored the Commission to attend the Reno City Council meetings and speak up for the citizens.

Gary Schmidt, Washoe County resident, stated poor planning lead to the regional problems Washoe County was experiencing. He commented on densities and the open space plans that had been approved within the past 10 years.

Commissioner Sferrazza confirmed the County should not have become involved in the urbanization of the unincorporated County by providing sewer, water, and allowing development on less than one acre lots. He asked about the annexation of the North Valleys High School.

Mr. Freund verified there was agreement to craft wording that would specifically exclude schools, in general, from the requirement to annex when they require a building permit from the City of Reno. He stated that wording was included in the agreement.

3:42 p.m. Chairman Weber temporarily left the meeting during Commissioner Galloway's comments, and Vice Chairman Larkin assumed the gavel.

Commissioner Galloway commented on the Redfield Center Plan and asked when the Regional Planning Commission would hear the issue. Mr. Freund replied the Washoe County Planning Commission would be considering comments on September 20, 2005 at 6:00 p.m., and the remarks would be transmitted to the Reno Planning Commission. He did not have a final date for consideration of the Redfield Center Plan by the Reno Planning Commission. Mr. Freund noted the issue would be scheduled with
the Regional Planning Commission, followed by the Reno Planning Commission within 60-90 days.

Commissioner Galloway said he observed there was no distinction in the plan concerning areas where university, commercial or retail buildings could be placed. He asked if the 10 percent rule would apply in this situation. He remarked the Cities of Reno and Sparks were insisting, due to forecasted large population increases, that they wanted acreage out of the rural areas of Washoe County. He said he did not agree with the forecast, but the Settlement Agreement allowed them to have territory for certain amounts of population.

05-988  
STATUS REPORT – TRUCKEE RIVER FLOOD MANAGEMENT PROJECT – WATER RESOURCES

County Manager Katy Singlaub asked if the Board desired to continue to receive monthly status reports on the Truckee River Flood Management Program due to the fact that the Truckee River Flood Project Coordinating Committee had the responsibility for monitoring the progress of the project.

Sam Dehne, local resident, discussed the anticipated money to come from the federal government for the flood control project and stated the project should not be done.

Commissioner Humke moved that the status report on the Truckee River Flood Management Program be accepted, and Commissioner Sferrazza seconded the motion.

Commissioner Sferrazza asked for an update on the authorization by the Truckee River Flood Project Coordinating Committee for the expenditure of $12.1-million to acquire property from the University of Nevada, Reno (UNR).

Ms. Singlaub confirmed a proposal had been developed that would commit $12.1-million to the acquisition of a 55-acre parcel at Mill Street and McCarran Boulevard that UNR owns. She said the proposal was being transmitted to the Board of Regents, and they would be meeting on September 23, 2005 to review the proposal. Ms. Singlaub stated County staff and the legal staff of UNR had reviewed it. She noted Steve Bradhurst, Water Resources Director, was authorized to sign a proposal pursuant to the direction of the Board and the Truckee River Flood Project Coordinating Committee. She clarified UNR had agreed to support the acquisition; however, it was the decision of the Board of Regents.

Commissioner Galloway asked if this was a cash proposal with no provisions for another appraisal. Ms. Singlaub agreed and stated it was not contingent upon a binding appraisal. Commissioner Galloway said he was concerned about the precedent this sets for the acquisition of other land. He stated it distressed him that UNR gave encouragement and consideration to people who wanted to build homes on a
confirmed flood plain. He understood Washoe County had not approved construction on flood plains once the new flood areas were identified. Commissioner Galloway commended Paul Urban, Flood Control Program Manager, for speaking out concerning the Belle Vista development. He pointed out the importance of protecting the land the U.S. Army Corps of Engineers would need for the flood project.

3:53 p.m.  Chairman Weber returned to the meeting.

Commission Galloway requested the item continue to be on the agenda monthly, and the Commissioners concurred.

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

3:54 p.m.  Chairman Weber resumed the gavel.

05-989  DISCUSSION – CAUCUS MEETINGS

Commissioner Galloway requested action by the Board to decide whether or not to resume the Caucus meetings and if the meetings should be televised. He said he found the Caucus meetings to be helpful. Commissioner Galloway commented the meetings would run longer if they were televised because that would provide a forum for people to make comments. He was not in favor of televising Caucus meetings.

