

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

TUESDAY

2:00 P.M.

FEBRUARY 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:

**06-209      AGENDA**

Katy Singlaub, County Manager, stated the Reno-Sparks Convention and Visitors Authority (RSCVA) requested Item 11B, an RSCVA financing request to amend an agreement providing a General Obligation pledge from Washoe County, be pulled from today's agenda. She said the RSCVA would bring it back to the Board at the March 28, 2006 meeting.

Concerning Item 21D, Appeal Case No. AX06-003 (Amendment to allow timeshare development), Commissioner Galloway stated he had a constituent request to set up a telephone link to take testimony regarding the appeal from individuals in Incline Village. He said the request was made because heavily falling snow made travel difficult. He said the Board needed to decide if this was lawful and if the Board wanted to do it.

Melanie Foster, Legal Counsel, said the law did not prohibit taking public comment by telephone, but such requests were routinely denied in the past. She stated the Board would have a harder time denying this type of request in the future if this request was granted.

Commissioner Galloway said he was concerned about being able to verify a speaker's identity, and he asked if there was any support on the Board to do this.

Commissioner Weber stated she did not support doing it and an alternative would be to continue the item. She said there should be a policy in place if the Board supported taking public testimony by telephone in the future.

Commissioner Sferrazza said he was fine with either continuing the item or taking testimony by telephone.

Chairman Larkin believed the snow constituted an inconvenience, but it was not an emergency. He did not favor taking testimony by phone under these circumstances.

Commissioner Galloway said a majority of the Board did not support taking the testimony by phone. He requested staff notify the individual that made the request of the Board's position. Ms. Foster stated it would be more appropriate to discuss this during the item when the appellant would be available.

Gary Schmidt, local resident, stated it was not an absolute policy to not accept telephone comments; it was the policy only when the Board anticipated it would not like the comments. He said there was a vague policy on accepting written comments, and he discussed the public comment cards that were discontinued. He remarked on the Board picking which comments would be read into the record.

Sam Dehne, local resident, stated he wanted to speak on Item 11B. He said it was past policy, and required by the Open Meeting Law, to allow a citizen to speak on a posted agenda item. He discussed his objections to the Board accepting testimony over the telephone. He said Item 21D should be decided right now so people did not have to wait around until 5:30 p.m. or later to see if they could speak on it or not.

In response to Commissioner Galloway, Ms. Foster confirmed Item 21D could not be continued without the permission of the appellant, and the appellant was not present.

In response to Commissioner Sferrazza, Ms. Foster said some items have statutory requirements for action being taken. She said the Board had always taken the position that, with the applicant's consent, those timeframes could be waived.

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Humke absent, Chairman Weber ordered that the agenda for the February 28, 2006 meeting be approved with the deletion of Item 11B, RSCVA financing request to amend an agreement providing for a General Obligation pledge from Washoe County.

**\*2:29 p.m.** Commissioner Humke arrived at the meeting.

Katy Singlaub, County Manager, read the following statement: "The Open Meeting Law does not require a public body to tolerate comments that are willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational, or amounting to personal attacks." She said Section 8.05 of the

Nevada Open Meeting Law manual states, "The Chair of a public body may, without the vote of the public body, declare a recess to remove a person who is disrupting the meeting."

Herbert Rubenstein, local resident, said he did not like the cooperative planning process because it only went one way with the City of Reno. He believed the acquisition of the Ballardini Ranch benefited the City of Reno more than any other entity. He said the County should work with the City of Reno to secure the ranch.

, local resident, objected to televising the backside of people. He commented on the Truckee Meadows Tomorrow party, and he objected to tax dollars being used by elected officials to self-promote and congratulate.

Juanita Cox, local resident, commented on her efforts to obtain a copy of a letter dated August 18, 2005 sent to an individual from Sharon Kvas, Planning Manager. She demanded the letter be located.

Gary Schmidt, local resident, stated the County Commission should not accept telephone input from the Commissioners if it did not accept telephone input from the public. He noted Commissioner Humke was 30 minutes late. He commented he believed it was the Chairman's or the Clerk's duty to place Commissioner Humke's late arrival on the record, but he would since he assumed they did not. He said a public comment speaker's comments should be placed in the minutes in great detail upon request, and he was making that request. He said a written version or presentation should also be placed on the record and attached to the minutes upon request. He said the Clerk refused to do so because she said that request had to be made during the actual presentation. He stated materials had been accepted either before or after the presentation in the past. He said the Clerk was inconsistent in the application of acceptance, and he objected.

Later in the meeting regarding Item 11B, direction to staff on the Reno-Sparks Convention and Visitors Authority request to amend an agreement that provided a General Obligation pledge from the County, Sam Dehne, local resident, discussed his issue with the dollars involved, the cost to citizens, and that he preferred to see the convention center moved.

### **COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS**

Commissioner Humke reported that the West Washoe Valley and Galena/Steamboat Citizen Advisory Boards were working on the remaining issues for the South Valley's area plan. He said the plan was close to having a first draft, and it was anticipated being ready for the Planning Commission in April.

Commissioner Galloway requested staff look into the salary of the Incline Village Constable. He said the Constable had indicated he had not had any COLA increases since he was elected six years ago. He asked if staff had made a photographic

inspection of Steamboat Ditch because he wanted to know what problems had not been addressed prior to the storm.

Commissioner Sferrazza asked if an alternate could attend the Truckee Meadows Water Authority board meeting in April because the date was being changed. Commissioners Weber and Galloway both responded they were available. Chairman Larkin requested they work it out.

In response to Commissioner Sferrazza, Katy Singlaub, County Manager, said Sierra Nevada Community Access Television (SNCAT) was given instructions to video the public in the same manner as the Commissioners.

Ms. Singlaub reported on the number of personnel that worked during the flood, the various tasks performed, and the stationing of equipment and sandbags. She said assistance was received from the State and Sierra Pacific. She applauded the citizens that worked side by side with the County crews, and she commended the Cities of Reno and Sparks for their efforts.

In response to Commissioner Galloway, Ms. Singlaub stated Public Works staff had verified all of the Steamboat Ditch water gates were closed. She said a private company owned the ditch. She stated staff was doing a significant review to see if there were legislative issues that needed to be looked at regarding the private ownership of the irrigation ditches. She said the legislation written in 1919 gave significant powers to the irrigation ditch companies, while superceding the Development Code and many other laws.

Ms. Singlaub replied to Ms. Cox's demand for a copy of a letter made during public comment and updated the Board on the Chambers remodel.

Commissioner Weber announced there would be a Graffiti Summit at the Reno Livestock Events Center on Saturday, March 18th. She said law enforcement from all three entities was participating, and the public was invited. She also announced the County and the City of Sparks were hosting the Great Truckee Meadows Community Wide Cleanup on April 22nd, while the City of Reno would be hosting its citywide Clean and Green during April.

Commissioner Galloway commented that he appreciated what was done, but there was still the responsibility to follow up on what was not done. He said he was not implying the Steamboat Ditch issues were the County's responsibility, but it was the County's responsibility to work with the companies owning the ditches to make sure problems were addressed.

In response to Commissioner Galloway, Commissioner Weber said hazardous waste disposal was very expensive and the program received minimal funding. She said a discretionary funding request would be brought before the Commissioners to help support the program.

Commissioner Sferrazza announced he was having a Town Hall Meeting in the Chambers on March 30th starting at 6:00 p.m.

**06-211            CERTIFICATES OF APPRECIATION – SUGGESTION AWARDS  
COMMITTEE – CASH AWARDS – MANAGEMENT SERVICES**

Chairman Larkin read and presented a Certificate of Appreciation to Ernest Cameron of the Public Works Department for his suggestion regarding rechargeable batteries for portable radios and other equipment and to Lee Whipple of the Facilities Management Division for her suggestion on securing an exemption for County property from a Police District Special Assessment charged by the City of Reno.

**06-212            PROCLAMATION – MARCH 2006 AS PROFESSIONAL SOCIAL  
WORK MONTH**

Commissioner Sferrazza read the proclamation to Michael Capello, Social Services Director. Mr. Capello thanked the Board and County management for their support.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the following proclamation be adopted:

**PROCLAMATION**

**WHEREAS**, Social workers help millions of people address social and psychological problems to improve lives; and

**WHEREAS**, Washoe County employs over 100 licensed professional social workers; and

**WHEREAS**, Social workers bridge the gap between resources and services and the people who need them; and

**WHEREAS**, Social workers use their education, training and commitment to strengthen individuals, families and communities; and

**WHEREAS**, Social workers shape numerous programs and policies that improve community life; and

**WHEREAS**, Social workers provide services in many settings, including private practices, family counseling centers, courts, nursing homes, hospices, mental health clinics, child welfare agencies, hospitals, schools and universities, prisons, corporations, as well as public and private agencies; now, therefore, be it

**PROCLAIMED**, That the Washoe County Board of Commissioners hereby recognizes professional social workers and their commitment and dedication to individuals and families in our community and joins the National Association of Social Workers in proclaiming March 2006 as Professional Social Work Month.

**06-213            SEXUAL ASSAULT MEDICAL CARE PAYMENT**

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care for 56 sexual assault victims in the amount totaling \$6,338 and for follow-up treatment (up to \$1,000) for victims, victim's spouses and other eligible persons as set forth in a memorandum from Kim Schweickert, Program Assistant, District Attorney's Office, dated February 3, 2006.

**06-214            COLLECTIVE BARGAINING AGREEMENT – PUBLIC ATTORNEYS' ASSOCIATION – LABOR RELATIONS**

In response to local resident Sam Dehne, Katy Singlaub, County Manager, said the additional fiscal impact of the Collective Bargaining Agreement with the Public Attorney's Association was \$71,000. She stated the background material was available on the County web site and in the back of the room, and the backup included the fiscal impact for each and every item.

