

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

MONDAY

2:00 P.M.

FEBRUARY 13, 2007

PRESENT:

**Bob Larkin, Chairman**  
**Jim Galloway, Commissioner**  
**David Humke, Commissioner**  
**Pete Sferrazza, Commissioner**

**Amy Harvey, County Clerk**  
**Katy Singlaub, County Manager**  
**Melanie Foster, Legal Counsel**

ABSENT:

**Bonnie Weber, Vice Chairman**

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:

**07-139      AGENDA**

Commissioner Galloway reminded the public that public comment was open for any item so if people could not stay until 6:00 p.m. to discuss item 22 they could speak during public comment.

In response to the call for public comment, Sam Dehne objected to the two-minute time limit for public comment. He stated the public could speak about anything they wanted to whether it was listed on the agenda or not. He believed the rules for public comment contradicted that, because it indicated during the public comment period the public may address issues not listed on the agenda.

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that the agenda for the February 13, 2007 meeting be approved.

**07-140      PUBLIC COMMENT**

Katy Singlaub, County Manager, stated, the Chairman and Board of County Commissioners intend that their proceedings should demonstrate the highest levels of decorum, civic responsibility, efficiency and mutual respect between citizens

and their government. The Board respects the right of citizens to present differing opinions and views, even criticism, but our democracy cannot function effectively in an environment of personal attacks, slander, threats of violence, and willful disruption. To that end, the Nevada Open Meeting Law provides the authority for the Chair of a public body to maintain the decorum and to declare a recess if needed to remove any person who is disrupting the meeting, and notice is hereby provided of the intent of this body to preserve the decorum and remove anyone who disrupts the proceedings.

Robert Metz, American Sports Academy, conducted a PowerPoint presentation, which was placed on file with the Clerk. He briefly explained his request to have an item placed on the next meeting for a resolution of support for an Olympic sports training center, to help ensure Reno would host the 2018 Olympics. He said the center would be totally funded by corporate sponsorships with no money provided by the local government or the community.

George Hughes stated he lived in Reno since 1961 and supported the Olympic complex.

Tyrus Cobb stated he had an idea that might help serve as a mechanism to get information from the County to seniors as well as resuscitating the badly needed entertainment venue. Based on the County's Strategic Plan, it seemed to him that with the demise of AM 1400 there might be an opportunity to utilize Bob Carroll's talents in another venue that could be combined with the ability to inform senior citizens of events going on in the area. Mr. Cobb presented his document outlining his ideas, which was placed on file with the Clerk. He requested the Board direct staff to look at the pros and cons of providing such a venue and to report their findings to the County Commission and City governments.

Onie Cooper complained about the excessive expenditure of taxpayer's money with regard to the case involving District Attorney Richard Gammick in the Botello vs. Washoe County/Gammick/Helzer. A copy of his complaint was placed on file with the Clerk.

Ira Hansen stated he wished to discuss item 22, BDR No. 48-183-Regional Water Entity. He stated it appeared the number one reason behind the bill was to establish a water authority that would have eminent domain powers. He thought that was a huge threat to private property rights. Mr. Hansen said there were over 77,000 acre-feet of water owned privately and to allow the ability of eminent domain proceedings to transfer the right of private water owners through this new water authority to the developers would create a political firestorm. He felt the real motivation for the bill was the escalating cost of water rights. Mr. Hansen said private property should not be transferred through the government to other private parties.

Sam Dehne stated there was an abuse of eminent domain throughout the community, and he commented on a corrupt voting system.

Gary Schmidt reported he attended a committee meeting regarding the County's proposed nuisance ordinance. He complained about the two-minute public comment rule. He commented on a recent ruling in his favor regarding his appointment on the Board of Equalization.

**07-141            COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS**

Chairman Larkin requested Katy Singlaub, County Manager, look into the issue raised by Tyrus Cobb regarding *Music of America* and bring back a staff report as soon as practicable.

In response to Commissioner Humke, Ms. Singlaub said bill draft requests were available on line through the Nevada State Legislature's website. Commissioner Humke requested copies of the bill draft request be available to the public during the time the item was scheduled today.

Commissioner Galloway said Ira Hansen contacted him regarding his request for a copy of SCR-26. He informed him and the public of the link to obtain a copy of the draft; however, he advised the text of the bill was confidential until it was released.