Melanie Foster, Legal Counsel, explained the Caucus meetings had been held for a number of years, and they were not memorialized in ordinance or statute. She said the only place Caucus meetings were addressed was in the Board's rules and stated there was no legal requirement to hold them. Ms. Foster added the Chairman of the Board could choose to stop holding Caucus meetings, as it was well within the authority of the Chairman. She noted it could also be a decision by the Board.

Gary Schmidt, Washoe County resident, supported reinstating the Caucus meetings and suggested ideas for scheduling.

Guy Felton, area resident, declared it would be in the best interest of the citizens to hold Caucus meetings. He said the meetings should be legal and televised.

Sam Dehne, local resident, stated there was confusion concerning the agenda without the Caucus meetings.

Al Hesson, Reno resident, declared the Board underestimated the number of people who watch the televised proceedings of the Board meetings. He questioned what occurred at Caucus meetings, and he spoke against the Commissioners. He referenced comments made by Commissioner Galloway at a previous meeting and indicated they were slanderous and that “he best not say that about me outside these Chambers.”
In response to Chairman Weber and Commissioner Galloway, Ms. Foster stated whether or not a statement would be considered a threat would involve both an analysis of the content of the statement and its affect upon the person hearing it. She explained, under Nevada law, true threats were those that were deemed to present a risk of present and active danger to an individual and the perception by the individual that he was placed at risk. She said, in her analysis of the comments by Mr. Hesson, she would class them as a statement of political expression.

Commissioner Galloway commented the Board did not have to accept insults according to the Open Meeting Law. He noted there had been a number of insults spoken at this meeting. He said he did not state that any citizen was from the gutter at a previous meeting. Commissioner Galloway clarified his comments were that when people get carried away with insulting and criticizing the Commissioners, they get down in the gutter on many occasions with their remarks.

Ms. Foster stated the Board needed to focus on whether or not there was a disruption in the Board's ability to carry on the meeting. She said the Attorney General had advised that an individual who stands at the podium and shouts and refuses to leave the podium, that given one warning, the Board was well within their rights under the Open Meeting Law to have the individual removed from the meeting. She emphasized, if any people fall into the realm of the obscene, or the profane, or if they become so disruptive that it becomes impossible to continue with the business of the Board, the Board would be within their rights to have them removed after one warning.

Chairman Weber remarked this procedure should be discussed further.

Juanita Cox, Sparks resident, commented on code violations that occurred during a Caucus meeting. She said it would be good to eliminate confusion by having a set routine for the operation of the meetings, and she offered ideas.

Commissioner Sferrazza said he did not favor holding Caucus meetings; however, if they were reinstated, he would want them to be televised. He confirmed the Caucus meetings did not shorten the regular Board meetings. He said time had opened up to enable the Board to have retreats, workshops, and other meetings on Mondays, and he would like the Board to continue with the present system.

Commissioner Larkin stated his preference would be to move forward without Caucus meetings. He said the current practice of the Board was a better format.

Commissioner Humke said Caucus meetings had outlived their purpose due to advances in technology, and he did not support a return to Caucus meetings.

Chairman Weber commented it had been a positive step for the Commission to discontinue Caucus meetings as it gave the Board the opportunity to schedule retreats, workshops, and field trips. She asked the Commissioners to keep Mondays from 9:00 a.m. to 11:00 a.m. open for opportunities that could come about. She
encouraged the Commissioners to get their questions to the County Manager in a timely manner concerning agenda items. She said the current practice of the Board was more effective, and staff time was better utilized.

Commissioner Galloway concluded from the discussion that the Commissioners agreed with what the Chairman had put into action, and there was no reason to change that.

Chairman Weber commended Commissioner Galloway for bringing this item forward for discussion.

REPORTS/UPDATES FROM COUNTY COMMISSION MEMBERS

4:35 p.m.   Vice Chairman Larkin assumed the gavel.

Commissioner Sferrazza announced Jeff Beckleman, CEO of the Reno-Sparks Convention and Visitors Authority (RSCVA), recently submitted his resignation. He anticipated that resignation would be accepted and negotiation of the remainder of his contract would be discussed at the RSCVA meeting on September 22, 2005. He stated there was a request from the current Chairman of the Board, Dave Miller, to serve as the acting CEO until a new CEO could be hired. He asked if the alternate to the RSCVA could attend and vote, if allowed, as Commissioner Larkin would be unable to attend.

Chairman Weber commended staff for their work on Operation Rescue and their efforts to prepare for evacuees from Hurricane Katrina. She acknowledged Michelle Poché, Assistant County Manager, Aaron Kenneston, Emergency Manager, Ken Retterath, Adult Services Division Director, and Michelle Kling, Community and Clinical Health Services Division Director, for their time, effort, and energy. She also recognized the work of the Salvation Army, the Red Cross, and the public for wanting to help in the situation.