Upon recommendation of Steve Watson, Labor Relations Manager, through Ms. Singlaub, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Collective Bargaining Agreement with the Washoe County Public Attorneys' Association from July 1, 2005 through June 30, 2008 be ratified and Chairman Larkin be authorized to execute the agreement.

**06-215            ALLOCATION OF FY 2006/07 HOME FUNDS – WELLS AVENUE SENIOR HOUSING – COMMUNITY DEVELOPMENT**

In response to local resident Sam Dehne, Katy Singlaub, County Manager, clarified the HOME Consortium funds were an allocation of low cost municipal financing that allowed affordable housing projects to be built at a lower cost. She said the County's share of the bonds was being allocated to a project that met criteria relating to infill development, development within the urban core, and so on, that was established by the Commission. She stated the background material was available on the County web site and in the back of the room, and it included the fiscal impact for each and every item.

Upon recommendation of Eric Young, Planner, through Adrian Freund, Community Relations Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the

County's share of the fiscal year 2006/07 HOME Consortium funds in the amount of \$379,397 be allocated to the Wells Avenue Senior Housing Project. It was noted this project met Washoe County's affordable housing priorities.

**06-216            SECOND AMENDMENT TO LEASE AGREEMENT – DESIDERIO PROPERTIES – JUVENILE SERVICES OUTREACH PROGRAM OPERATION – PUBLIC WORKS**

Upon recommendation of Mike Turner, Facilities Management Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Second Amendment to the Lease Agreement between Washoe County and Desiderio Properties, a Nevada Limited Liability Partnership, concerning the renewal of a lease of space for uninterrupted operation of the Juvenile Services Outreach Program from May 1, 2006 through April 30, 2009 be approved and Chairman Larkin be authorized to execute the same. It was noted annual lease and utility costs were in the amount of \$27,662.

**06-217            AWARD OF BID – 300-TON CAPACITY WATER CHILLER – LIBERTY CENTER – BID NO. 2524-06 – PUBLIC WORKS**

This was the time to consider award of the bid for a 300-ton capacity water chiller for the Liberty Center for the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on January 23, 2006. Proof was made that due and legal Notice had been given.

One bid was received from Trane.

Upon recommendation of Michael Sullens, Senior Buyer, through John Balentine, Purchasing and Contracts Administrator, David Solaro, Capital Projects Division Architect, and Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Bid No. 2524-06 for the purchase of a new 300-ton capacity water chiller for the Liberty Center, 350 S. Center Street, Reno, Nevada, be awarded to Trane in the net amount of \$106,891 on behalf of the Capital Projects Division of the Public Works Department.

**06-218            AWARD OF BID – FIRE SYSTEM MONITORING, TESTING, AND INSPECTION SERVICES – BID NO. 2513-06 – VARIOUS FACILITIES – PUBLIC WORKS**

This was the time to consider award of the bid for Fire System Monitoring, Testing, and Inspection Services at various County facilities in the Reno/Sparks, Incline Village, and Gerlach areas on behalf of the Facility Management Division of the Public Works Department. A Revised Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on January 25, 2006. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

SimlexGrinnell  
Tri-Signal Integration, Inc

Upon recommendation of Michael Sullens, Senior Buyer, through John Balentine, Purchasing and Contracts Administrator, Jim Burke, Building Operations Chief, Jean Ely, General Services Director, and Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Bid No. 2513-06 for Fire System Monitoring, Testing, and Inspection Services for various Washoe County facilities in the Reno/Sparks, Incline Village, and Gerlach areas be awarded to SimlexGrinnell in the estimated annual amount of \$39,213, plus a one-time charge of \$3,600, to purchase and replace six leased communicators. It was also ordered that the Purchasing and Contracts Administrator be authorized to execute the purchase agreements for said services for an initial period of two years with a single year renewal option subject to a three percent price increase on behalf of the Facility Management Division of the Public Works Department.

**06-219            UNCOLLECTIBLE RETURNED CHECKS – COMPTROLLER**

Upon recommendation of Robin Greco, Collections Administrator, through John Sherman, Finance Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the removal of fiscal year 2004 uncollectible returned checks from the centralized returned check account (7980-121013) in the amount of \$837.60 be approved. It was further ordered that the Comptroller be directed to charge the contra revenue account (485300) for the following responsible cost centers:

<b>Return Reason</b>	<b>Date Returned</b>	<b>Check Amount</b>	<b>Department</b>	<b>Total by Department</b>	<b>Cost Center</b>
NSF	02/19/04	\$169.00	District Court Clerk	\$169.00	120231
NSF	05/07/04	\$13.00	Health-A		
NSF	05/19/04	\$13.00	Health-A		
UTL	05/26/04	\$13.00	Health-A		
NSF	03/22/04	\$13.00	Health-A		
AC	03/25/04	\$13.00	Health-A		
AC	04/01/04	\$13.00	Health-A	\$78.00	170300
NSF	05/13/04	\$51.00	Health-B		
NSF	03/17/04	\$17.00	Health-B		
NSF	03/17/04	\$23.00	Health-B		
NSF	01/30/04	\$17.00	Health-B		
NSF	04/05/04	\$23.00	Health-B	\$131.00	173500
NSF	05/19/04	\$78.50	Health-C	\$78.50	171300
NSF	05/27/04	\$13.00	Health-D	\$13.00	171101

<b>Return Reason</b>	<b>Date Returned</b>	<b>Check Amount</b>	<b>Department</b>	<b>Total by Department</b>	<b>Cost Center</b>
NSF	04/13/04	\$5.00	Health-E	\$5.00	173001
NSF	05/03/04	\$10.75	Library		
NSF	05/13/04	\$32.00	Library		
AC	03/03/04	\$12.35	Library	\$55.10	130100
NSF	06/23/04	\$68.50	Parks		
NSF	06/02/04	\$19.00	Parks		
NSF	06/14/04	\$32.00	Parks		
RTM	05/07/04	\$62.50	Parks		
AC	03/08/04	\$25.00	Parks		
SD	03/10/04	\$25.00	Parks	\$232.00	140300
SD	06/03/04	\$6.00	Recorder	\$6.00	111100
RTM	06/08/04	70.00	Senior Services	\$70.00	250110
	<b>Total</b>	<b>\$837.60</b>		<b>\$837.60</b>	

Reason Codes:

AC = Account Closed  
NSF = Non Sufficient Funds  
RTM = Refer to Maker  
SD = Stale Date  
UTL = Unable to Locate

**06-220            PURCHASE ORDER – SYNERGY SOFTWARE TECHNOLOGIES, INC. – SENIOR SERVICES**

Upon recommendation of Marietta Bobba, Senior Services Director, through John Berkich, Assistant County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the fiscal year 2005/06 Purchase Order for Synergy Software Technologies, Inc. in the approximate amount of \$29,590 be approved. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute an agreement for the same.

**06-221            SALARY AND BENEFIT CHANGES – NON-REPRESENTED ATTORNEYS – HUMAN RESOURCES**

Upon recommendation of Joanne Ray, Human Resources Director, through John Berkich, Assistant County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the salary and benefit recommendations for the Non-Represented Attorneys in the District Attorney’s Office for the Period of July 1, 2005 through June 30, 2008 be approved.

06-222

**EXPENDITURE AND RESOLUTION – DISTRICT 3 SPECIAL  
FUNDING ACCOUNT – NORTHERN NEVADA MINORITY  
ALLIANCE**

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that the expenditure in the amount of \$100 to the Northern Nevada Minority Alliance to assist in paying expenses incurred for presentations of an African-American History Program for Black History Month at several venues throughout Washoe County be approved, the following resolution be adopted, and Chairman Larkin be authorized to execute the same:

**RESOLUTION** - Authorizing the Grant of Public Money to Northern Nevada Minority Alliance

**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 2005/2006, to make a grant of money to Northern Nevada Minority Alliance to assist in paying expenses incurred for presentations of an African-American History Program for Black History Month at several venues throughout Washoe County 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 that the Board hereby grants to Northern Nevada Minority Alliance a grant for Fiscal Year 2005/2006 in the amount of \$100.

06-223

**ESTABLISHMENT AND APPOINTMENTS – BUILDING  
DEPARTMENT ENTERPRISE FUND OVERSIGHT COMMITTEE  
– BUILDING AND SAFETY**

Upon recommendation of Jess Traver, Building and Safety Director, through Michelle Poché, Assistant County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the Building Department Enterprise Fund Oversight Committee, as required by NRS 354, be established to review the operations of and make recommendations relating to the Building Department Enterprise Fund. It was further ordered that the initial membership of the committee be comprised of Dave Pearce, Tony Abreu, Fred Taeubel, Jess Traver, and Lisa Gianoli with terms of four years; and Steve Hamilton and Dennis Johnson with terms of two years.

**ACCEPTANCE OF PROPOSAL – PRODUCER/  
PROMOTER SERVICES – ROBERT Z. HAWKINS SUMMER  
CONCERT SERIES – RFP 2508-06 – PURCHASING/PARKS**

This was the time to consider proposals received in response to Request for Proposal (RFP) No. 2508-06 for Producer/Promoter Services for the Robert Z. Hawkins Summer Concert Series for the Regional Parks and Open Space Department. The Notice to Proposers for receipt of sealed proposals was published in the *Reno Gazette-Journal* on October 27, 2005. Proof was made that due and legal Notice had been given.

One proposal was received from Jeff Cotton, dba 1moe.com.

Katy Singlaub, County Manager, said this was put out for RFP per the Board's direction. She stated staff recommended approval because having first class entertainment at the Bartley Ranch Amphitheatre brought in by professional management returned revenue to the County's Regional Parks and Open Space Department.

In response to Commissioner Galloway, Rosemarie Entsminger, Fiscal Compliance Officer, stated the RFP was advertised and eight prospective proposers were e-mailed. She said two responded they were not interested and five failed to respond.

