

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

NOVEMBER 28, 2006

PRESENT:

Bob Larkin, Chairman
Bonnie Weber, 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:

06-1283 AGENDA

At the request of Commissioner Sferrazza, item 8E(1) was pulled from the agenda for reconsideration at the December 12th meeting. Item 8C was removed from the consent agenda for a separate vote so that all Commissioners would be present.

In response to the call for public comment, Sam Dehne objected to the two-minute limitation on public comment and commended the Board for the reasonable length of the consent agenda.

2:11 p.m. Commissioner Humke left the meeting.

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Chairman Larkin, which motion duly carried with Commissioners Humke and Weber absent, Chairman Larkin ordered that the agenda for the November 28, 2006 meeting be approved with changes as described.

06-1284 PROCLAMATION – RETIRED DEPUTY CHIEF GLEN VOGLER,
RETIRED CAPTAIN ERNIE JESCH AND WASHOE COUNTY
SHERIFF'S OFFICE SPECIALIZED VEHICLE DAY –
DECEMBER 2, 2006

2:14 p.m. Commissioner Humke returned.

Chairman Larkin read the proclamation and presented it to Retired Deputy Chief Glen Vogler and Retired Captain Ernie Jesch. Commissioner Humke expressed his thanks to the two retired officers.

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

PROCLAMATION

WHEREAS, The Washoe County Sheriff's Office Search and Rescue Specialized Vehicle Unit is celebrating its ten-year Anniversary in 2006; and

WHEREAS, The Specialized Vehicle Unit is an integral part of the Washoe County Sheriff's Office Search and Rescue Team, staffed exclusively by volunteers under the direction of the Sheriff's paid staff consisting of a Deputy and a Sergeant; and,

WHEREAS, The Specialized Vehicle Unit volunteers operate their personally owned motor vehicles with trailers, snowmobiles and ATV's, in addition to operating Washoe County owned boats and snowcats in performing their duties; and,

WHEREAS, As of the end of October 2006, the Specialized Vehicle Unit has logged over 47,197 personal vehicle miles, 7,429 ATV and snowmobile miles, and 6,201 volunteered man-hours, which results in a sizeable saving of tax dollars to the residents of Washoe County; and,

WHEREAS, The Washoe County Sheriff's Office Specialized Vehicle Unit has now been in existence for ten years. Most assuredly this unit would not have endured and grown into what it has become without the efforts of two prominent members. It has been said they helped conceive and invent the Specialized Vehicle Unit. Previous to this effort, the two individuals were longtime participants in the Search and Rescue program and still continue to serve as volunteers long after retiring from the Washoe County Sheriff's Office as Law Enforcement Personnel. These two dedicated men are Retired Deputy Chief Glen Vogler and Retired Captain Ernie Jesch; and

WHEREAS, On December 2, 2006, the Washoe County Sheriff's Office Specialized Vehicle Unit will celebrate its ten-year Anniversary with a dinner, where Retired Deputy Chief Glen Vogler and Retired Captain Ernie Jesch will also be honored for their untiring efforts and dedication to the Sheriff's Office, their leadership to their fellow members of the Specialized Vehicle Unit, and mostly for their concern of those who are in need of the services the Specialized Vehicle Unit provides; now, therefore, be it

PROCLAIMED, By the Washoe County Board of Commissioners that December 2, 2006 is Retired Deputy Chief Glen Vogler, Retired Captain Ernie Jesch and Washoe County Sheriff's Office Specialized Vehicle Unit Day.

**06-1285 RESOLUTION OF APPRECIATION – 2006 ELECTION
COMMUNITY PARTNERS – REGISTRAR**

Katy Singlaub, County Manager, read and presented the resolution to representatives of those being recognized: John Stampfli from Scolari's, Brian Takemoto from Technology Services, Susan Sparkman from the Assistance League of Reno-Sparks, Nancy Cummings from Washoe County Libraries, and Registrar of Voters Dan Burk.

Commissioner Galloway commented on the importance of the vote and expressed his gratitude to the volunteers.

In response to the call for public comment, Patricia Axelrod commended election workers. She commented that she was bringing suit against Sequoia Voting Systems for alleged product defects.

Sam Dehne remarked that there were too many unanswered questions in the last election.

Chairman Larkin read a letter from an election worker, which was placed on file with the Clerk, commending Al Rogers, Assistant Director of the County's Regional Parks, for his performance as a Polling Place Manager at Rollan Melton Elementary School.

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

RESOLUTION OF APPRECIATION

WHEREAS, The 2006 General Election was one of the most successful elections ever conducted by Washoe County, resulting in voter turnout of nearly 63 percent; and

WHEREAS, Nearly 1,100 citizens served as poll workers trained to ensure a successful election; and

WHEREAS, 81 of those poll workers were County employees who brought their expertise and knowledge to the elections process; and

WHEREAS, The doubling of early voting locations from 2004 and expansion of early voting hours resulted in 35 percent of all Washoe County voters opting to vote early, setting a record of 42,000 voting early; and

WHEREAS, 75 percent of all polling locations on election day were at school facilities where voters enjoyed adequate parking, universal disability access and increased privacy while voting; now, therefore, be it

RESOLVED, That Washoe County recognizes the following groups for the important role they played to ensure the success of the 2006 General Election:

- All the poll workers, including County workers,
- The Washoe County School District Board and Administration for their commitment to improving voting for all the voters of Washoe County,
- The Assistance League of Reno/Sparks and The Reno/Sparks Board of REALTORS® for their assistance in recruiting poll workers,
- The Sheriff's Community Emergency Response Team (CERT) for their help in answering calls from the voting public on Election Day,
- Scolari's Grocery Stores for permitting early voting at several locations, allowing early voting to be conducted at commercial sites and on the two Sundays during early voting for the first time in Washoe County, and for the food prepared for all 1,100 Poll Workers for the General Election Day,
- All Washoe County departments which permitted their workers to serve as poll workers on Election Day; with special recognition given to the Human Resources Department for their assistance in recruiting over half of all County employees who worked at the polls on Election Day; the Technology Services Department for their continuing contribution to the development and application of new technologies to the election process, and the Washoe County Library System for once again providing a majority of the early voting locations used in the 2006 Primary and General Elections, and
- All the Washoe County voters who participated in the General Election.

06-1286 PUBLIC COMMENTS

Katy Singlaub, County Manager, stated the Chairman and Board of County Commissioners intend that their proceedings should demonstrate the highest levels of decorum, civic responsibility, efficiency and mutual respect between citizens and their government. The Board respects the right of citizens to present differing opinions and views, even criticism, but our democracy cannot function effectively in an environment of personal attacks, slander, threats of violence and willful disruption. To that end, the Nevada Open Meeting Law provides the authority for the Chair of a public body to maintain the decorum and to declare a recess if needed to remove any person

who is disrupting the meeting, and notice is hereby provided of the intent of this body to preserve the decorum and remove anyone who disrupts the proceedings.

Chairman Larkin read an opinion from the Nevada Attorney General, indicating that the Nevada Open Meeting law was not violated when Guy Felton was removed from the Commission meeting of August 22, 2006 after he had been appropriately warned by the Chairman about his conduct.