Commissioner Larkin stated RSCVA had no restriction on the alternate, but he requested advice from their legal counsel on the status of the alternate. He confirmed the alternate must be an elected official.

4:40 p.m.   Chairman Weber left the meeting.

Commissioner Galloway conveyed the Nevada-Tahoe Regional Planning Agency would be holding a meeting in late September. He commented the agency was charged with the interpretation of provisions of the compact pertaining to gaming. He explained one of those provisions said there would be "no expansion of structures containing gaming." He said the agency would be looking at interpretation of the rules and provisions, and he stressed how vital the interpretation would be to the community.
Commissioner Humke stated Mary Anderson, MD, had been selected as the new District Health Officer. He asked the County Manager to request staff to allow the record be open to accept written comment on the Redfield Center Plan that would be discussed at the Planning Commission meeting on September 20, 2005. He emphasized many citizens were frustrated with the situation, but the City of Reno must be taken at their word that they would accept input and make changes that made sense.

Commissioner Humke said he attended the dedication of the Huffacker Hills Trailhead on September 19, 2005. He expressed gratitude to Tony DiSilvestro, President of the Truckee Meadows Trails Association, for his hard work in building the trail. He acknowledged Jared Legier, area resident, who earned his Eagle Scout designation in part by building furniture on the trail. He thanked Sierra Pacific Power Company for selling the County some of the land and their employees who worked on the trail. He commented on traffic problems in the Pleasant Valley and Washoe City areas. He said an agenda item would be coming forward to the Board soon, and Tom Gadd, Public Works Director, was doing an assessment of the last writing the County received from the Nevada Department of Transportation Director in order to present a report.

Commissioner Larkin announced he would be attending a seminar on ethics in Los Angeles, California on September 21-22, 2005. He thanked Steve Bradhurst, Water Resources Director, for the recent Special Assessment District meeting in the Spanish Springs area. He said Mr. Bradhurst did a great job explaining the costs and timeframe of the project to the citizens. Commissioner Larkin stated there was a vote to change the names of the various RTC rides in town at the September 16, 2005 Regional Transportation Commission (RTC) meeting. He announced the names as follows: Citifare service to RTC RIDE; PRIDE to RTC INTERCITY; CitiLift to RTC ACCESS; Van Pool service to RTC VANPOOL; and Rapid Transit to RTC RAPID. He said there would be a logo modification and repainting of the buses.

**COMMUNICATIONS AND REPORTS**

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

**COMMUNICATIONS:**

| 05-990 | A. Copy of fully executed NDOT Contract No. 3272, Project No. SPF-395-02(031), on US 395 Freeway, from North McCarran Boulevard Interchange to the Golden Valley Interchange (Mileposted as I-580), Washoe County, Granite Construction, Company, Contractor (documents forwarded to Engineering). |
| 05-991 | B. Proof of Publication for publication of Request for Qualifications Testing and Inspection Services for Washoe County 2004/05 Construction Projects (February 13 and 20, 2004). |

D. Proof of Publication for publication of Notice to Bidders for Request for Proposals RFP-2294-01 for the Purchasing Department for an Integrated Financial System (Item 01-938, August 28, 2001 BCC Meeting).

E. Proof of Publication for publication of Notice to Bidders for the Public Works Department for the Wilbur May Museum Remodel, Washoe County, Nevada (Item 02-1120, October 22, 2002 BCC Meeting).

F. Proof of Publication for publication of Notice to Bidders for the Purchasing Department for Bid ITB-2344-02/MB for Sheriff’s Patrol Safety Vehicle Equipment (Item 02-1236, November 26, 2002 BCC Meeting).

G. Proof of Publication for publication of a Request for Proposal #2378-03 for the Library Department for a PC Management System (Item 03-676, June 17, 2003 BCC Meeting).

H. Proof of Publication for publication of a Request for Proposal for the Water Resources Department for Design Services for the Cold Springs Wastewater Treatment Facility Expansion (Item 03-681, June 17, 2003 BCC Meeting).

I. Proof of Publication for publication of a Request for Proposal for the Water Resources Department for Design Services for the South Truckee Meadows Water Treatment Facilities (Item 03-733, June 24, 2003 BCC Meeting).