Commissioner Galloway said he was concerned about the lack of responses. He asked if there was a unique demand in the package or an unusual requirement that was tailored to one provider. Ms. Entsminger replied the request was straightforward. She said the promoters had indicated a non-willingness to bid against each other because of professional courtesy.

Commissioner Galloway asked if staff believed the amount was inline with what other people paid for these professional services. Ms. Entsminger replied it was a flat rate contract, while most were on a percentage basis. She said there were three counterproposals before a flat rate was reached with which staff was comfortable and fell within budgetary constraints. She stated the percentage rate would have been significantly more expensive because the promoter wanted close to 10 percent, which would have started in the \$30,000-\$40,000 range and gone upwards from there on an escalating clause. It also would have included a percentage of the talent fee for each and every concert. Staff felt that would have been an incentive to book the most expensive acts or to not negotiate the cheapest talent fee. Commissioner Galloway said he was satisfied.

Gary Schmidt, local resident, commented it was appropriate to take public comment before making a motion. Chairman Larkin interjected the Board was approving a contract. Mr. Schmidt said he was responding to a discussion by the Board. He stated he was in the concert promotion business, and he had known Jeff Cotton for 35 years. He said Mr. Cotton was professional and underpaid, which was the reason there were so many non-bidders. He said he supported the award to Mr. Cotton.

Upon recommendation of Michael Sullens, Senior Buyer, through Ms. Entsminger, Doug Doolittle, Regional Parks and Open Space Director, and John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the proposal submitted by Jeff Cotton, dba 1more.com, in response to Request For Proposal No. 2508-06 for Producer/Promoter Services for the Robert Z. Hawkins Summer Concert Series as negotiated by staff, be accepted. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute a three year Professional Services Agreement for the same upon approval of the District Attorney's Office and the Risk Manager in the estimated annual amount of between \$28,750 and \$43,125, depending on the number of successfully booked and completed concerts (between 10 and 15 concerts), subject to an escalation clause of five percent in the second year and seven and a half percent in the third year.

**06-225            HURRICANE KATRINA UPDATE – CAROLINE PUNCHES –  
RED CROSS NORTHERN NEVADA CHAPTER EXECUTIVE  
DIRECTOR**

Caroline PUNCHES, Red Cross Northern Nevada Chapter Executive Director, addressed the Chapter's response to Hurricane Katrina, the volume of donations received from Northern Nevada citizens, and what was learned. She said it was important to develop goals and objectives and to work in conjunction with other agencies to prepare for the next disaster. She warned about becoming complacent. She said the response to Katrina occurred while continuing regular local relief efforts. She discussed the impact of the hurricane on those efforts and on regular ongoing training. She placed a written copy of the update and several newsletters on file with the Clerk.

In response to Commissioner Weber, Ms. PUNCHES said financial contributions designated for Hurricane Katrina went to that effort. She stated the Board and individuals could help by donating money towards Red Cross operations and to make preparations here for the next local emergency. She said the local chapter's web site was [www.nevada.redcross.org](http://www.nevada.redcross.org) and the phone number was 775-856-1000.

Commissioner Weber commended the organization. She said the organization was there for the community when it was needed, but an organization does not survive on its own and needed help. Ms. PUNCHES reminded everyone that Congress mandated the service without providing funding.

Ms. PUNCHES invited everyone to attend the Heroes Breakfast on Thursday, March 30th at 7:30 a.m. at Harrah's in downtown Reno. She said 40 people from the area would be honored for either an outstanding humanitarian effort or for saving a life.

06-226

**CASH DONATION – ROBERT Z. HAWKINS FOUNDATION –  
PURCHASE SOUND EQUIPMENT – ROBERT Z. HAWKINS  
AMPHITHEATER – PARKS**

Sam Dehne, local resident, complained about not being invited to the Heroes Breakfast. Commissioner Humke said Mr. Dehne was not on topic. Chairman Larkin requested Mr. Dehne keep on subject. Mr. Dehne said he segued for seven seconds, and he requested extra time for the fool butting in on him. Commissioner Humke again said the speaker was not on topic. Mr. Dehne said Chairman Larkin should control the meeting and stop the fool butting in on him. Chairman Larkin stated Mr. Dehne had one minute and sixteen seconds left. Mr. Dehne said getting a better sound system for the amphitheater was a good idea, and he addressed the problems with the existing equipment.

Upon recommendation of Rosemarie Entsminger, Fiscal Compliance Officer, through Doug Doolittle, Regional Parks and Open Space Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the cash donation in the amount of \$18,500 from the Robert Z. Hawkins Foundation for the purchase of additional sound equipment for the Robert Z. Hawkins Amphitheater located within the Bartley Ranch Regional Park be accepted with the gratitude of the Board. It was further ordered that Finance be directed to make the following budget adjustments:

Account Number	Description	Amount
<b>Increase Revenue:</b>		
IN20021-484000	Hawkins Amphitheater Donations	\$18,500
<b>Increase Expenditure:</b>		
IN20021-711504	Equipment Less Than \$10,000	\$18,500

06-227

**CASH DONATION – RESOLUTION OF APPRECIATION –  
DAVID SHADDRICK – BREE MEGAN SHADDRICK GARDEN  
IMPROVEMENTS – WILBUR D. MAY ARBORETUM – PARKS**

On behalf of the Board, Commissioner Galloway read and presented the resolution to Bill Carlos, Regional Parks and Open Space, who accepted for David Shaddrick. Mr. Carlos said staff would make every effort to complete the garden within the next year.

Upon recommendation of Rosemarie Entsminger, Fiscal Compliance Officer, through Doug Doolittle, Regional Parks and Open Space Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the cash donation in the amount of \$40,000 from Mr. David Shaddrick to be used for improvements to the Bree Megan Shaddrick Garden be accepted with the gratitude of the Board and Chairman Larkin be authorized to execute the following resolution:

**RESOLUTION OF APPRECIATION**

**WHEREAS**, Mr. David Shaddrick has donated over \$44,000 to the development of the Bree Megan Shaddrick Garden in the Wilbur D. May Arboretum; and

**WHEREAS**, Mr. David Shaddrick is a consulting geologist and an active member of the Geological Society of Nevada and a dedicated supporter of the Wilbur D. May Arboretum; and

**WHEREAS**, Mr. Shaddrick has actively pursued creating a place of beauty, solitude and solace for family and friends in memory of his daughter Bree Megan Shaddrick which will be enjoyed by the community; and

**WHEREAS**, By creating the Bree Megan Shaddrick Garden, Mr. Shaddrick is creating a place of peace and beauty for the community to enjoy; now, therefore be it

**RESOLVED**, That the Washoe County Board of Commissioners expresses their appreciation and respect for the example Mr. David Shaddrick has shown in support of the Wilbur D. May Arboretum, the Arboretum Masterplan, the Arboretum’s goal of creating places of beauty, his support of using native plant species, and his dedication to enhancing the lives of family, friends and the quality of life in our community.

It was further ordered that the Budget Division be directed to make the following budget adjustments:

<b>Account Number</b>	<b>Description</b>	<b>Amount</b>
<b>Increase Revenue:</b>		
IN20034-484000	Arboretum Donations	\$40,000
<b>Increase Expenditure:</b>		
IN20034-710205	Repair and Maintenance	\$40,000

**3:32 p.m.** Commissioner Galloway temporarily left the meeting.

**06-228      APPROPRIATION ADJUSTMENTS – BASEBALL STADIUM AND DEBT SERVICE FUNDS – FINANCE**

Katy Singlaub, County Manager, stated the appropriation adjustments would use already collected funds that had not been expended on design costs to pay down the debt. She confirmed this would save approximately \$45,000 in interest costs and additional debt could be issued when needed. She said the partial redemption would not jeopardize the funding of the baseball stadium design when a project was approved.

Sam Dehne, local resident, complimented Ms. Singlaub for indicating the exact amount of money involved for this item. He compared this item to a Ponzi scheme

and wanted to know where the money was. He wondered how long the taxes would be collected from citizens for a project that was not going anywhere.

Gary Schmidt, local resident, stated he opposed the redemption. He said the bonding needed to be revisited because this was a regional project. He stated any participation should be conditioned on it being identified as such and it going through the appropriate approval process. He recommended a location for the baseball stadium somewhere on Fourth Street between Reno and Sparks where it could help draw the two communities together.

Upon recommendation of Anna Heenan, Senior Fiscal Analyst, through John Sherman, Finance Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Galloway temporarily absent, Chairman Larkin ordered that the appropriation adjustments in the Baseball Stadium Fund and the Debt Service Fund in the amount of \$1,180,000 for partial redemption of the Minor League Baseball Stadium Project Revenue Bonds be approved. It was further ordered that Finance be directed to make the following adjustments:

<b>Account Number</b>	<b>Description</b>	<b>Amount</b>
Adjustments within the Baseball Stadium Fund:		
Increase:		
409500-813001	Baseball Stadium transfer to Debt Service Fund	\$1,180,000
Decrease:		
BB409501-710100	Baseball Stadium Professional Services	\$1,180,000
Adjustments within the Debt Service Fund:		
Increase Revenue:		
450665-624095	Revenue received from the Baseball Stadium Fund	\$1,180,000
Increase Expenditures:		
450665-792100	Principal	\$1,038,990
450665-792200	Interest	\$141,010

**3:36 p.m.** Commissioner Galloway returned to the meeting.

**06-229**      **CONTRACT – TAX BILLING/COLLECTIONS SOFTWARE – FINANCE/TREASURER/IT**

Bill Berrum, Treasurer, said the process of upgrading the tax billing and collection system started 11.3 years ago. He discussed why it had taken so long to get to where it was today. He identified the team that was part of the selection process, as detailed in the staff report dated February 8, 2006. He stated Manatron, Inc. was one of the leaders in putting together tax collection programs.