Commissioner Sferrazza requested the issue regarding senior citizens be referred to the Senior Service's Commission for review. He requested staff review and recommend action on the request from the American Sports Center. He would like the Board to have a report on the status of the case referred to in the complaint filed by Onie Cooper.

Commissioner Humke reported recently each commissioner had the opportunity to appoint two people from each planning area in their district and two alternates from their entire district to the nuisance committee. He felt that process was unfair to his constituents and did not adequately represent their interest. He thought for the Tahoe area he could appoint two members to the Board, but to his knowledge not a single person lived in that portion of his district that fell within the Tahoe Planning Area. He reported nine applicants applied for the South Valleys position within his district, which was a massive area covering all of Washoe County south of Mount Rose Highway and Highway 341. Commissioner Humke said the South Valley was a diverse area that needed more than two votes to be adequately represented. He had the displeasure of not approving some qualified candidates because the number of outstanding applicants exceeded two. He further appointed two alternates from the South Valley to be part of the nuisance committee; however, they were not allowed to vote unless a member was absent. Therefore, he believed, the South Valley was underrepresented. He attempted to appoint a third alternate from another planning area and was told that was not allowed. It was his belief the only way his constituents and their interests could be represented was through the appointment of additional members to the committee.

**07-142**            **MINUTES**

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that the minutes of the regular meetings of January 9 and January 23, 2007 be approved.

**07-143**            **FINANCIAL REPORT – WASHOE COUNTY GOVERNMENTAL FUNDS – COMPTROLLER**

Upon recommendation of Trish Gonzales, Comptroller, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that the Interim Financial Report for Washoe County Governmental Funds for the six months ended December 31, 2006 (unaudited) be accepted.

**07-144**            **ACCRUED BENEFITS SPECIAL REVENUE FUND CLOSURE– FINANCE**

Upon recommendation of Kim Carlson, Senior Fiscal Analyst, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that the closure of the Accrued Benefits Special Revenue Fund and the transfer of cash and function to the General Fund be approved, and the Finance Department be authorized to make the necessary accounting adjustments.

**07-145**            **DISINTERMENT OF HUMAN REMAINS – DISTRICT HEALTH**

Upon recommendation of Lori Cooke, Fiscal Compliance officer, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that the request from Michael O'Brien to disinter and remove the remains of his father who died on May 9, 1977 be approved. It was noted that the death certificate indicates the death was not due to a communicable disease.

**07-146**            **FULL-TIME LICENSED PRACTICAL NURSE – JUVENILE SERVICES**

In response to Chairman Larkin, Les Gruner, Detention Division Director, advised the one full-time position had been filled; however, over the last eight months they had an extremely difficult time filling the part-time position, because applicants were looking for full-time positions with benefits. He said with a 40-hour nurse they only had coverage Monday through Friday, which meant the weekend coverage was lacking. Mr. Gruner indicated they were looking to provide more hours of nursing services for the facility since it was a seven day a week, 24-hour per day facility. He stated the issue was

to retain a qualified Licensed Practitioner of Nursing (LPN) at a 12-hour per-diem situation.

Upon recommendation of Mr. Gruner, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that the request to make an existing part-time (12 hours/week) Licensed Practical Nurse (LPN) in the Department of Juvenile Services into a full-time position (40 hours/week plus benefits) be approved.

**07-147            AGREEMENT – JTS EVENT MANAGEMENT - FIESTA NEVADA  
HISPANIC CULTURAL FESTIVAL – PARKS**

Upon recommendation of Al Rogers, Regional Parks and Open Space Assistant Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered that the agreement between Washoe County and JTS Management to hold a special event, Fiesta Nevada Hispanic Cultural Festival, at North Valleys Regional Sports Complex on July 13 – 15, 2007, be approved and the Chairman be authorized to sign the agreement upon presentation.

**07-148            PURCHASE – TWO 2007 CRAFTCO SUPER SHOT 250 CRACK  
SEALERS – PURCHASING**

Upon recommendation of Michael Sullens, Senior Buyer, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that the purchase of two 2007 Craftco Super Shot 250 Crack Sealers, one replacement and one additional unit on behalf of the Roads Division and Equipment Services from Construction Sealants and Supply in the amount of \$38,378.86 each for a total of \$78,757.72, utilizing the City of Reno, Nevada, Bid No. 1371, be approved.