Stuart Mackie spoke about Feather River Estates near Wadsworth, stating that a tentative map had been approved by Planning with no allowance for drainage that could cause access problems. He further commented that 35 homes currently on septic would need to be hooked up to community sewer.

Guy Felton requested that his statements be agendized and commented that free speech rights could not be trumped by decorum or by the Attorney General.

Sam Dehne expressed his distrust of the Nevada Attorney General and spoke further about First Amendment rights. He commented on the low salaries of school bus drivers.

Patricia Axelrod encouraged investigation into the function and performance of electronic voting systems.

Gary Schmidt requested public records regarding events surrounding the eminent domain and advisory sales tax issues recently on the ballot, noting that State law did not allow expenditure of County funds to support or oppose ballot initiatives.

COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS

Commissioner Galloway announced a joint meeting of the Advisory Planning Commission and the Governing Board of the Tahoe Regional Planning Agency December 13th, to include discussion of a shore zone ordinance that had been ten years in the making.

Commissioner Humke announced his recent attendance at the Nevada Association of Counties as well as a meeting of the Nevada Juvenile Justice Commission. He noted that the impact of methamphetamine use was a topic at both meetings.

Chairman Larkin invited Washoe citizens to a Holiday Tree Lighting at the Wilbur D. May Arboretum December 9, 2006 and the Sparks Hometowne Christmas Parade December 2, 2006.

At Chairman Larkin's request, County Manager Katy Singlaub explained that regulations required residents to convert from septic to sewer when they were within 500 feet of an approved community sewer system and that the State Engineer had the

power to direct property owners to hook up to an available sewer system when there was evidence of threat to the ground water.

Commissioner Galloway stated that he had heard of at least one party, represented by Mr. Daryl Drake, interested in joint use of the parking structure on the Pioneer site.

Commissioner Sferrazza indicated that he spoke to the County Manager, who would look into funding for signage in Hungry Valley. He was hopeful that a meeting would be scheduled before the end of the year to extend the contract for the water injection project in Golden Valley. Commissioner Sferrazza requested that Patricia Axelrod prepare a final list of questions to be answered by staff at the Registrar of Voters office, stating that he was prepared to meet with Ms. Axelrod and staff to discuss any remaining issues.

***2:52 p.m.** Commissioner Weber joined the meeting by telephone.

**06-1287 EXPENDITURE DISTRICT 3 SPECIAL FUNDING ACCOUNT –
AMERICAN RED CROSS – MIZPAH HOTEL FIRE – MANAGER**

Commissioner Sferrazza noted that the Mizpah Hotel was in his district and said he would like the authority to make this contribution.

In response to the call for public comment, Sam Dehne stated that \$1,000 was a pittance and suggested that each of the Commissioners donate a minimum of \$5,000.

Commissioner Galloway stated that he had no uncommitted funds in his account. He pointed out that Social Services helped many of those in need.

Commissioner Weber mentioned that she also intended to donate \$1,000 but could not do so at this meeting.

Upon recommendation of Rita Lencioni, Assistant to the County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the expenditure of \$1,000 from the County Commission District 3 Special Funding Account to the Northern Nevada Chapter of the American Red Cross to provide assistance to the victims of the Mizpah Hotel fire be approved. It was further ordered that the following resolution be adopted and the Chairman be authorized to execute the same:

**RESOLUTION AUTHORIZING THE GRANT
OF PUBLIC MONEY TO THE NORTHERN NEVADA
CHAPTER OF THE AMERICAN RED CROSS**

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

WHEREAS, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in fiscal year 2006/2007, to make a grant of money to the Northern Nevada Chapter of the American Red Cross to provide assistance to the victims of the Mizpah Hotel fire and that by providing this grant of money, a substantial benefit will be provided to the inhabitants of Washoe County; now, therefore, be it

RESOLVED BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA that the Board hereby grants to the Northern Nevada Chapter of the American Red Cross, a grant for fiscal year 2006/2007 in the amount of \$1,000 for the aforementioned purpose.

2:58 p.m. Commissioner Weber left the meeting.

3:05 p.m. Commissioner Humke left the meeting.

06-1288 **MINUTES**

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioners Weber and Humke absent, Chairman Larkin ordered that the minutes of the regular meeting of October 10, 2006 be approved.

06-1289 **DONATION – KATY SINGLAUB – COUNTY SCHOLARSHIP
FUND – HUMAN RESOURCES**

Commissioner Galloway thanked County Manager Katy Singlaub for her private donation.

In response to the call for public comment, Sam Dehne complained that Ms. Singlaub's name was not identified on the agenda as the person making the donation.

Upon recommendation of Joanne Ray, Director of Human Resources, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioners Weber and Humke absent, Chairman Larkin ordered

that a \$1,000 donation from Ms. Singlaub for the County Scholarship Fund be accepted with the gratitude of the Board.

06-1290 RESOLUTION – NOTICE OF SALE – DELINQUENT SPECIAL ASSESSMENTS - TREASURER

Upon recommendation of Linda Jacobs, Deputy Treasurer, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioners Humke and Weber absent, it was ordered that the resolution directing the County Treasurer to give notice of the sale of properties subject to the lien of a delinquent special assessment in the following special assessment districts (SAD's): WCAD 21 – Cold Springs Sewer, WCAD 23 – Arrowcreek Water, WCAD 26 – Matterhorn Drive, WCAD 30 – Antelope Valley Road, WCAD 31 – Spearhead Way-Running Bear Drive, and WCAD 36 – Evergreen Hills Drive be adopted and the Chairman be authorized to execute the same along with any other necessary documents.

A RESOLUTION DIRECTING THE COUNTY TREASURER TO GIVE NOTICE OF THE SALE OF PROPERTIES SUBJECT TO THE LIEN OF A DELINQUENT ASSESSMENT; RATIFYING ALL ACTIONS PREVIOUSLY TAKEN; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the Board of Commissioners (the “Board”) of the County of Washoe (the “County”), State of Nevada, pursuant to different ordinances heretofore duly passed and adopted, created County improvement districts as more particularly described at Exhibit A placed on file with the Clerk and incorporated herein (the “Districts”), and ordered the acquisition of improvements within said Districts, and determined to defray a portion of the entire cost and expense of such improvements by special assessments, according to benefits, against the benefited lots, tracts and parcels of land (“properties”) in the respective Districts; and

WHEREAS, the Board has by their respective ordinances levied assessments against the properties; and

WHEREAS, the Board has directed and hereby reaffirm their direction to the County Treasurer to collect and enforce the assessments in the Districts in the manner provided by Nevada’s Consolidated Local Improvements Law, NRS Chapter 271; and

WHEREAS, the assessment installments on certain properties in the Districts are delinquent, as identified in Exhibit A placed on file with the Clerk (“delinquent properties”), and remain delinquent after delivery by certified mail, return receipt requested, of a ten day delinquency notice to each delinquent property owner; and

WHEREAS, the Board desires that the County Treasurer proceed with a notice of the sale of the delinquent properties as provided in NRS 271.545 and sell the delinquent properties pursuant to NRS 271.540 to NRS 271.630.