In response to Chairman Larkin, Mr. Berrum said the efficiencies that would be achieved by the new system were speed, the ability to take partial payments, getting money in the bank sooner, and customer service. He emphasized customer service

would be enhanced by the ability to process all kinds of payments more rapidly, while being friendlier to the customer.

John Sherman, Finance Director, interjected one of the most compelling functionalities of the system was that taxpayers could now pay their tax bills over the Internet, which had been a priority of the Commission for some time.

Gary Schmidt, local resident, stated the Treasurer's Office was one of the most customer friendly organizations in the County. He asked if the system was designed to calculate property taxes. Chairman Larkin requested Mr. Schmidt confine his comments to the acquisition of a tax collection system. Mr. Schmidt said he was commenting on the tax calculation that was done by the Treasurer's Office. He asked if the new system was capable of handling the new tax formulas.

In response to Commissioner Galloway, Mr. Berrum said the system calculated tax bills. He confirmed last year's Legislation complicated an already complex system. He said, as part of the contract, Manatron, Inc. provides Legislative upgrades as part of the package.

Upon recommendation of Mr. Sherman, Mr. Berrum, and Matt Beckstedt, Information Technology (IT) Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that:

1. The contract with Manatron, Inc. in the amount of \$2,238,000 to purchase tax billing and collections software and implementation services be approved and Chairman Larkin be authorized to execute the same, and
2. The acquisition of miscellaneous software/hardware in the amount of \$52,000 be approved, and
3. A change order budget in the amount of \$80,000 for the project be approved and the Finance Director be authorized to approve, upon concurrence of the County Treasurer, change orders to the project contract up to the budgeted change order amount, and
4. A \$90,000 increase in the Treasurer's budget for temporary staff support and out-of-class pay be approved, and
5. The creation of one additional IT Systems Developer II for 16 months be approved and the IT Department's budget be increased by \$105,000.

**06-230      UPDATE – FOREST PLAN REVISION – HUMBOLT-TOIYABE  
NATIONAL FOREST – COMMUNITY DEVELOPMENT**

Michael Hampton, Region 4, Toiyabe National Forest, Supervisor's Office Planning Staff, provided an update to the Board on the progress of the Humboldt-Toiyabe

National Forest Plan revision as outlined in the Summary, which was placed on file with the Clerk.

**3:52 p.m.** Commissioner Humke temporarily left the meeting.

Chairman Larkin commented on the trend, at least locally, that under the umbrella of the Forest Plan there was an area activity plan of specific actions. He asked if these area activity plans would dovetail into the new planning concept and if this process would facilitate the identification of federal lands for disposal. Mr. Hampton replied the Forest Plan sets a broad umbrella-type direction for the allocation of lands and the primary purposes of the different parcels of land in the Humboldt-Toiyabe National Forest. He stated the District Ranger would continue to work on the more specific plans and projects, such as local area transportation plans, that all fall under the broad guidance of the Forest Plan. He said the President proposed selling some National Forest lands and using the funds to assist rural schools in lieu of giving it to counties. He stated he did not have specifics on the development of that proposal or what it meant locally.

Commissioner Galloway asked if the plans for the abatement of excess fuels would be done similar to a Capital Improvement Plan. Mr. Hampton said the Forest Plan would only incorporate broad national-regional policies and set broad direction for the forest on what objectives where to be met. He stated it was designed to be a 15-year guidance document that would not contain specific funding or project information.

Commissioner Galloway asked if Mr. Hampton could share the excess fuels plan and wildland fire protection projects with the Board at a later date. He hoped the list would include projects without funding that should be done. Mr. Hampton said there was a five-year fuels reduction action plan that falls under the Forest Plan, and the Carson Ranger could provide the Board with that information.

**4:00 p.m.** Commissioner Humke returned to the meeting.

**06-231**      **APPOINTMENT – INCLINE VILLAGE/CRYSTAL BAY CITIZEN  
ADVISORY BOARD – COMMUNITY DEVELOPMENT**

Commissioner Galloway said he had discussed the appointments to the Incline Village Citizen Advisory Board (CAB) with Gene Brockman, Incline Village General Improvement District (IVGID) Chairman, after he raised the issue of whether it was okay to have an actual Board member serve on a CAB. Commissioner Galloway said he decided to go forward with the appointment, and staff could comment on it later.

On recommendation of the IVGID Board of Trustees, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Gene Brockman replace Beverly Mapps as the IVGID Representative and Beverly Mapps replace Bill Horn as the IVGID Alternate on the Incline Village/Crystal Bay CAB with terms beginning February 28, 2006 and ending when IVGID recommends a different representative from its Board.

**BILL NO. 1468 – AMENDING WCC 110 – DEVELOPMENT CODE**  
**AMENDMENT DC03-007 – GARAGE SETBACKS AND CORNER**  
**LOT DEFINITION – COMMUNITY DEVELOPMENT**

Eva Krause, Planner, said this started in 2003 with a variance request to build a garage in a side yard. She said staff had determined it was a side yard; but the applicant questioned that determination because the side yard was created by the road curving around the lot, which did not meet the definition of a corner lot in the Development Code. She discussed the history of the variance that concluded with the case going to court. She stated staff was asked to review the Development Code to make sure the definition of a corner lot was clear. She said, during the review, questions surfaced regarding the placement of garages in Incline Village and setbacks from easements.

Ms. Krause discussed the requirements in the Code for garages and the modifier created for the Lake Tahoe area that allowed a garage on a steep slope to be placed at the zero setback line as a detached accessory structure. She stated eventually developers saw the modifier as a loophole for building larger garages and garages containing other accessory uses on the front property line. Ms. Krause said neighbors were not aware of these structures prior to them being built because no variance was required. She stated a second problem was streets in Lake Tahoe often do not run down the center of the right-of-way, and the property line was at the edge of the pavement in some cases. She said large garages were being built right on the edge of the street causing a safety hazard, and that was an allowed use the way the Code was written. She stated the third problem was people converting their existing garages into living space and then using the modifier to build a new garage. Ms. Krause discussed the conditions this Ordinance added to the Code that would solve these problems.

Commissioner Galloway felt the problem was the narrowest streets had no setbacks, and Ms. Krause agreed. She said these Code changes had been reviewed by the Planning Commission, and no problems were identified. She stated the garage setback changes only affected Lake Tahoe, but the other two changes were Countywide.

Bill No. 1468, entitled, "AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE, CHAPTER 110, ARTICLE 220, 406 AND 902, BY LIMITING THE SIZE OF GARAGES BUILT ON THE FRONT PROPERTY LINE, TO INCLUDE SETBACK REQUIREMENTS FROM STREETS, MODIFICATION OF DETACHED ACCESSORY STRUCTURES SITING REQUIREMENTS; ARTICLE 406 BUILDING PLACEMENT STANDARD, TO REQUIRE A SETBACK ON ANY EASEMENT THAT IS MAINTAINED BY THE COUNTY; ARTICLE 902 DEFINITIONS, TO CLARIFY THAT A CORNER LOT MAY EXIST WHEN ONE STREET CURVES AROUND A LOT BUT DOES NOT FRONT ON TWO OR MORE STREETS; 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.

06-233

**BILL NO. 1469 – AMENDING WCC CHAPTER 80 – LIST OF QUALIFIED GENERAL APPRAISERS – APPRAISALS OF COUNTY REAL PROPERTY – PUBLIC WORKS**

Tom Gadd, Public Works Director, stated this Ordinance brought the Code into compliance with two bills recently passed by the Legislature.

Bill No. 1469, entitled, "AN ORDINANCE AMENDING CHAPTER 80 OF THE WASHOE COUNTY CODE (PUBLIC WORKS; BUILDING AND SAFETY; COUNTY PROPERTY); BY ADDING SECTIONS ESTABLISHING THE PROCEDURES FOR CREATING AND AMENDING A LIST OF QUALIFIED GENERAL APPRAISERS TO CONDUCT APPRAISALS OF REAL PROPERTY OFFERED FOR SALE OR LEASE BY THE COUNTY AND A PROCESS FOR THE SELECTION OF APPRAISERS; AND OTHER MATTERS PROPERLY RELATED THERETO," was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

06-234

**TRANSFER – GENERAL FUND CONTINGENCY – HIDDEN VALLEY NEIGHBORHOOD PARK CONSTRUCTION – PARKS**

Katy Singlaub, County Manager, said this item was discussed at the February 14th meeting and brought back because Commissioner Humke had asked if staff could find additional funds. She stated staff had looked at options for authorizing transfers that would come from other funds to be paid back when the Park Construction Tax Fund was replenished. She described the three options before the Board. She stated agreement had been secured from the bidder to hold the bid open until March 1st.

Melanie Foster, Legal Counsel, stated there had been several situations where the residential construction tax from one park district was either shared with another district to build a park for the benefit of both districts or moved to build in one area and replenished from the original district's funds. She said there was also precedent for using General Fund money in this situation.

Ms. Singlaub said, after a review of the estimated construction build out in the area, staff was confident that the funds would be replenished. She requested that the motion direct the funds be replenished as they were available from the Park Construction Tax Fund for that district if the Board chose to borrow money from another source.

Commissioner Galloway indicated he supported Option B because that would not create a perception that another park fund was being robbed.

Commissioner Sferrazza stated the General Fund should not be subsidizing parks. He said, unless the General Fund would be paid back with interest at the going rate, he would not support Option B.

Commissioner Humke asked if it was permissible to borrow against the fund as long as it was replenished by payments from within the district if it did not cross park district lines.

Doug Doolittle, Regional Parks and Open Space Director, stated there were three sub-districts in District 3. He said the two that were not in the Hidden Valley area had \$400,000 available. He discussed the add alternates that were not part of the basic bid.

Commissioner Humke recommended fundraising for discretionary items that would not be placed in an ordinary park, such as what was done for certain water features that were put in the Sun Valley Park. He asked if there was an estimate on how quickly funds could be assessed against new lots so the General Fund Contingency could be repaid. Mr. Doolittle replied it depended on the building permits issued for those lots, and 32 lots had been identified that would be available within the next year to a year and a half. He discussed future construction in the area and the Park Construction Tax.