**07-149            SPONSORSHIP – RHYTHM AND RAWHIDE EVENT – SOCIAL  
SERVICES/COMMUNITY RELATIONS**

In response to the call for public comment, Sam Dehne commented he thought the event was worthwhile, but \$100 per seat was too expensive.

Upon recommendation of Mike Capello, Social Services Director, and Kathy Carter, Community Relations Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that the sponsorship of two tables (total of 20 seats) at the Rhythm and Rawhide Event, which benefits the abused and neglected children served by Washoe County Social Services be approved. It was noted funding would be evenly split between Social Services and Community Relations.

**07-150            CORRECT FACTUAL/CLERICAL ERRORS – ASSESSOR**

In response to the call for public comment, Gary Schmidt cited issues with regard to the Board of Equalization. Chairman Larkin warned Mr. Schmidt to limit his comments specifically to the item.

Chairman Larkin inquired about the factual error request for reduction of \$41,740.47 for Washoe Medical Center South Meadows. Joe Johnson, Appraiser III, stated this property qualified as exempt under NRS 361.083 and 361.141B. For the 2006/07 fiscal years the medical center only received a partial exemption. He said during the physical inspection of the property on January 9, 2007, it was determined the improvements were complete and being used for a hospital; and therefore, the entire property was exempt.

Upon recommendation of Ivy Diezel, Systems Support Analyst, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that the following Roll Change Requests for errors discovered for the 2004/05, 2005/06 and 2006/07 secured tax roll as outlined in Exhibits A, B, and C, which were placed on file with the Clerk, and supported by additional information found in the individual roll change request forms placed on file in the Manager’s Office in the cumulative reduction amount of \$79,427.71 be approved.

**07-151            CORRECT FACTUAL/CLERICAL ERRORS – PERSONAL PROPERTY – ASSESSOR**

Upon recommendation of Mark Stafford, Senior Appraiser, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that the following Roll Change Requests for factual and clerical errors in the 2004/05, 2005/06 and 2006/07 personal property tax rolls be approved and the Chairman be authorized to execute Exhibits A, B, C, D-1, D-2, and D-3 for a cumulative reduction in tax revenue in the amount of \$109,074.60.

**07-152            APPOINTMENT – BOARD OF ADJUSTMENT – COMMUNITY DEVELOPMENT**

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that Mary S. Harcinske be appointed to the Washoe County Board of Adjustment for the remainder of Neal Cobb’s term ending June 30, 2009.

**07-153            CONTRACT AWARD - UPDATE HOUSING ELEMENT OF COMPREHENSIVE PLAN**

Upon recommendation of Eric Young, Planner, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered that the consulting contract be awarded to Pacific Municipal Consultants (PMC) for preparation of the update to the Housing Element of the Washoe County Comprehensive Plan, in the amount of \$43,680, and the Chairman be authorized to execute the agreement upon presentation.

**07-154            NAMING EASEMENT – CODEXA WAY – PUBLIC WORKS**

Upon recommendation of David Price, Engineer, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that the naming of an unnamed easement be approved as Codexa Way.

**07-155            RE-NAMING EASEMENT - LAKESIDE RANCH COURT TO KINNEY COURT – PUBLIC WORKS**

Upon recommendation of David Price, Engineer, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that Lakeside Ranch Court be renamed to Kinney Court.

**07-156            DONATIONS – REGIONAL ANIMAL SERVICES**

Upon recommendation of Jean Ely, General Services Division Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that the monetary donations to Washoe County Regional Animal Services totaling \$2,255.53 be accepted and other non-cash donations of items received from citizens in our community be accepted with the gratitude of the Board. It was further ordered that the Finance Department make the following budget adjustments:

<b>Account Number</b>	<b>Description</b>	<b>Amount of Increase</b>
205-CC-500000-484000	Donation Revenue	\$2,255.53
500200-710500	Shelter-Other Expense	2,255.53
	Total Expense	\$2,255.53

It was noted a complete list of the donations was attached to the staff report dated February 13, 2007.