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

1. The Board hereby exercises its option to cause the whole amount of the unpaid principal of the assessments on the delinquent properties to become due and payable as provided in NRS 271.410.

2. The Board hereby ratifies all action previously taken by the County Treasurer and directs the County Treasurer to give notice of the sale of the delinquent properties and to sell the delinquent properties pursuant to NRS 271.540 to NRS 271.630. **The sale shall take place at 1:00 p.m. on January 24, 2007, in the Washoe County Commission Chambers, 1001 E 9th St, Reno, Nevada**, which the Board hereby finds a convenient location within the County.

3. If some irregularity or circumstance arises before the sale of any delinquent property such that in the opinion of the Washoe County Treasurer the public interest would best be served by withdrawing such a delinquent property from sale, the Washoe County Treasurer is hereby expressly authorized to make such a withdrawal. The Treasurer shall report to the Board in writing concerning his decision to make such a withdrawal and shall state the reasons for the decision.

4. The County Treasurer shall give the notice as provided in NRS 271.545, by publication in the Reno Gazette Journal, a newspaper of general circulation in the County, and such notice to be published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication to be at least 15 days prior to the day of sale. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication and the last publication. Such service by publication shall be verified by the affidavit of the publisher and filed with the County Treasurer. The County Treasurer or his designee shall also give written notice of sale by mailing a copy of such notice, by first-class mail, postage prepaid, at least 20 days prior to the day of sale, to the last known owner or owners of all properties subject to sale or other designated person at his or her last known address or addresses; and to any person or governmental entity that appeared in the records of the County to have a lien or other interest in the delinquent property. Proof of such mailing shall be made by the affidavit of the County Treasurer or his designee and such proof shall be filed with the County Treasurer. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the County Treasurer until all special assessments and special assessment bonds issued (if such special assessment bonds have been or are hereafter issued) shall have been paid in full, both principal and interest, until any period of redemption has expired or property sold for an assessment, or until any claim is barred by an appropriate statute of limitations, whichever occurs last.

5. The officers of the County are hereby authorized to take all action necessary to effectuate the provisions of this resolution.

6. The resolution is effective on passage and approval.

**06-1291 AFFIRMATION OF FINDINGS – COMPREHENSIVE PLAN
AMENDMENT CASE NO. CP06-004 (COLD SPRINGS AREA
PLAN) – COMMUNITY DEVELOPMENT**

Upon recommendation of Chad Giesinger, Senior Planner, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioners Humke and Weber absent, it was ordered that the findings of fact listed below, provided in the Planning Commission's final recommendation on CP06-004, be affirmed and that the Chairman be authorized to sign the Resolution for the updated area plan on behalf of the Commission after a determination of conformance with the Regional Plan by the Truckee Meadows Regional Planning Agency.

FINDINGS

1. The proposed amendment to the North Valleys Area Plan creating the Cold Springs Area Plan is in substantial compliance with the policies and action programs of the Comprehensive Plan.
2. The proposed amendment to the North Valleys Area Plan creating the Cold Springs Area Plan will provide for land uses compatible with existing and planned adjacent land uses, and will not adversely impact the public health, safety, or welfare.
3. The proposed amendment to the North Valleys Area Plan creating the Cold Springs Area Plan responds to changed conditions that have occurred since the Board of County Commissioners adopted the plan, and the requested amendment represents a more desirable utilization of land.
4. The proposed amendment to the North Valleys Area Plan creating the Cold Springs Area Plan will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population element of the Washoe County Comprehensive Plan.
5. The proposed amendment to the North Valleys Area Plan creating the Cold Springs Area Plan will promote the desired pattern for orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

6. The proposed amendment to the North Valleys Area Plan creating the Cold Springs Area Plan is the second amendment to the North Valleys Area Plan in 2006, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.
7. The Planning Commission has reviewed the required regional findings in Article 822 for conformance with the Regional Plan, including Section 822.25, findings for Regional Form and Pattern; Section 822.35, findings for Concurrency, Timing and Phasing of Infrastructure; and Section 822.40, findings for Public Service Levels and Fiscal Effect.
8. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing; and,
9. The areas not included in the previous update of the North Valleys Area Plan will be replaced and governed by the language and maps in the new Cold Springs Area Plan.

06-1292 CHANGE ORDER – SIERRA DIRT WORKS – NORTHWEST LIBRARY PARKING LOT RECONSTRUCTION – PUBLIC WORKS

Chairman Larkin pointed out that the change order represented a 20 percent overall change for the project and asked for an explanation. Roger Van Alyne, Public Works, explained that the soil underneath the preexisting asphalt turned out to be unsuitable for repaving. Mr. Van Alyne stated that additional testing prior to beginning the project had not been indicated given the preexisting asphalt. He commented that no further change orders were anticipated. Commissioner Galloway noted that advance testing would not have saved any money. Commissioner Sferrazza wondered why the parking lot needed repaving. County Manager Katy Singlaub explained that the building had existed as another type of facility before being purchased by the County for the Northwest Library.

Upon recommendation of David Solaro, Capital Projects Division Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioners Humke and Weber absent, Chairman Larkin ordered that Change Order Number 3 to Sierra Dirt Works for the Northwest Library Parking Lot Reconstruction project in the amount of \$29,509.50 be approved and the Contract Administrator be authorized to sign necessary documents for the same.

06-1293 INTERLOCAL AGREEMENT – CITY OF RENO, CITY OF SPARKS, REGIONAL TRANSPORTATION COMMISSION – FY2008 STREET AND HIGHWAY PROJECTS – PUBLIC WORKS

In response to the call for public comment, Sam Dehne questioned the statement on the staff report that there was no fiscal impact, followed by a paragraph in the report itemizing fiscal impacts. Katy Singlaub, County Manager, clarified that the report states there will be no fiscal impact to the Washoe County *General Fund*.

Upon recommendation of Dave Price, County Engineer, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioners Humke and Weber absent, it was ordered that an interlocal cooperative agreement for projects included in the Regional Transportation Commission’s FY-2008 Regional Road Impact Fee Street and Highway Program of Projects, the FY-2008 Fuel Tax Street and Highway Program of Projects, and the FY-2008 Sales Tax Street and Highway Program of Projects between Washoe County, City of Reno, City of Sparks, and the Regional Transportation Commission be approved and the Chairman authorized to execute the same upon presentation.

06-1294 STIPEND – COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES CONFERENCE – SHERIFF

Commissioner Galloway expressed the gratitude of the Board to the Commission on Accreditation for Law Enforcement Agencies.