Laura Carman, Hidden Valley Homeowner's Association representative, indicated the Association did not favor Option A. She said Options B and C were a tossup. She discussed the park, borrowing, repayment of the borrowed funds, paring down the improvements, and fundraising.

Don Skiba, local resident, said there was a promise that the tax money would be used to build something at the park.

Commissioner Galloway felt there had been some precedent for not paying interest on other things of this nature. He said the neighborhood park improvements facilitate the regional park that was right next to it. He stated there would be nothing to stop anyone from using the amenities in the neighborhood park when the regional park got into full swing.

Commissioner Sferrazza said, if the Board did this, he would be asking for money for Paradise Park. He said this set a bad precedent. He reiterated he did not support Option B.

Commissioner Humke discussed the history of the park construction contract and the increase in construction costs. He stated there were 10 valid bids, which did not indicate a lack of competition.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza voting "no," it was ordered that the transfer of \$122,083 from General Fund Contingency to the project account be approved, a contingency account for the project in the amount of \$28,000 be established, and the General Fund Contingency be replenished as the Park Tax is collected. It was further ordered that the contract to construct the Hidden Valley Neighborhood Park be awarded to Sierra Nevada Construction in the amount of \$564,007 and Chairman Larkin

be authorized to execute the contract documents upon receipt. It was also ordered that Finance be directed to make the appropriate budget adjustments.

**06-235            AGREEMENT – FISH SPRINGS RANCH, LLC – WATER IMPORTATION PROJECT – WATER RESOURCES**

Katherine Snedigar, local resident, said she was not in favor of taking water from one community and sending it to another community for further development or for the highest and best use.

Juanita Cox, Sparks resident, stated she was not in support of a block vote on items, as it limited the amount of time citizens could speak on items. She voiced her opposition to the agreement.

Chairman Larkin clarified citizens had two minutes to speak on each item.

Commissioner Galloway explained the agreement benefited the public because it allowed water that was not yet going to development to be used in the interim by Washoe County. He clarified water was a private property right in Nevada.

Commissioner Sferrazza inquired if the agreement would provide for the ability to use the water to inject the groundwater system in Golden Valley.

County Manager Katy Singlaub confirmed there was a provision in the agreement that water rights that were available and had not been committed would be available for recharge.

Upon recommendation of Vahid Behmaram, Water Rights Manager, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Water Banking Trust Agreement between Washoe County and Fish Springs Ranch, LLC, concerning enabling Fish Springs Ranch, LLC to proceed with its water importation project from Fish Springs Ranch in Honey Lake Valley to the North Valleys (Lemmon Valley and Golden Valley), be approved and Chairman Larkin be authorized to execute the same.

**06-236            AGREEMENT – CENTEX HOMES – BELLA VISTA RANCH – WATER RESOURCES**

Juanita Cox, Sparks resident, said she did not support the agreement and questioned the impact it would have on the people in the surrounding areas.

County Manager Katy Singlaub clarified the water that would be used for the development was water that was part of the retail system in that area, and it was not new water. She explained Centex Homes would be funding the expansion of the water treatment plant. She noted they would also build and dedicate all the necessary water

transmission and storage facilities necessary to transport water to the development and serve the development.

Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Bella Vista Ranch Water Facilities Agreement between Washoe County and Centex Homes be approved and Chairman Larkin be authorized to execute the same.

**06-237            GRANT, BARGAIN, AND SALE DEED – REYNEN & BARDIS –**  
**CIMARRON EAST, LLC – WATER RESOURCES**

Upon recommendation of Thomas Kelly, Senior Licensed Engineer, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that a deed for a tank site parcel and booster pump parcel, including improvements, from Reynen & Bardis – Cimarron East LLC, be accepted. It was further ordered that the Chairman be authorized to sign the deed and the Engineering Manager be directed to record the deed at the office of the County Recorder.

**06-238            AGREEMENT – MARCUS G. FAUST – LOBBYING SERVICES –**  
**WATER RESOURCES**

Katherine Snedigar, local resident, stated she was not in support of a lobbyist who would work for the County to take water from people in the community.

Gary Schmidt, Washoe County resident, said he was opposed to any governmental body using taxpayer dollars at any level to engage in lobbying services in the State of Nevada that was not in compliance with the Open Meeting Law.

County Manager Katy Singlaub explained Marcus G. Faust, P.C. was a federal lobbyist, and he worked in Congress on behalf of the County. She said any lobbying that he performed was pursuant to the Board's publicly determined priorities.

Commissioner Galloway expressed Mr. Faust's work had nothing to do with taking people's water. He acknowledged the County would not have been able to help homeowners obtain sewer service if it had not been for the work of Mr. Faust.

Upon recommendation of Jerry McKnight, Finance and Customer Service Manager, through Steve Bradhurst, Water Resources Director, and Naomi Duerr, Truckee River Flood Management Project Director, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, it was ordered that an agreement between Washoe County and Marcus G. Faust, P.C., concerning congressional and federal agency lobbying services, in the amount of \$97,335, plus travel expenses over a 12-month period, be approved and Chairman Larkin be authorized to execute the same.

**06-239**            **FINANCIAL REPORT – SIX MONTHS ENDED DECEMBER 31, 2005 – UNAUDITED – WATER RESOURCES**

Juanita Cox, Sparks resident, said she was concerned that the report was unaudited.

Katherine Snedigar, local resident, questioned how the Board could accept a financial report that was not audited.

County Manager Katy Singlaub clarified financial reports were not audited every month. She stated these financial reports were provided to the Board on a regular basis in preparation for the auditing of financial reports that occurred once a year. She said the County agreed to provide this information to the public and to the Board on a more frequent basis.

Upon recommendation of Wendy Bennett, Accountant II, and Jerry McKnight, Finance and Customer Service Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that the Financial Report for the Water Resources Department for the six months ended December 31, 2006 (unaudited) be accepted.

**06-240**            **BILL NO. 1470 – COMPENSATION SCHEDULE – AMENDING NAME OF INCUMBENT – LOCAL MANAGING BOARD**

Bill No. 1470, entitled, " AN ORDINANCE AMENDING THE COMPENSATION SCHEDULE FOR MEMBERS OF THE LOCAL DISTRICT MANAGING BOARD FOR THE SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT, AND AMENDING THE NAME OF THE INCUMBENT FOR SEAT #3 ON THE LOCAL MANAGING BOARD TO REFLECT CURRENT MEMBERSHIP. THIS ORDINANCE REPEALS ORDINANCE NO. 1258," was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

**6:05 p.m.**        The Board recessed.

**6:45 p.m.**        The Board reconvened with all members present.

**06-241**            **ORDINANCE NO. 1286 – BILL NO. 1465 – AMENDING WASHOE COUNTY REQUIREMENTS AND SCHEDULE OF RATES AND CHARGES FOR WATER SERVICE**

**5:30 p.m.**        This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on February 10, 17, and 24, 2006 to consider second reading and adoption of Bill No. 1465. 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.

Commissioner Galloway commented County staff worked hard to stay on top of the rates and make them accurate.

Commissioner Sferrazza asked if there was a comparison between the County's rates and the rates of the Truckee Meadows Water Authority (TMWA).

Jerry McKnight, Finance and Customer Service Manager, reviewed the staff report dated January 26, 2006 and pointed out the rate comparison graph. He noted the systems were different because the County system was primarily a groundwater system, and TMWA was a surface water system.

Commissioner Sferrazza inquired if the proposed rates would be close to the TMWA rates. Mr. McKnight said the proposed rate change would place the base rates closer, and he explained what was covered in the base rates for the County.

Chairman Larkin asked if there was a discount program available for seniors and low-income individuals. Mr. McKnight stated that was a recommendation of the Rate Review Committee, and the issue was submitted to the District Attorney's Office. He clarified the report from the District Attorney's Office said that would result in a subsidization between customer classes, and that was not allowed under an enterprise fund. Mr. McKnight added that was questioned by staff because a senior discount was allowed in the past. He confirmed in the past there were other funding sources that were available to help meet that requirement. He acknowledged the position of the District Attorney was that issue could not be authorized in the current Ordinance for water service.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Humke voting "no," Chairman Larkin ordered that Ordinance No. 1286, Bill No. 1465, entitled, "**AN ORDINANCE AMENDING REVISING THE WASHOE COUNTY REQUIREMENTS AND SCHEDULE OF RATES AND CHARGES FOR WATER SERVICE WITHIN CERTAIN AREAS OF WASHOE COUNTY; REQUIRING THE DEPARTMENT OF WATER RESOURCES, UTILITY SERVICES DIVISION, TO SUBMIT BILLINGS TO ALL WATER USERS WITHIN THE CERTAIN AREAS; REQUIRING PAYMENT THEREOF; AND PROVIDING PROCEDURES FOR ITS ENFORCEMENT. THIS ORDINANCE REPEALS ORDINANCE NO. 1261,**" be approved, adopted and published in accordance with NRS 244.100.

**06-242            BUSINESS IMPACT STATEMENT – ORDINANCE NO. 1286**

Upon recommendation of Jerry McKnight, Finance and Customer Service Manager, through Steve Bradhurst, Water Resources Director, on motion by

Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Humke voting "no," Chairman Larkin ordered that the Business Impact Statement for Ordinance No. 1286, amending the Washoe County schedule of rates and charges for water service within certain areas of Washoe County, be approved and the County Clerk be directed to make the findings available upon request.