J. Proof of Publication for publication of a Notice to Proposers for a Request for Proposal #2370-03 for the Purchasing Department for Drug Testing, Counseling, and Case Management Services for the Adult Drug Court (Item 03-762, July 8, 2003 BCC Meeting).


L. Proof of Publication for publication of a Notice to Bidders ITB 2371-03 for the Purchasing Department for Office Supplies (Item 03-907, August 12, 2003 BCC Meeting).
05-1002  M. Proof of Publication for publication of Notice to Bidders for the Board of Fire Commissioners for Bid #2396-03 for an Above Ground Fuel Storage and Dispensing System (Item 03-51F, October 21, 2003 Truckee Meadows Fire Protection District Meeting).

05-1003  N. Proof of Publication for publication of Request for Qualifications for the Public Works Department for Engineering and Design and Construction Management Services for I.V. #4/Ponderosa Subdivisions Water Quality Improvement Project EIP#671 at Incline Village, Washoe County, Nevada (Item 04-311, April 13, 2004 BCC Meeting).

05-1004  O. An application submitted by Southwest Gas Corporation to the Nevada Public Utilities Commission for an Application for an Amendment to Certificate of Public Convenience and Necessity No.2627 to expand its service territory to areas contiguous with its existing northern Nevada certificated service territory.

05-1005  P. Notice of Intent to Annex Land into the City of Sparks dated July 15, 2005 to annex approximately 1.35 acres of land, generally located at 3885 Wedekind Road, Washoe County, into the City of Sparks, and a copy of Bill No. 2468 introducing the proposed Ordinance. The public hearing on Bill No. 2468 was scheduled for the Council meeting held on July 25, 2005. (Copy of Documents sent to Community Development on July 20, 2005.)

05-1006  Q. Notice of Intent to Annex Land into the City of Sparks dated August 11, 2005 to annex approximately 20.29 acres of land owned by Keller Family Trust, located at 6800 East Prater Way, approximately 0.25 miles southeast of the intersection of Prater Way and Vista Boulevard, Washoe County, into the City of Sparks, and a copy of Bill No. 2471 introducing the proposed Ordinance. The public hearing on Bill No. 2471 was scheduled for the Council meeting held on August 22, 2005. (Copy of Documents sent to Community Development on August 16, 2005.)

05-1007  R. Notice of Intent to Annex Land into the City of Sparks dated August 11, 2005 to annex approximately 43,717 square feet, generally located at 3270 Spanish Springs Court, northeast of the intersection of North Truckee Lane and Spanish Springs Road, Washoe County, into the City of Sparks, and a copy of Bill No. 2472 introducing the proposed Ordinance. The public hearing on Bill No. 2472 was scheduled for the Council meeting held on August 22, 2005. (Copy of Documents sent to Community Development on August 16, 2005.)
S. Notice of Intent to Annex Land into the City of Sparks dated August 11, 2005 to annex approximately 112.01 acres of land owned by the United States Department of the Interior, Bureau of Land Management, generally located east and west of Vista Boulevard, approximately 0.75 miles northeast and west of the north intersection of Los Altos Parkway and Vista Boulevard, Washoe County, into the City of Sparks, and a copy of Bill No. 2473 introducing the proposed Ordinance. The public hearing on Bill No. 2473 was scheduled for the Council meeting held on August 22, 2005. (Copy of Documents sent to Community Development on August 16, 2005.)

T. Application for a Permit to Construct Utility Facilities of Fish Springs Ranch, LLC.

U. Notice of Intent to Annex Land into the City of Reno dated August 12, 2005 to annex approximately 14.57 acres of land known as the Galena Junction Shopping Center (excluding the McDonalds/Golden Arches parcel) located on the northeast corner of the Wedge Parkway and Mt. Rose Highway intersection, Washoe County, into the City of Reno. The public hearing was scheduled for the Council meeting held on August 24, 2005. (Copy of Documents sent to Community Development on August 16, 2005.)


REPORTS – Monthly (June 2005)

A. Clerk of the Court
B. County Clerk

REPORTS – Monthly (July 2005)

A. County Clerk
B. Clerk of the Court

REPORTS – Quarterly (June 2005)

A. Clerk of the Court
B. County Clerk
C. Grand View Terrace General Improvement District
D. Justice Court - Incline Village/Crystal Bay Township
E. Justice Court - City of Sparks
F. Office of the Constable - Incline Village/Crystal Bay Township
G. Sheriff
H. Washoe County School District

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There being no further business to come before the Board, the meeting adjourned at 4:50 p.m.

_____________________________
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