Upon recommendation of Michelle Youngs, Deputy Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioners Humke and Weber absent, Chairman Larkin ordered that a \$10,000 stipend for hospitality and conference souvenir tote bags from the Commission on Accreditation for Law Enforcement Agencies (CALEA) for the CALEA Conference held in Reno November 15th to November 18, 2006 be approved. It was further ordered that the Finance Department be directed to make the following budget adjustments:

Account	Description	Amount
Increase Revenues:		
150200-484000	Administration – Donations	\$ 10,000
Increase Expenditures:		
150200-710500	Administration – Other Expense	\$ 10,000

**06-1295 GRANT – NEVADA OFFICE OF TRAFFIC SAFETY –
OVERTIME – SHERIFF**

Upon recommendation of Sergeant Michael Gross, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioners Humke and Weber absent, Chairman Larkin ordered that grant award funding of \$30,492 for overtime from the Nevada Office of Traffic Safety for a Joining Forces Grant be accepted. It was further ordered that the Finance Department be directed to make the following budget adjustments:

Account	Description	Amount
Increase Revenues:		
10567-431100	Joining Forces – Federal Grants	\$ 30,942
Increase Expenditures:		
10567-701300	Joining Forces – Overtime	\$ 30,942

**06-1296 MEMORANDUM OF UNDERSTANDING – UNITED STATES
MARSHALS SERVICE – NEVADA FUGITIVE INVESTIGATIVE
STRIKE TEAM FUGITIVE TASK FORCE - SHERIFF**

Upon recommendation of Marshall Emerson, Patrol Division Commander, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioners Humke and Weber absent, it was ordered that a Memorandum of Understanding for reimbursement funds in the amount of \$15,000 from the United States Marshals Service to cover overtime costs for participation in the Nevada Fugitive Investigative Strike Team Fugitive Task Force (NV-FIST) be approved and the Chairman be authorized to execute the same. It was noted that the timeline was from September 1, 2006 to September 30, 2007. It was further ordered that the Finance Department be directed to make the following budget adjustments:

Account	Description	Amount
Increase Revenues:		
60176-485129	NV-FIST – Salary Reimbursement	\$ 15,000
Increase Expenditures:		
60176-701300	NV-FIST - Overtime	\$ 15,000

**06-1297 STATUS REPORT – TRUCKEE RIVER FLOOD MANAGEMENT
PROJECT**

Chairman Larkin noted that the status report did not include the last meeting of the Flood Control Committee. He wanted the Commissioners to be aware that the University of Nevada, Reno (UNR) would be removed from the Committee with their consent. He commented that the Committee voted to invite a member of the Storey County Commission to join the Flood Control Committee with voting status and that the Committee would be moving away from unanimity to some form of majority vote.

County Manager Katy Singlaub added that Chairman Larkin had been elected as the Vice Chair of the Flood Project Coordinating Committee and Councilwoman Sferrazza had been reelected as the Chair.

In response to the call for public comment, Sam Dehne objected to UNR leaving the Flood Control Committee.

Upon recommendation of Naomi Duerr, Truckee River Flood Management Project Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioners Humke and Weber absent, Chairman Larkin ordered that the October 2006 status report on activities related to the Truckee River Flood Management Project be accepted.

06-1298 RECLASSIFICATION – ALTERNATIVE SENTENCING OFFICER POSITIONS

Upon recommendation of Joe Ingraham, Alternative Sentencing Department Chief, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioners Humke and Weber absent, Chairman Larkin ordered that the reclassification of an Alternative Sentencing Officer I and an Alternative Sentencing Officer II (two positions) to Assistant Alternative Sentencing Officers (POST certification) classification in the Department of Alternative Sentencing be approved.

06-1299 RESOLUTION TO AUGMENT BUDGET – GENERAL FUND – PUBLIC WORKS CONSTRUCTION FUND – FINANCE

In response to Chairman Larkin's question, Budget Manager Lisa Gianoli responded this augmentation would bring the contingency fund to approximately \$4,200,000.

In response to the call for public comment, Sam Dehne expressed support of augmenting the jail expansion project budget but was concerned about what funds would be used to augment the General Fund. Katy Singlaub, County Manager, clarified that these funds were saved from money that had previously been budgeted but was never spent.

Upon recommendation of Anna Heenan, Senior Fiscal Analyst, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioners Weber and Humke absent, it was ordered that the Publication of Notice of Intent to Augment Budget be acknowledged, that the resolution to augment the General Fund in the amount of \$6,521,233 be adopted and the Chairman be authorized to execute the same, that the transfer of \$2,563,463 of that augmentation to the Public Works Construction Fund for the jail expansion project be approved, and that the Finance Department be directed to make the appropriate adjustments.

**RESOLUTION TO AUGMENT THE BUDGET
OF THE WASHOE COUNTY GENERAL FUND**

WHEREAS, the Washoe County General Fund had an opening fund balance not appropriated in fiscal year 2006/2007; and

WHEREAS, the Public Works Construction Fund requires a transfer from the General Fund in the amount of \$2,563,463 for projects; and

WHEREAS, the General Fund Contingency may be required to fund future unbudgeted expenditures;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of the County of Washoe, State of Nevada:

Section 1. That the budget of the Washoe County General Fund and Public Works Construction Fund be adjusted as follows:

Account	Description	Amount
Increase Expenditures:		
189000-82000	General Fund Contingency	\$3,957,770
PW920453-781080	Jail Expansion	\$2,563,463
Revenues:		
General fund unappropriated opening fund balance		\$6,521,233

Section 2. This Resolution shall be effective on passage and approval.

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

**06-1300 DELINQUENT/UNCOLLECTIBLE ACCOUNTS – PERSONAL
PROPERTY TAX LIST – COMPTROLLER/FINANCE**

Commissioner Galloway asked if the more recent names from 2005/06 were bankruptcy situations. Bill Berrum, Washoe County Treasurer, noted that two mines represented the majority of the write-offs: Alta Gold at approximately \$474,000 and the Lady Bug Mine at approximately \$6,600. Both mines had been assessed for three years after they became defunct. Commissioner Galloway wondered if other recently defunct corporations had a signatory responsible for liabilities. Mr. Berrum explained that “code 6” on the staff report indicated an inability to find the personal property and/or property owner. Melanie Foster, Assistant District Attorney, commented that smaller corporations often did not go through formal liquidation and no individual stood for the debts of the corporation. Commissioner Galloway asked if a person could be held liable for the tax after personal property had been destroyed. Ms. Foster indicated that the tax

was no longer applicable but assessments continued if the County received no formal request to adjust the tax.

Commissioner Sferrazza asked if the County's property tax lien had priority over other liens when Alta Gold sold their property and why the County had received no proceeds from that sale. Mr. Berrum explained that there had been a Bankruptcy Clerk in his office for the last two years; but, at the time of the Alta Gold bankruptcy sale, the County had insufficient staff to track bankruptcies so no claim was made to Alta Gold's assets. When asked about Promedco, a dissolved corporation, Mr. Berrum indicated that his staff was very diligent about tracking the condition and status of each corporation. Commissioner Sferrazza asked if it were possible to place a lien against the real property for Alta Gold. Mr. Berrum responded his office had followed up with legal counsel, the value of the property was far less than the lien, and the bankruptcy judgment dissolved all liabilities. Ms. Foster pointed out that the Lady Bug Mine had been a bogus company and had never owned any real property. Mr. Berrum stated that his request was to get the liability off the record, but the County would still try to collect the debts if there was a way to do so.

Upon recommendation of Trish Gonzales, Acting Comptroller, on motion by Commissioner Galloway, seconded by Chairman Larkin, which motion duly carried with Commissioners Weber and Humke absent, it was ordered that the Tax Collector be authorized to strike names and amounts identified on the Delinquency/Uncollectible Personal Property Tax List for fiscal years 1998/99 through 2005/06, totaling \$520,968.06.