**06-243            RESOLUTION – ADOPTING ORDINANCE NO. 1286 –  
AMENDING WASHOE COUNTY REQUIREMENTS AND  
SCHEDULE OF RATE AND CHARGES FOR WATER SERVICE**

Upon recommendation of John Rhodes, Deputy District Attorney, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Humke voting "no," it was ordered that the following resolution be adopted and Chairman Larkin be authorized to execute the same:

**RESOLUTION**

**A RESOLUTION ADOPTING AN ORDINANCE AMENDING THE WASHOE COUNTY REQUIREMENTS AND SCHEDULE OF RATES AND CHARGES FOR WATER SERVICE WITHIN CERTAIN AREAS OF WASHOE COUNTY, PROVIDING PROCEDURES FOR ITS ENFORCEMENT, AND REPEALING ORDINANCE NO. 1261**

**WHEREAS**, the proposed Ordinance Amending the Washoe County Requirements and Schedule of Rates and Charges for Water Service Within Certain Areas of Washoe County, and Providing Procedures for its Enforcement has been previously discussed and considered at public meetings by the Board of County Commissioners of Washoe County; and

**WHEREAS**, the proposed Ordinance Amending the Washoe County Requirements and Schedule of Rates and Charges for Water Service Within Certain Areas of Washoe County was recommended for approval by the Director of the Department of Water Resources; and

**WHEREAS**, the proposed Ordinance Amending the Washoe County Requirements and Schedule of Rates and Charges for Water Service Within Certain Areas of Washoe County was presented to the Board of County Commissioners of Washoe County in a first reading on January 24, 2006; and

**WHEREAS**, pursuant to NRS 318.199 the Board of County Commissioners may take action after the public hearing and approve a Resolution Adopting an Ordinance Amending the Washoe County Requirements and Schedule of Rates and Charges for Water Service Within Certain Areas of Washoe County, and Providing Procedures for its Enforcement.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Board of County Commissioners of Washoe County, as follows:

1. The Ordinance Amending the Washoe County Requirements and Schedule of Rates and Charges for Water Service Within Certain Areas of Washoe County, Providing Procedures for its Enforcement, and Repealing Ordinance No. 1261 is hereby approved and adopted, and;
2. The Board of County Commissioners finds that this Ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.

**06-244            APPEAL CASE NO. AX06-003 – COMPREHENSIVE PLAN**  
**AMENDMENT CASE NO. CP05-011 – COMMUNITY**  
**DEVELOPMENT**

**5:30 p.m.** This is the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* and mailed to affected property owners on February 17, 2006, to consider an appeal of the Planning Commission's denial of Comprehensive Plan Amendment Case No. CP05-011, to amend the Tahoe Area Plan, being a part of the Washoe County Comprehensive Plan, as authorized in Article 110.820, Amendment of Comprehensive Plan, of the Washoe County Development Code. The amendment would allow timeshare development in High Density Suburban (HDS) areas within 1,500 feet of a recreational facility in the Tahoe Area Plan and meeting certain conditions. The amendment is not project or parcel specific. Affected properties will be located in the Incline Village Citizen Advisory Board boundary and Washoe County Commission District No. 1. 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 Appeal Case No. AX06-003.

Eva Krause, Planner, reviewed the agenda memorandum dated January 30, 2006 outlining Appeal Case No. AX06-003. She presented a map of the area and noted the letters received from citizens concerning the appeal.

Wayne Ford, area resident, spoke in opposition to the amendment to allow timeshare development in the Incline Village area, and he discussed the map presented by Ms. Krause.

Jane Hoff, Tyrolian Village resident, remarked she was the initiator of the petition to stop the zoning change requested by Paul Zahler. She noted 347 people signed the petition. She presented maps and addressed the steepness of the roads in the area and parking issues. Ms. Hoff confirmed there was one road in and out of Tyrolian Village, and it was not a public road. She said the roads in Tyrolian Village did not meet County

standards, and she questioned if the Incline Village Citizen Advisory Board (CAB) understood the full impact of the zoning change when they voted to support it. She wanted the public to decide on timeshares around the Tahoe Basin. She stressed there were differences between timeshares and vacation rentals, and a zoning change would be detrimental to the community.

Bob Hoff, Tyrolian Village resident, stated Mr. Zahler's sole interest was the development of his parcel of land; and he was not interested in the other impacted areas. He read comments from the Planning Commission that were included in the staff report. He stated 347 votes spoke for the general public, and the public did not want timeshares in the rest of Incline Village.

Kristina Hill, Tyrolian Village Association Board, said the proposed amendment would increase density because the Tahoe Regional Planning Agency (TRPA) currently prohibited multifamily development in those areas. She stated timeshares involved a more intense use compared to regular vacation rentals. She noted the traffic generation of vacation timeshares compared to other residential uses was incorrectly presented in the documents. Ms. Hill confirmed the Planning Commission did the right thing by recognizing this was not what Incline Village needed, and they denied the amendment. She asked the Board to consider the foresight of the Planning Commission and deny the appeal.

Geoffrey White, Incline Village resident, stated he did not want timeshares to occur in Incline Village. He said timeshares would negatively impact traffic, increase accidents, and place a burden on area recreational facilities. He encouraged the Board to uphold the Planning Commission's decision.

Sally White, Incline Village resident, voiced her opposition to the timeshare units. She said they would be an unlawful intrusion into an alpine area.

Robert Westervelt, Incline Village resident, said Commissioner Galloway should recuse himself from the hearing because he was a close friend of Mr. Clark and Mr. Zahler who were involved in this matter. He said they both donated money to Commissioner Galloway's campaigns. He stated the zoning change would impact the entire area of Incline Village.

Philip GilanFarr, applicant's representative, explained the request for an appeal was submitted because the Planning Commission did not provide a factual finding that would create a basis for denial based on County policy decisions. He remarked the Planning Commission comments addressed an influx of drivers who would not be familiar with the weather in the area and driving conditions; however, they did not consider the fact that traffic would be reduced with a timeshare. Mr. GilanFarr pointed out water and sewer impacts were not studied. He verified this was a request for a code amendment, and a project specific application would come at a later date. He said the project would not adversely change the character of Incline Village, and it would not impact the density or the use of the community. He noted he lived in the community his

entire life and recognized it as a vacation destination resort area. He said the developer asked TRPA to allow for the vacation timeshare use. Mr. GilanFarr clarified TRPA only allowed timeshares in the tourist commercial areas, and he pointed out the areas on a map. He said TRPA adopted a 2.2-acre site in one area of Tyrolian Village with findings to be adjacent to a recreational facility, and they provided specific requirements that the density could not exceed that of the community. He said the developer requested a provision for eight units on the site, and TRPA allowed that and voted for that. He explained why the map Ms. Hoff presented to the community was incorrect, and he noted that same map was presented to Planning Commission. He displayed where the timeshares would be allowed if the amendment was approved. He requested the Board ask the Planning Commission to reconsider this amendment on the basis that there was compliance with the policies and programs, and it would be compatible with the community. Mr. GilanFarr added a number of restrictions the development code would adopt would create a special use permit requirement for the project specific.

Mr. Zahler, applicant and developer in Incline Village, explained the project was brought to the Tyrolian Village Homeowners Association before it was designed, and the intent of the project was presented to them. He noted the project ran into a problem with a Transit Oriented Development (TOD) finding that should not have been considered on the four-unit parcel. Mr. Zahler confirmed the project could not meet the TOD findings. He said TRPA allowed the sub-division of the four proposed units into an eight-unit project because they felt timeshare was an appropriate use. He commented the unit looked like a free standing home, it did not have a high traffic density use, and it was an appropriate size project for the parcel.

Joe Pomroy, Incline Village General Improvement District (IVGID), stated at the Planning Commission meeting the District asked for additional time to consider impacts for water and sewer concerning the proposed plan amendment. He said Washoe County staff provided that additional information, and it was concluded the proposed plan amendment would not have a significant impact to existing water supply and sewer treatment capacity.

Katherine Snedigar, local resident, stressed the issue impacted people living in the area. She stated the Board was under the 5th Amendment of the Constitution to protect the people who lived in Tyrolian Village and Incline Village from developers who were in it for profit.

In rebuttal, Ms. Hoff talked about the steepness and size of the road where the building would be placed and said it would not be sensible to build in that location. She stated the people of Incline Village did not want this project, and everyone supported her when she spoke to them about the petition. She noted people were not notified about the matter.

In rebuttal, Mr. GilanFarr stated Washoe County current zoning on the 2.2-acre parcel allowed for the development of 15 units per acre; and the TRPA code would allow 15 units per acre if the TOD findings were met. He said 15 units per acre

could be built on this parcel in the future if the TOD findings did not exist. He confirmed the intent of the developer was to build something that took on the character of the neighborhood. He verified that was what was proposed and what the developer desired to build. Mr. GilanFarr defined a vacation timeshare as a form of ownership with all parties having an interest in the timeshare. He remarked current units in Incline Village had no enforcement opportunity if there was a problem with a vacation rental. He noted a special use permit would allow owners to protect their homes or have a say concerning a neighbor's influence on their home or community. He said the developer was asking for this to occur with the special use findings, which would then provide a public hearing for a project specific. He added discussion about number of intervals, densities, and code issues that could come into play could be discussed at that point.

The Chairman closed the public hearing.

In response to Commissioner Galloway, Ms. Krause confirmed there were no high-density suburban areas within the circle that Mr. Ford discussed during his comments. She explained the properties that were noticed included those shown in orange on the map and those within 750 feet of any lot that was shown in orange. Commissioner Galloway and Ms. Krause discussed the various maps.

Commissioner Galloway asked about Ms. Hill's credentials. Ms. Hill verified she was a professional planning consultant, she was part of the Tyrolian Village Homeowners Association Board of Directors, and she had a degree in Planning from California State at Chico.