**RESOLUTION - LEASE - BRISTLECONE FAMILY RESOURCES**  
**- TRUCKEE RIVER FLOOD PROJECT**

Katy Singlaub, County Manager, said there was a change to the staff report. She indicated it did not change the notice agenda item, but wanted the public to know it would change the resolution, eliminate the rent payment, and be a resolution to grant the lease at no charge.

In response to a call for public comment, Tom Clark reported that the Flood Control Committee voted unanimously to allow Bristlecone Family Resource to remain on the McCarran Boulevard property, rent-free. He stated the money saved would allow Bristlecone to identify, locate and possibly construct a new facility.

Commissioner Galloway stated he did not receive a copy of the lease. Mr. Clark responded the lease was month-to-month and the lease amount was waived from the close of escrow. Ms. Singlaub said the Resolution would be corrected to reflect there was no rental income. Naomi Duerr, Truckee River Flood Project Director, said the committee agreed to not charge Bristlecone any rent and to review that again after six months. She explained the County did not own the building at this time, but the lease was in anticipation of taking possession of the Catholic Church property. Commissioner Galloway inquired how long Bristlecone was expected to be able to use the property. Ms. Duerr replied they would be able to use the property for some time. She said her concern was that this was a residential treatment facility and, while it was already problematic to have businesses located in the flood zone, to actually have a building where people slept was a definite concern. She explained construction of the levy in that area was estimated to be four years from now. Mr. Clark had stated he was working diligently on behalf of Bristlecone to vacate the building when they were able to because of the danger of flooding and that the building did not meet all of their needs. Ms. Duerr said the lease was written so either party could nullify it with a 30-day notice.

Commissioner Humke said since the Flood Control Committee just met and the staff report had to be prepared ahead of time, it was not up to date. He indicated the region was experiencing a certain drug addiction crisis and there were not adequate treatment facilities available. He said Bristlecone was currently a contractor in good standing with Washoe County. Commissioner Humke said the committee did not think it was too much of a stretch to assist them in their process of moving to seek architectural changes and new tenancy. It was originally couched as six months free rent; however, the flood control project does not own the property. He explained the month-to-month lease was better from the standpoint of the landlord because they did not want to set terms and if they did have to holdover for 30 days it would be automatic.

Upon recommendation of Jean Ely, General Services Division Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered that the following resolution be adopted and the Chairman be authorized to execute the same:

**RESOLUTION**

**A RESOLUTION DECLARING WASHOE COUNTY'S INTENT TO LEASE ON BEHALF OF THE TRUCKEE RIVER FLOOD PROJECT APPROXIMATELY 35,908 SQUARE FEET OF COUNTY PROPERTY LOCATED AT 1725 S. MCCARRAN BOULEVARD TO BRISTLECONE FAMILY RESOURCES INC., FOR PATIENT COUNSELING AND TREATMENT NEEDS AND OTHER MATTERS PROPERLY RELATED THERETO.**

**WHEREAS**, Washoe County owns a certain parcel of real property on behalf of the Flood Project in Washoe County located at 1725 South McCarran and which is shown on Exhibit A, which was placed on file with the Clerk, (hereinafter referred to as "County Parcel"); and

**WHEREAS**, Bristlecone Family Resources is a corporation for public benefit as defined in NRS 82.021 and was formed to provide the following services; to provide inpatient and outpatient substance abuse counseling and treatment for individuals in Washoe County; and

**WHEREAS**, The corporation for public benefit desires to lease from Washoe County the County Parcel; and

**WHEREAS**, The use of the County Parcel by the corporation for public benefit constitutes a public purpose because it provides public health and safety benefits; and

**WHEREAS**, NRS 244.284 provides that Washoe County may lease real property of the county to a corporation for public benefit; now, therefore, be it

**RESOLVED**, by the Washoe County Board of County Commissioners as follows:

1. The subject real property is not needed for the public purposes of the County and may be leased to the above-stated corporation for public benefit.
2. The property must actually be used for charitable or civic purposes.
3. If the corporation for public benefit to which property is leased ceases to use the property for charitable or civic purposes, the lease shall automatically terminate.
4. The rental rate will be waived to assist the corporation for public benefit to move the programs related to substance abuse counseling and treatment services to an alternative location, provided however, that the property continues to be used solely for charitable or civic purposes.