06-1301 CONFIRM APPOINTMENT – DON JEPPSON – COUNTY BUILDING OFFICIAL – MANAGER

Katy Singlaub, County Manager, thanked Don Jeppson for taking on responsibilities outside his department and indicated that he had clearly been the first choice for this position. Mr. Jeppson thanked the Board for the opportunity and complimented his staff, many of whom were in the audience.

Upon recommendation of Ms. Singlaub, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioners Humke and Weber absent, Chairman Larkin ordered that the appointment of Don Jeppson as County Building Official effective November 28, 2006 be confirmed and that the annual salary be set at \$103,147.20.

06-1302 CONTRACT – WES CONSTRUCTION, INC. – HIDDEN VALLEY WATER STORAGE TANK – WATER RESOURCES

In response to the call for public comment, Gary Schmidt recommended that all new tank facilities be designed to include speed fill stand pipes for fire suppression equipment.

Commissioner Galloway asked Jerry McKnight, Finance and Customer Services Manager, if speed fill piping was included in this contract. Mr. McKnight responded that the contract held no specific provision for that. He pointed out that staff did coordinate with the fire departments to ensure accessibility to a nearby hydrant with adequate pressure and that a change order would be required if no hydrants were accessible. Commissioner Galloway asked Mr. McKnight to check with the fire departments before beginning construction.

Upon recommendation of Alan Reich, Licensed Engineer, and Paul Orphan, Engineering Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioners Humke and Weber absent, it was ordered that the contract with WES Construction, Inc. to construct the new two million gallon Hidden Valley Water Storage Tank No. 4, underground water line, and access road in the amount of \$1,642,046.19 be approved, that the Chairman be authorized to execute the contract documents, and that the Engineering Manager be authorized to issue the Notice to Proceed.

06-1303 AWARD OF BID – WINNEMUCCA RANCH SPRINGS
COLLECTION BOX PROJECT – WATER RESOURCES

This was the time to consider award of the bid for the Winnemucca Ranch Springs Collection Box Project for the Water Resources Department.

Bids were received from the following vendors:

Bidder	Amount
Mike's Trenching, Inc.	\$141,400.50
Petersen Construction, Inc.	\$186,164.00
Rapid Construction, Inc.	\$197,791.00
Z7 Development	\$199,000.00
Engineer's Estimate	\$210,920.00

Chairman Larkin asked what the County paid for the 3,441.55 acre-feet of water. Jerry McKnight, Finance and Customer Services Manager, responded that the purchase took place in the 1990's for approximately \$1,800,000 or \$600 per acre-foot. Chairman Larkin wondered why the project was being brought forward at this time. Mr. McKnight responded that testing had shown the water to be of high quality and the spring box would quantify the yield, clarifying other water rights issues in the area. Chairman Larkin affirmed with Mr. McKnight that the primary purpose for the spring at this time was a commercial enterprise and the County was trying to find a company interested in bottling the water.

Upon recommendation of Thomas Kelly, Senior Engineer, and Paul Orphan, Engineering Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioners Humke and Weber absent, it was ordered that the bid to construct the Winnemucca Ranch Springs

Collection Box Project for the Water Resources Department be awarded to Mike's Trenching, the lowest responsive bidder, in the amount of \$141,400.50, the Chairman be authorized to execute the contract documents upon receipt, and the Engineering Manager be authorized to issue the Notice to Proceed.

**06-1304 AWARD OF BID – REHABILITATION OF SPRING CREEK
WATER STORAGE TANKS #2 AND #4 – WATER RESOURCES**

This was the time to consider award of the bid for rehabilitation of the Spring Creek Water Storage Tanks #2 and #4 for the Water Resources Department.

Bids were received from the following vendors:

Bidder	Amount
Olympus & Associates, Inc.	\$ 89,375.00
Farr Construction Corporation	\$ 96,966.00
RPI Coating, Inc.	\$152,370.00
Riley Industrial Services, Inc.	\$315,459.00
Engineer's Estimate	\$ 85,000.00

In response to the call for public comment, Gary Schmidt recommended that all new tank facilities be designed to include speed fill stand pipes for fire suppression equipment.

Commissioner Galloway asked Jerry McKnight, Finance and Customer Services Manager, if speed fill piping was included in this contract. Mr. McKnight responded that there was no specific provision in this contract. He pointed out that staff did coordinate with the fire departments to ensure accessibility to a nearby hydrant with adequate pressure and that a change order would be required if no hydrants were accessible. Commissioner Galloway asked Mr. McKnight to check with the fire departments before beginning construction.

Upon recommendation of Alan Reich, Licensed Engineer, and Paul Orphan, Engineering Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioners Humke and Weber absent, it was ordered that the bid for rehabilitation of Spring Creek Water Storage Tanks #2 and #4 for the Water Resources Department be awarded to Olympus & Associates, Inc., the lowest responsive bidder, in the amount of \$89,375.00, the Chairman be authorized to execute the contract documents upon receipt, and the Engineering Manager be authorized to issue the Notice to Proceed.

**06-1305 AWARD OF BID – HIDDEN VALLEY WELLS 3, 4 AND 5
REFURBISHMENT PROJECT – WATER RESOURCES**

This was the time to consider award of the bid for the Hidden Valley Wells 3, 4 and 5 Refurbishment Project for the Water Resources Department.

Bids were received from the following vendors:

Bidder	Amount
RDC, Inc.	\$758,400.00
Aspen Developers Corp.	\$760,100.00
Engineer's Estimate	\$785,000.00

Upon recommendation of Alan Jones, Licensed Engineer, and Paul Orphan, Engineering Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioners Humke and Weber absent, it was ordered that the bid for the Hidden Valley Wells 3, 4 and 5 Refurbishment Project for the Water Resources Department be awarded to RDC, Inc., the lowest responsive bidder, in the amount of \$758,400.00, the Chairman be authorized to execute the contract documents upon receipt, and the Engineering Manager be authorized to issue the Notice to Proceed.

**06-1306 AWARD OF BID – RANCHO SAN RAFAEL WETLAND
MITIGATION – PARKS**

This was the time to consider award of the bid for the Rancho San Rafael Wetland Mitigation for the Regional Parks and Open Space Department.

Bids were received from the following vendors:

Bidder	Additive Alternative No. 4	Amount
Gradex Construction	\$24,300.00	\$427,782.00
Mountain West Excavation	\$15,000.00	\$474,000.00
Atlas Contractors	\$31,405.00	\$404,030.08

Upon recommendation of Lynda Nelson, Natural Resource Planner, and David Solaro, Capital Projects Division Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioners Humke and Weber absent, it was ordered that the bid for the Rancho San Rafael Wetland Mitigation for the Regional Parks and Open Space Department be awarded to Gradex Construction, the lowest responsive bidder, for the base bid of \$404,030.08 plus Additive Alternate No. 4 of \$31,405.00 for a total contract of \$435,435.08 and the Chairman be authorized to execute the contract documents upon presentation.