Commissioner Sferrazza and Ms. Krause reviewed the various locations of timeshares in Incline Village. In response to Commissioner Sferrazza, she stated there was not a map that showed all the timeshares in Incline Village; and they were not listed as timeshares with the Recorder's Office. She commented she did not know where every timeshare was located in Incline Village because there were older, existing timeshares that were grandfathered in. She explained staff called rental agencies in different areas and asked for that information. She clarified staff had records of those timeshares that involved special use permits. Ms. Krause verified, if this was approved, timeshares would be allowed in the high-density suburban areas and only in those high-density suburban areas within 1,500 feet of a recreational facility. She identified this property as high-density suburban. She said only a single-family residence could be built absent any change. Commissioner Sferrazza disclosed he had not spoken with anyone concerning this matter, and he had not received contribution from anyone involved.

Chairman Larkin and Ms. Krause discussed the possible impact of the amendment and concluded that 538 parcels out of approximately 8,000 parcels in Incline Village would be potentially impacted if this were passed. Chairman Larkin noted this was a percentage of about six percent.

Commissioner Humke confirmed there were people in the audience representing other areas of Incline Village. He asked about the impact of the State Lands

Division letter that was contained in the staff report and for staff's interpretation of the letter. Ms. Krause explained staff informed them of the matter because the State Lands Division owned lots within the community plan in Incline Village. She said the agency was not opposed to the change. Commissioner Humke asked about the IVGID letter and inquired if they were opposed to the change. Ms. Krause said IVGID had withdrawn all questions at this point in time and were not opposed to the matter.

Commissioner Weber noted from the staff report that the property owner could develop this property as a single-family residence with a detached accessory dwelling. She stated she had a hard time supporting vacation timeshares on a two-acre parcel in that area.

In response to Commissioner Sferrazza, Ms. Krause explained most of the timeshares in the Incline Village area were put into the allowed tourist commercial zone; and timeshares were also allowed anywhere in the community plan area. She said it was a possibility for them to seek to rezone to tourist commercial. She noted, if it were rezoned tourist commercial, it would be opened to all tourist commercial uses. She said staff was not in favor of rezoning.

Commissioner Galloway asked if it was fair to say this proposed amendment was motivated by a project, but its impacts were not limited to that project. Ms. Krause agreed. Commissioner Galloway commented a development code amendment would be required to build a timeshare even if this was approved, and Ms. Krause concurred. Commissioner Galloway remarked one of the problems concerning the impact was that people may not realize what the change in the development code would mean, and there could be a big impact. He said a single owner could apply to have their home turned into a timeshare under this amendment, and the only way to stop him would be to deny the special use permit. Commissioner Galloway asked under what grounds could a special use permit be denied. Ms. Krause responded a special use permit could be revoked under non-compliance with conditions.

Chairman Larkin reviewed the staff report and asked what was the policy message to be sent to the community concerning this matter. Ms. Krause responded the policy message would be that timeshare development was compatible with vacation rentals and other residential uses in the community.

Commissioner Humke and Ms. Krause discussed the impacts on each of the circles that were designated on the map. Commissioner Humke commented it would be an increase of 100 percent in the area if the amendment was approved.

Commissioner Sferrazza and Ms. Krause discussed the map and the potential for further timeshare development.

Commissioner Galloway clarified, in this case, Mr. Zahler had already been to TRPA; and he did get an ability under TRPA to change the community plan to allow a timeshare for that parcel. He pointed out the orange parcels on the map and

stated the high-density areas could do the same thing. He said all it would take was a special use permit to go to timeshare if they received approval, and they would be subject to other density restrictions only if the County passed a strict development code amendment. Ms. Krause agreed with Commissioner Galloway's comments.

Chairman Larkin asked how many additional applicants had come forward with proposals such as this, and Ms. Krause said there had been no other requests.

In response to Chairman Larkin and Commissioner Weber, Ms. Krause confirmed that timeshare was consistent with the nature of Tyrolian Village.

Commissioner Humke referenced the staff report dated February 22, 2006 and asked about the trip use table. Ms. Krause said the County Engineer provided the actual trip tables, and she explained the am/pm peak rates and the average daily trip rates for the different living units.

Commissioner Sferrazza said he was convinced by the information presented and comments that the comprehensive plan amendment was not necessary and was not compatible with the surrounding area. He voiced his support for the position of the Planning Commission and said he would uphold their decision.

Commissioner Galloway stated he would not recuse himself from the vote. He said campaign contributions were not a reason to shirk responsibilities and recuse oneself from voting. He confirmed only personal financial interests would cause a recusal, and he had none. Commissioner Galloway noted remarks like those of Mr. Westervelt's raised the level of the acrimony of any decision.

Commissioner Galloway said he agreed with the Planning Commission. He stressed the intent was to solve a problem that existed because the TRPA code was complex. He stated the impacts go beyond this one property, and it was too much to risk. He recognized there was concern about intensification in Incline Village. He remarked this one lot could go from two dwellings to eight dwellings, and similar things could happen elsewhere. Commissioner Galloway commented questions and concerns came up about the accuracy of the traffic table, there were concerns about maintenance, and a single-family house becoming a timeshare. He stated that was not apparent when TRPA approved this, and it was not brought up. He confirmed he supported the Planning Commission's decision and said it should be upheld.

Chairman Larkin commented he had some disagreements with the Planning Commission's findings; however, he would defer to Commissioner Galloway because of his knowledge of the planning procedures with TRPA and knowing what the residents of Incline Village wanted and needed.

Commissioner Weber stated she agreed with Commissioner Galloway. She recognized he was basing his decision on the history he had with the community and TRPA.

Commissioner Humke commented he believed in deferring to the Commissioner in whose district a project was located. He said Commissioner Galloway's reasoning had been well stated. He acknowledged the vagaries of TRPA and said the applicants possibly had other routes they could take to seek approval. He declared it would be too much of a change for the totality of Incline Village and Crystal Bay, and he added this form of intensification would impact too many lots. He confirmed he was not in the habit of going against a unanimous vote of the Planning Commission unless he saw something they did not see, and that was not the case in this situation.

Commissioner Galloway acknowledged it would have taken four out of five Commissioners to reverse the decision of the Planning Commission.

Commissioner Sferrazza remarked he would have deferred to Commissioner Galloway also, but he did not have that opportunity because the Chairman called on him to speak first.

Based on the following findings, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Appeal Case No. AX06-003 be denied and the decision of the Washoe County Planning Commission regarding Comprehensive Plan Amendment Case No. CP05-001 be upheld:

**FINDINGS:**

1. The proposed amendment to the Tahoe Area Plan is NOT in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan.
2. The proposed amendment to the Tahoe Area Plan would result in land uses which are NOT compatible with existing and/or planned adjacent land uses, and will adversely impact the public health, safety or welfare.
3. The proposed amendment to the Tahoe Area Plan does NOT identify and respond to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment does NOT represent a more desirable utilization of land.
4. The proposed amendment to the Tahoe Area Plan will adversely affect the implementation of the policies and action programs of the Conservation Element, the Population Element, and/or the Housing Element of the Washoe County Comprehensive Plan.
5. The proposed amendment to the Tahoe Area Plan does NOT promote the desired pattern for the orderly physical growth of the County or adequately guide development of the County. The proposed amendment does NOT guide 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 Tahoe Area Plan is the first amendment to the 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 Washoe County Planning Commission public hearing, prior to action on the proposed amendment to the Tahoe Area Plan, and the related changes to the text have been properly noticed in a newspaper of general circulation in the County as prescribed under NRS 266.210(1).
8. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.
9. The Washoe County Board of County Commission gave reasoned consideration to information contained within the reports transmitted to the County Commission by the Washoe County Planning Commission and the information received during the Washoe County Commission public hearing.

**06-245            FOREST EMERGENCY RECOVERY AND RESEARCH ACT –  
H.R. 4200**

County Manager Katy Singlaub commented Paul Hefner, Fire Services Coordinator, supported this legislation.

Commissioner Sferrazza commented he could not support this without additional information and hearing from conservation groups as to the impact of this legislation, particularly in terms of enabling clear cutting in forest areas that would not otherwise be able to occur. He stated it was framed to say this would only be used to cut trees in burned areas that would otherwise rot, but he did not believe that was truly what the legislation said. Commissioner Sferrazza remarked he was concerned about voting on legislation without hearing a debate on it.

Commissioner Galloway remarked he asked for this agenda item at the request of Bruce Kranz, Placer County Supervisor. He affirmed Placer County did endorse this bill. He explained a key feature of the Forest Emergency Recovery and Research Act (H.R. 4200) was that, in the event there was a catastrophic fire, this bill allowed an expedited procedure for the Secretary of the Interior to harvest and remove dead and dying trees caused by the incident. Commissioner Galloway said the agency would not have to go through an environmental process that would impact the removal of the trees and cause them to be unaffordable because they were not useful for lumber after a certain length of time. He noted this legislation could possibly offset some of the Forest Service and Bureau of Land Management (BLM) costs for completing these procedures. He acknowledged he was not asking the Board to support everything in the

bill, but he suggested support for the content of the bill to the extent that it provided an expedited procedure for the Secretary of the Interior in the event of fire damage to forests.

Chairman Larkin stated this was federal enabling legislation that had a direct relationship to how a county operated.

Ms. Singlaub noted the Congressional Delegation appreciated guidance as to what principles of the bill the Board would or would not favor. She said the Board could give suggestions to the Delegation without giving an endorsement of the bill.

Commissioner Weber asked if NACO had taken a position on this matter, and no one had the answer to her question.

Commissioner Galloway said he would like to communicate to NACO that Washoe and Placer Counties each endorsed certain features of this bill. He commented the bill prohibits clear cutting, and any power given to the Secretary by this bill could not be used for clear cutting. He noted reforestation was required.

Commissioner Humke stated this was a federal issue that concerned forested land within Washoe County and within neighboring counties.

Commissioner Galloway moved that the Board endorse the feature in this bill that allowed the Secretary to have an expedited procedure for removal of dead and dying trees. He noted that was the key public protection feature of this bill. Commissioner Weber seconded the motion.

Katherine Snedigar, local resident, said this looked like a way for the federal government to come onto private property and harvest timber that they think they might be able to turn into lumber without the private property owner's permission. She did not support this action.