**06-1307 AGREEMENT – AMEC EARTH AND ENVIRONMENTAL, INC. –
NORTH SPANISH SPRINGS FLOODPLAIN DETENTION
FACILITIES – WATER RESOURCES**

Upon recommendation of Jeanne Ruefer, Water Resources Planning Manager, on motion by Commissioner Sferrazza, seconded by Chairman Larkin, which

motion duly carried with Commissioners Humke and Weber absent, it was ordered that a sole source agreement between Washoe County and AMEC Earth and Environmental, Inc., concerning consulting engineering services for material testing services related to the construction of the North Spanish Springs Floodplain Detention Facilities in an amount not to exceed \$125,000 be approved.

**06-1308 ORDINANCE NO. 1320, BILL NO. 1500 – LOCAL
IMPROVEMENT DISTRICT BONDS, SERIES 2006 – SPECIAL
ASSESSMENT DISTRICT NO. 37 (SPANISH SPRINGS SEWER
PHASE 1a) – WATER RESOURCES**

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioners Humke and Weber absent, Chairman Larkin ordered that Ordinance No. 1320, Bill No. 1500, entitled “**AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 37 (SPANISH SPRINGS SEWER PHASE 1A) LOCAL IMPROVEMENT DISTRICT BONDS, SERIES 2006 IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$1,069,082 TO FINANCE THE COST OF SANITARY SEWER IMPROVEMENTS; PROVIDING FOR ADOPTION AS IF AN EMERGENCY EXISTS; AND PROVIDING THE EFFECTIVE DATE HEREOF AND OTHER MATTERS PROPERLY RELATED THERETO**” be approved, adopted and published in accordance with NRS 244.100.

**06-1309 PROFESSIONAL SERVICES CONTRACT – TEC 1 – WATER
RIGHTS TITLE RESEARCH – WATER RESOURCES**

Commissioner Sferrazza pointed out that this contract was critical to implementation of the Truckee River Operating Agreement (TROA).

Chairman Larkin and County Manager Katy Singlaub discussed that the Cities of Reno and Sparks were engaging the same consultant under separate contract. Chairman Larkin asked if any economy of scale would be achieved. Ms. Singlaub explained the complexity of the search process. Jerry McKnight, Finance and Customer Services Manager, pointed out that both Cities had been involved when the County evaluated consultants; and, although the Cities chose to enter separate agreements, the County would negotiate to share the expense of any overlapped work.

Commissioners Galloway and Sferrazza suggested that the language in the amendment provide for amounts *up to* \$250,000.

Chairman Larkin clarified with Mr. McKnight that the work was anticipated to continue until October 2008, allowing time to acquire new water rights if necessary before the implementation of TROA in December 2009. Chairman Larkin asked about compressing the time schedules. Mr. McKnight indicated that information would be provided by the Consultant as it became available and that the amount of water rights currently available was an educated guess based on historical records. Chairman

Larkin asked Ms. Singlaub to provide quarterly updates to the Commission, preferably with a Gantt chart or pictorial representation.

Commissioner Galloway explained that TROA required the County to dedicate 6,700 acre-feet of water to downstream flow in the region and the consultant's research would confirm water rights attached to the land where streets had been built over the years.

Don Mahin, Senior Licensed Engineer, clarified that he did not envision the amount under this contract reaching \$250,000 and expected it to be in the \$150,000 to \$175,000 range. He pointed out that the consultant had agreed to divide general and administrative costs between the three entities.

Upon recommendation of Mr. Mahin, and Jeanne Ruefer, Water Resources Planning Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioners Humke and Weber absent, it was ordered that a professional services contract with TEC 1 in an amount up to \$250,000 to provide title research for water rights associated with street rights-of-ways be approved and the Chairman be authorized to execute the same.

06-1310 BUDGET AMENDMENT – FY 2006/07 AIR QUALITY DIVISION – DEPARTMENT OF MOTOR VEHICLES EXCESS RESERVE GRANT PROGRAM – HEALTH

Upon recommendation of Lori Cooke, Fiscal Compliance Officer, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioners Humke and Weber absent, Chairman Larkin ordered that the amendments totaling \$220,125 in both revenue and expenses to the adopted FY 2006/07 District Health Department Air Quality Division, Department of Motor Vehicles Excess Reserve Grant Program budget to bring the program budget into alignment with the Interlocal Contract be approved and the Finance Department be directed to make the following adjustments:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE/(DECREASE)
2002-IN-10039-432100	State Revenue	\$220,125.00
2002-IN-10039-710100	Professional Services	155,000.00
2002-IN-10039-710500	Other – (Special Awards)	5,000.00
2002-IN-10039-710546	Advertising	5,000.00
2002-IN-10039-711504	Equipment < \$10,000	5,125.00
2002-IN-10039-781004	Capital Equipment	50,000.00
	Total Expenditures	\$220,125.00

**06-1311 DISCUSSION/DIRECTION – INFILL INCENTIVE PROPOSALS –
ANNEXATION SETTLEMENT AGREEMENT OF 2006 –
COMMUNITY DEVELOPMENT**

3:58 p.m. Commissioner Weber arrived by telephone.

4:01 p.m. Commissioner Humke returned.

Adrian Freund, Community Development Director, conducted a Power Point presentation, which was placed on file with the Clerk.

Commissioner Galloway suggested a Memorandum of Understanding (MOU) be considered to clearly state this was a one-time contribution and that any continued support for the Spirit bus would not be related to this agreement. Katy Singlaub, County Manager, confirmed that a rigorous review of testimony and agreements had been conducted, that these proposals were staff's best effort, and there had not been any quantified agreements specifying an annual amount or any specific amounts.

Commissioner Sferrazza stated that he did not support the North Hills properties being part of this proposal and felt that the County should get credit for the amount of money provided to the Spirit bus if support continued beyond one year.

Commissioner Weber indicated that she had been one of the initial negotiators and believed there was intent to have infill proposals as part of the Settlement Agreement.

Chairman Larkin discussed with Mr. Freund that the December 14, 2006 Regional Planning Governing Board (RPGB) meeting required a report as to what the County had done to date and what staff had presented to the Board of County Commissioners. He asked Mr. Freund if staff had a recommendation as to the County's future direction. Mr. Freund stated that he was looking to receive direction from the Board today, which he would take to the RPGB meeting with the intent to obtain their input and come back to the Commission with some form of an agreement.

Ms. Singlaub pointed out that land transfers would support the infill goals of the Regional Plan without cutting other programs or services and that the County supported infill goals in other ways as well. Chairman Larkin asked for a roadmap to guide the Board between now and the conclusion of the Annexation Settlement Agreement at the end of July 2007, noting that there was more to the Agreement than the infill question. Ms. Singlaub responded that significant work was underway on many fronts, including facilities planning and natural resource and open space planning to support future growth, but the County must give a progress report at the next RPGB meeting regarding infill proposals. Chairman Larkin commented that the County needed to consider infill beyond the McCarran ring and that staff needed to look forward into the future. Mr. Freund stated that the draft 2007 Regional Plan included infill opportunities

outside of the McCarran ring, as well as within it. Ms. Singlaub offered to give the Board a status report regarding implementation of the 2002 Regional Plan Update and preparation for the 2007 Regional Plan at its December 12, 2006 meeting. Chairman Larkin reiterated his expectation that staff bring the infill proposals back to the Board's December 12th meeting along with an expanded vision that could be taken to the RPGB about the County's future role in infill projects.

Commissioner Humke suggested that affordable housing redevelopment proposals be based upon actual proposals from the cities of Reno and Sparks or that the County propose affordable housing projects of its own. Commissioner Galloway suggested that the County obtain agreements to hold the land for a period of years, to be available for affordable housing projects sponsored by the Cities and with the stipulation that any land exchanges must also lead to affordable housing. He further noted that the County had agreed to perpetuate the Interim Settlement Agreement in the 2007 Regional Plan.

4:35 p.m. Commissioner Weber arrived.

Commissioner Galloway clarified with Ms. Singlaub and Tom Gadd, Public Works Director, that the 157 parking spaces included in the proposal went beyond past commitments to the City of Reno and supported infill by providing downtown parking to the public and those who work downtown.

Commissioner Galloway asked whether the proposal to hold land rather than transfer it would satisfy Commissioner Sferrazza's concerns. Commissioner Humke added that it may be preferable for the County to do its own projects rather than transfer land. Mr. Freund stated that the North Hills parcel was well situated for infill development. Commissioner Sferrazza noted that the citizen advisory boards and homeowners associations needed an opportunity to discuss potential proposals before the Board voted. Commissioner Weber pointed out that accessibility to bus routes made the North Hills location ideal for affordable housing.

4:43 p.m. Commissioner Humke left the meeting.

Mr. Freund agreed to bring more information to the December 12, 2006 meeting about the 2007 Regional Plan as it relates to infill opportunities. He stated that it would be more productive to discuss the North Hills parcel when there were tangible proposals.

Commissioner Galloway clarified that the challenge grant was a matching funds grant for the Spirit bus.

Mr. Freund suggested that the Board's discussion at today's meeting be included in the packet of materials that would go to RPGB prior to their December 14, 2006 meeting.

Commissioner Sferrazza requested that a staff presentation to the North Valley Citizen Advisory Board be placed on the agenda for their December 11, 2006 meeting. Commissioner Galloway suggested that the presentation be clear about income levels and the fact that a project could be mixed use, which could allay some fears. Mr. Freund noted that a 30 to 40 percent mix of affordable units amongst other uses is generally more acceptable to citizens.

In response to the call for public comment, Gary Schmidt recommended that the County free up prime Downtown property for infill by moving its courthouses across from 9th Street or to Parr Boulevard. He also suggested that one-third acre trailer lots somewhere in the County would provide affordable housing for retired people who had no need to commute to work.

06-1312 BILL NO. 1501 – AMENDING WCC CHAPTER 5 – CREATE OFFICE OF ALTERNATE COUNTY PUBLIC DEFENDER – MANAGER

John Berkich, Assistant County Manager, presented a summary of the staff report, which was placed on file with the Clerk.

Bill No. 1501 entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY CREATING THE OFFICE OF ALTERNATE COUNTY PUBLIC DEFENDER AND OTHER MATTERS PROPERLY RELATED THERETO," was introduced by Commissioner Galloway, the title read to the Board and legal notice for final action of adoption directed.

06-1313 APPOINTMENT – NEVADA TAHOE CONSERVATION DISTRICT BOARD

Commissioner Galloway explained that he had been the appointee for this Board two years ago, that the duties fit with the Tahoe Regional Planning Agency, and that he would be happy to serve again. He explained that the appointee had latitude to select their own alternates and his intent would be to select Guy Burge, past Chairman of the Nevada Tahoe Conservation District, as the first alternate and would consider Sarah Tone, Community Outreach Coordinator, as the second alternate, although he had not yet received that application. Chairman Larkin clarified that Douglas County was fully supportive of transferring the appointment to Washoe County for two years. Commissioner Weber asked if it would be advisable to have an Assistant County Manager as alternate. Commissioner Galloway expressed his willingness to use the County Manager's recommendation for the second alternate.

On motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried with Commissioner Galloway abstaining and Commissioner Humke absent, Chairman Larkin ordered that the appointment of Commissioner Galloway to the Board of the Nevada Tahoe Conservation District for the period January 1, 2007 to December 31, 2008 be approved.

- 5:00 p.m.** The Board recessed.
- 5:35 p.m.** The Board reconvened as the Board of Fire Commissioners for the Sierra Fire Protection District with Commissioner Humke absent.
- 6:42 p.m.** The Board convened as the Trustees for the South Truckee Meadows General Improvement District with Commissioner Humke participating via telephone at 6:57 p.m.
- 7:03 p.m.** The Board reconvened as the Board of County Commissioners with all members present. (Commissioner Humke via telephone)

06-1314 UPDATE - ADMINISTRATIVE ENFORCEMENT AND NUISANCE ORDINANCE - COMMUNITY DEVELOPMENT

Bob Webb, Planning Manager, reviewed the agenda memorandum dated October 19, 2006 updating the progress towards drafting administrative enforcement and nuisance ordinances. He said staff was seeking approval for the proposed process, the time schedule for adopting both ordinances, and requesting appointment of a citizen committee to assist in preparing the drafts of both ordinances.

Commissioner Weber stated this was not what she wanted to see. She felt the committee should include more citizen involvement than was listed in the staff report. Commissioner Weber stated there would be two sides to many of the issues. She approved of a timeframe, but added citizen involvement would be hard to obtain within the suggested timeframe. Commissioner Weber appreciated the time staff had spent on the draft; however, she said it needed to go out to the citizens of the County for input, debate, and discussion. Mr. Webb explained this was a starting point. He said the intent was to balance the size of a working group with the knowledge that staff would go back to each Citizen Advisory Board (CAB) and present drafts.

In response to Chairman Larkin, Katy Singlaub, County Manager, replied conversations pertaining to this had been held for years; and she indicated staff was anxious for clear direction on proceeding. Chairman Larkin said staff was directed to discuss with the CAB's the designer ordinances and the administrative enforcement action. He said now it seemed those were being combined and put into one process. Ms. Singlaub clarified staff was not trying to combine them but join them in solving the problems of code enforcement issues. She said public comments had been received and utilized to develop the drafts the working group compiled. Ms. Singlaub explained drafts were completed based on citizen input. She said staff would convene a citizen committee to review the drafts then return those reviewed drafts to the community for public assessment and comment. She indicated when that process was completed those drafts would be brought back to the Board for discussion.

Commissioner Galloway noted he was reluctant to send the drafts out without reviewing them first. He indicated he had not seen the draft ordinances and would like a process that allowed the Board to review them prior to going out to the public. Commissioner Galloway would like a District Attorney approved designer menu ordinance worth taking to the areas and receive public reaction and then have each CAB appoint one person who reflected the views of each CAB.

Commissioner Sferrazza agreed with broadening the committee, but he would like the Commissioners to come up with the initial process. He said if the General Improvement District's (GID) were involved, then Gerlach should also be included.

Commissioner Humke explained he had a vague dislike for this approach. He agreed the Board should review what staff had compiled before it went public. Commissioner Humke suggested holding meetings in the chambers so the public could hear all the information presented. He did not see a strong point to having the timeline but thought more flexibility could be provided within the timeline.