Juanita Cox, area resident, stated this was another attempt by the federal government to usurp private individual power. She disagreed with the County supporting a federal action.

Gary Schmidt, Washoe County resident, said it would be appropriate to not act at this time on this item. He commented he would be highly suspect of the portion that gave federal authorities a right to move upon private land on the basis of an emergency recovery.

Commissioner Sferrazza commented he did not see anything in the bill that prevented clear cutting, but he saw the definition under which timber harvesting was permissible. He said it allowed for trees that were already down, dead, and broken, and trees with a high probability of mortality to be harvested. He stated mortality was a certainty for every tree; therefore, he could not support it.

Commissioner Galloway remarked in every court decision ever rendered a high level of proof was required on matters concerning the mortality of trees.

Commissioner Galloway moved to amend the motion to say the Board supported that feature of H.R. 4200 which improved the ability of the Secretary of the Interior and the Secretary of Agriculture to quickly respond to catastrophic events impacting federal lands, including the removal of dead and dying trees; however, the Board's support did not extend to any action on private property without the consent of the private property owner. Commissioner Weber accepted the amendment to the motion.

Commissioner Sferrazza said he could not support the matter because of the language contained in the bill. He stated it was there on purpose, and he did not support the sponsors.

Chairman Larkin commented a bill like this would assist local land managers, and he would support it.

On call for the question, the motion passed on a 4-1 vote, with Commissioner Sferrazza voting "no."

**06-246            LEGISLATIVE ISSUES – SCR 26 SUBCOMMITTEE ACTIVITIES**  
**– LEGISLATIVE AFFAIRS**

John Slaughter, Management Services Director, confirmed staff would be returning to the Board with a list of bill draft requests possibly by the end of March.

Mr. Slaughter announced there would be a joint meeting with the Board of County Commissioners, the Truckee Meadows Water Authority (TMWA) Board, the Sun Valley General Improvement District (SVGID), and the South Truckee Meadows General Improvement District (STMGID) Local Managing Board (LMB) concerning the SCR 26 subcommittee on March 10, 2006.

Steve Bradhurst, Water Resources Director, said there would be a staff report prepared by TMWA for that meeting; and he would be visiting with Lori Williams, Executive Director of TMWA, to discuss the report. He stated it would include the positions of all the boards, and the TMWA Board requested the other boards come to the meeting on March 10, 2006.

Commissioner Galloway discussed the memorandum that included position proposals regarding SCR 26 bill draft dated February 27, 2006. He asked Mr. Bradhurst to comment on the memorandum.

Mr. Bradhurst talked about the role of the entity, as outlined in the memorandum. He said it would be important to make sure the facilities were needed, they were constructed, and there was an entity that had the ability to bring the water into

the area. He commented that could easily be any of the existing utilities that were in the water business. He noted one issue that was evident was the Board did not want to create another level of government and have a new entity that was responsible for construction and operation of an infrastructure that would be providing water to more than one utility.

Mr. Bradhurst commented on decision making, as outlined in the memorandum. He said a high level of agreement was a way to get things done, and it had worked for the Southern Nevada Water Authority (SNWA) for a number of years. He remarked the SNWA model had merit because it worked. He noted the SNWA model was not about consensus and veto. Mr. Bradhurst explained SNWA reported back to the member boards on big issues to confirm a simple majority of support from the member boards before they moved forward.

Mr. Bradhurst stated he agreed with the clarification statement in the memorandum and said it was important to pin down what the entity would be doing.

Commissioner Sferrazza said he was concerned about the role of the entity, as proposed by Commissioner Galloway. He stated he could not support the definition of a new regional facility. He recognized it should be one that was paid for by more than one utility; however, if it was one that was going to be funded completely by an existing utility, he did not see how other utilities could have veto power over that utility's capital plan. He said an existing entity ought to be able to build new facilities without the approval of this new entity, otherwise this new entity was being given greater power than was envisioned. He added the initial purpose of the new entity was to acquire new water resources.

Commissioner Humke asked Mr. Bradhurst to recount why SNWA was created. He inquired if the purpose had been to attain enhanced financing power because some of the projects were massive and several of the entities had to come together if they were to be completed. He asked if there would be any prohibition if Washoe County wanted to build another treatment plant that would be for the existing customers and new customers in the County's service area. He said he did not think the County would have to go to anyone to get permission to do that.

Mr. Bradhurst replied SNWA was created when 30,000 acre-feet of water was left in the Colorado River, and the Secretary of the Interior said all the entities had to come together to gain the water rights. He said they needed to unite in order to go after that water as a group.

Commissioner Humke asked why another staff should be created. He said there should be a bare bones staff at the over-arching level to acquire the water rights and decide how they would be held and used. He emphasized the Legislature would not back the idea of consolidation of the water purveyors in Washoe County.

Gary Schmidt, Washoe County resident, stated he did not support consolidation of competing water entities into one larger governmental entity. He

suggested a bill draft to the Legislature to prohibit any department head of the County from spending taxpayer dollars to engage in the expenditure of time or money on bill drafts or lobbying efforts without first going through a public review process before the County Commission. He said there should be public accountability for the monies spent.

Juanita Cox, area resident, confirmed the individual property owner with water rights was the one element of representation that was missing from this discussion. She said people did not have a voice, and they were not protected by any law.

Chairman Larkin commented on the memorandum from Commissioner Galloway dated February 27, 2006. He said the role of the entity involved the mega structure issue, and he encouraged the Commission to adopt the philosophy, "if an entity had a stake in the action, the entity would gain a vote at the table." He remarked decision-making involved the governance issue, and he supported the language. Chairman Larkin said a high level of agreement was adequate as long as it was inclusionary. In terms of clarification, he stated it was important to communicate to the SCR 26 subcommittee that the County was not issuing a blank check; and the County wanted something that was going to work for everyone involved.

In response to Chairman Larkin, Mr. Bradhurst commented the next step would be to consider meeting with former and present elected officials who served with SNWA. He said that would be beneficial.

Mr. Bradhurst presented a video describing and outlining SNWA.

Commissioner Galloway moved that the Board take the position that, in terms of clarification, the support of Washoe County for a new entity was based on that entity having a role, organizational structure, and other attributes as described by the chart, tables, and related statements by the County Commissioners. Commissioner Humke seconded the motion.

Chairman Larkin clarified that the Commission had endorsed only models one and two, as outlined in the staff report dated February 9, 2006.

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

Commissioner Galloway moved that the Board approve the wording, in terms of decision making, as the voting rules for decisions of the new entity's Governing Board shall require a high level of agreement and shall be as close as practicable to those of SNWA. Chairman Larkin seconded the motion.

Chairman Larkin commented the entire model of SNWA was the focus, and the concept was toward the SNWA model.

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

Discussion followed concerning the role of the entity.

Commissioner Galloway withdrew his suggestion concerning the role of the entity that was in the memorandum.

Commissioner Sferrazza said, if the SNWA model was used, he understood only those entities that wanted to participate in facilities construction would have to. He supported having no entity forced into participating in the cost of facilities construction without their consent.

Commissioner Humke commented the role of the entity was problematic.

Commissioner Galloway remarked staff had heard the sentiments expressed. He said the Board favored the non-corrosive approach that had been followed by SNWA with regard to mega structures and joint ventures. He directed staff to convey that. Commissioner Weber remarked the goal was not to create a new level of government. Commissioner Galloway agreed and said the Board did not want a mega structure bureaucracy.

Mr. Slaughter verified the next meeting of the SCR 26 subcommittee would be in the Commission Chambers at 9:00 a.m. on March 15, 2006. Chairman Larkin confirmed he would bring forward the information from the March 10, 2006 meeting at that time. Mr. Bradhurst further discussed the voting process of SNWA.

Commissioner Humke noted e-mails had been received from the public, and they would be part of the record. He confirmed the Board would represent the people.

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

Commissioner Humke commented on the recent Regional Transportation Commission (RTC) retreat, and he noted his participation in the selection of the new executive director for the Reno-Sparks Convention and Visitors Authority (RSCVA). He welcomed Ellen Oppenheim and said the RSCVA was excited about the positive changes she would bring to the organization.

Commissioner Weber reported on a recent meeting with the Planning Commission and the North Valleys Citizen Advisory Board (CAB) concerning the North Valleys Area Plan. She thanked staff for attending and sharing knowledge about the Area Plan. She said there were about 100 people in attendance. Commissioner Weber announced there would be a meeting on the North Valleys Area Plan at the Red Rock Volunteer Fire Department on March 4, 2006. She noted representatives from Water Resources and the Winnemucca Ranch would be in attendance. She said the people had issues about water and water importation.

Chairman Larkin noted RTC was asking the Commission to affirm the population numbers, and he asked for that item to be placed on an agenda.

Commissioner Galloway commented on the Debt Management Commission (DMC) meeting held on February 24, 2006. He said approval was given for the County's proposed debt issuance, and he explained the process that was followed. He noted the \$30-million debt the School District requested to issue was approved. He added the School District said they may return to the DMC with an amendment to their funding/expenditure plan for the \$30-million. Commissioner Galloway stated the School District was working hard to find other money to pay for the computers. He asked staff to work out a way with the School District's staff to guarantee them the refresh computers that could be used by students because that would reduce the number of new ones that would be purchased. He clarified, if that should not happen, the debt would retire other debt at an earlier rate. He said they would be covered legally, but the money could go further if the interest was not being paid on the computers.

Commissioner Sferrazza acknowledged the hiring of the new executive director for the RSCVA, and he wished her well in her new employment.

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There being no further business to come before the Board, the meeting adjourned at 10:12 p.m.

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**ROBERT M. LARKIN**, Chairman  
Washoe County Commission

**ATTEST:**

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

*Minutes Prepared by  
Jan Frazzetta, Deputy County Clerk  
Lori Rowe, Deputy County Clerk*