Ms. Singlaub said the basis by which staff would codify designer ordinances or modifiers for a nuisance ordinance specific to geography would be related to planning areas. She explained that would be the nexus to craft specific nuisance ordinances. Ms. Singlaub suggested inviting a certain number of citizens from each of the 13 planning areas. She agreed the proposed timeline should be slowed down.

Chairman Larkin clarified each planning area within each district would select and appoint a number of citizens. Ms. Singlaub concurred, and she indicated every geographic area would be represented with that process.

Commissioner Weber said the Board needed to decide the framework. She suggested a workshop would be appropriate; however, she was concerned with the planning areas. She suggested holding citizen committee meetings in the chambers so they could be televised and the public could attend. She requested discussion concerning the designer ordinances with all the entities involved so questions could be answered. Commissioner Weber felt the timeframe was important since the public needed to know there would be an end. She noted there were only two Code Enforcement Officers for the entire County.

7:37 p.m. Commissioner Humke left and did not participate in the remainder of the meeting.

Commissioner Galloway said there was nothing a committee could have done except to "rubber stamp" the proposed ordinance. He stated with this schedule the chances for success would be small. He suggested a draft of both ordinances be given to the Commissioners a month before it was brought back for discussion. Commissioner Galloway stated he would like copies of both draft ordinances to the Board by mid-December.

Chairman Larkin said the proposal instructed the District Attorney's Office to continue with the designer ordinance and Community Development to continue with the administrative enforcement procedure to be brought back to the Board for review. Commissioner Galloway agreed, and he explained the Board would craft adjustments before proceeding with a working group.

Commissioner Weber agreed with Commissioner Galloway, and she would like the calendar set at this meeting. She said all of this needed to be advertised so the input would be taken into consideration.

Chairman Larkin explained the steps in the process would be as follows:

- The draft ordinances to the Board of County Commissioners.
- Staff changes and/or amendments.
- A town hall meeting.
- Planning Area committee meetings.
- Discuss proposed ordinances with all the CAB's.
- First Reading of the Ordinances.

Ms. Singlaub said it would be valuable for the citizen committee to be appointed before the town hall meeting. Chairman Larkin commented the Board was not indicating when the committee would be appointed as yet, just the steps and how the ordinances would flow.

Commissioner Sferrazza asked what was wrong with the CAB's selecting the people who participated. Chairman Larkin explained the selection of the committee had not been discussed.

Commissioner Weber suggested a workshop be scheduled in the chambers after the Board was given the draft ordinances but prior to a Board meeting where everyone could be educated on the process.

Commissioner Galloway agreed with the workshop because if this were discussed in a regular Board meeting it would be limited in time and possibly limited in attendance.

Melanie Foster, Legal Counsel, said staff would provide the Board with an ordinance that would be flexible enough to address the needs within the County, however, not an ordinance tailored to every neighborhood since that would be indefensible. Ms. Foster stated staff knew the conditions and were doing their best to accomplish those.

After discussion, it was decided to hold the workshop on January 22, 2007.

Chairman Larkin stated as soon as the Board received the location of the 13 planning areas staff could begin to fill the Planning Area Committee. Mr. Webb noted he would do that and have them in the context of the commission districts. Ms. Singlaub said recruitment would be difficult through planning areas. She suggested an open recruitment, and then the Board could decide on the appointments through the applications.

06-1315 PROCESS - APPOINTMENT OF ALTERNATE PUBLIC DEFENDER - MANAGER

Commissioner Sferrazza did not agree with the make-up of the selection committee. He stated he preferred the process used for the selection of the Public Defender. Commissioner Sferrazza suggested a member or members from the Board serve on the committee.

John Berkich, Assistant County Manager, replied the process used in the past was two panels with Board members on one of those panels. He said staff felt the bifurcated process would give the Board an independent opportunity to interview the top three finalists. Mr. Berkich stated it was a clean bifurcated process that was encompassing and included the Board as a single panel.

Commissioner Sferrazza disagreed, and he thought there should be no committee. He stated the Board should narrow the list and interview the applicants themselves.

Commissioner Galloway said there should be other groups included besides the ones listed within the staff report dated November 15, 2006. He commented some of the groups listed might "blackball" certain people. He said it would be wrong if it were not solely criminal defense professionals involved. Commissioner Galloway suggested adding a legal professional to the panel and narrowing the applicants down to 10. He recommended appointments from the Bar Association, Federal Public Defender, and a couple of professors from the University.

Chairman Larkin indicated he did not mind an initial screening by professionals, but agreed with Commissioner Sferrazza that this Board should make the final selection.

Melanie Foster, Legal Counsel, explained the State Bar Association might not be able to supply names to the Board. She said the Washoe Bar Association may because they were a smaller group. Commissioner Galloway suggested getting the list of interested parties from the State Bar and then picking from that list.

Chairman Larkin said the selection panel would review all qualified applicants and select a reasonable number, between five and eight, for the Board to review; but the Board reserved the right to look at all applicants.

Commissioner Galloway moved to have representatives from the State and Federal Public Defender's Office and the Nevada and Washoe County Bar Associations be on the panel for the initial screening of the applicants, and to select between five and eight finalists. Commissioner Weber seconded the motion.

Commissioner Sferrazza asked if the Bar Association was going to recommend their representatives. Commissioner Galloway replied the Board would request that they provide a recommendation or a list of interested members.

On call for the question the motion passed on a 3-1 vote with Commissioner Sferrazza voting "no," and Commissioner Humke absent.

Mr. Berkich explained the second portion of this item was to approve a process to select a conflict counsel to deal with conflicts concerning the Alternate Public Defender's Office.

Commissioner Galloway suggested the process be to receive an approved list of a limited number of practitioners. He said they would be under contract so, unlike a representative appointed by the Court, these individual salaries could be set.

Ms. Foster said the means by which conflict services were to be provided was set forth in statute. She requested time to review the statute and be sure what staff brought back to the Board would be defensible.

Chairman Larkin said the contract would not be needed until July. He indicated no action would be taken at this time for this part of the item.

**06-1316 ORDINANCE NO. 1321 - BILL NO. 1499 - AMENDING WCC
CHAPTER 5 - JOB EVALUATION COMMITTEE**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on November 17, 2006 to consider second reading and adoption of Bill No. 1499. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Humke absent, Chairman Larkin ordered that Ordinance No. 1321, Bill No. 1499, entitled, "**AN ORDINANCE AMENDING WASHOE COUNTY CODE BY CHANGING THE NUMBER AND COMPOSITION OF MEMBERS FOR THE JOB EVALUATION COMMITTEE,**" be approved, adopted and published in accordance with NRS 244.100.

REPORTS/UPDATES - COUNTY COMMISSION MEMBERS

Commissioner Weber reported the Virginia City – Truckee (V&T) Railroad selected Sacramento, California based Sierra Railroad as the operator of the railroad.

Commissioner Sferrazza stated he would be unable to attend the Truckee Meadows Water Authority (TMWA) Board meeting on December 20, 2006. Chairman Larkin said he would attend.

* * * * *

8:37 p.m. There being no further business to come before the Board, the meeting was adjourned.

ROBERT M. LARKIN, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Lisa McNeill and Stacy Gonzales
Deputy County Clerks*