**07-158            DONATIONS – REGIONAL AVIATION ENFORCEMENT UNIT  
(RAVEN) – SHERIFF**

Upon recommendation of Sergeant Russ Pedersen, Search and Rescue, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that the donations of \$4,000 from Lifestyle Homes Inc., \$200 from Sherry McConnell, \$25 from M.S. Curtin, and \$20 from an anonymous donor to the Washoe County Sheriff’s Office Regional Aviation Enforcement Unit (Raven) Program to assist with purchasing a new-rebuilt 703 Cobra Engine for the HH-1H Huey be accepted with the gratitude of the Board and the Finance Division be directed to make the following budget adjustments:

<b>ACCOUNT NUMBER</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
Increase Revenues		
20060-484000	RAVEN-Donation	\$5,245.00
Increase Expenditures		
20060-781004	RAVEN-Equipment < \$10,000	\$5,245.00

**07-159            DONATION – LEASE SANI-HUT - SEARCH AND RESCUE  
PROGRAM– SHERIFF**

Upon recommendation of Sergeant Russ Pedersen, Search and Rescue, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that the donation of a one year lease at no charge from Sani-Hut for a trailer containing two portable restrooms and restroom cleaning for the duration of the lease to the Washoe County Sheriff’s Office Search and Rescue Program, estimated at \$3,000.00 be accepted with the gratitude of the Board.

**07-160            DONATION – NORTHWEST RENO WAL-MART – SEARCH AND  
RESCUE PROGRAM – SHERIFF**

Upon recommendation of Sergeant Russ Pedersen, Search and Rescue, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that the \$1,500 donation from the Northwest Reno Wal-Mart Store No. 3254 to the Washoe County Sheriff’s Office Search and Rescue Program be accepted with the gratitude of the Board and the Finance Division be directed to make the following budget adjustments:

<b>ACCOUNT NUMBER</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
Increase Revenues		
20050-484000	Search and Rescue Donation	\$1,500.00
Increase Expenditures		
20050-711504	Search and Rescue Equipment < \$10,000	\$1,500.00

**07-161            DONATION – K-9 PROGRAM – SHERIFF**

Upon recommendation of Craig Callahan, Chief Deputy, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that the donations and proceeds from fundraisers to the Washoe County Sheriff’s Office K-9 Program be accepted with the gratitude of the Board in the amount of \$3,688.00 and the Budget Division be directed to make the following budget adjustments:

<b>ACCOUNT NUMBER</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
Increase Revenues		
20033-484000	K-9 Program-Donation	\$3,688.00
Increase Expenditures		
20033-710509	K-9 Program-Seminars	\$2,188.00
20033-711504	K-9 Program-Equipment	\$1,500.00

**07-162            DONATION – TASER EQUIPMENT – SHERIFF**

Upon recommendation of Craig Callahan, Chief Deputy, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that the donation of one X26 Taser valued at \$799.00 and one Taser Camera valued at \$399.00 from Mike Fields, Washoe County Sheriff’s Office Reserve Deputy be accepted with the gratitude of the Board.

**07-163            GRANT – DEPARTMENT OF PUBLIC SAFETY - PROJECT SAFE NEIGHBORHOODS – SHERIFF**

Upon recommendation of Craig Callahan, Chief Deputy, and Tami Cummings, Administrative Assistant II, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered the State of Nevada, Department of Public Safety-Office of Criminal Justice Assistance FFY 2006 Project Safe Neighborhoods Grant award in the amount of \$32,971 be accepted and the Finance Department be authorized to make the following budget adjustments.

<b>ACCOUNT NUMBER</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
Increase Revenues		
10578-431100	Firearms Investigation Unit-Federal Grants	\$32,971.00
Increase Expenditures		
10578-701110	Firearms Investigation Unit-Base Salaries	\$32,971.00

07-164

**AGREEMENT – CITY OF LAS VEGAS – DEPARTMENT OF  
HOMELAND SECURITY CITIZEN CORPS PROGRAM –  
SHERIFF**

Upon recommendation of Jim Lopey, Assistant Sheriff, and Craig Callahan, Chief Deputy, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered that the City of Las Vegas Interlocal Agreement sub-granting the Washoe County Sheriff’s Office FFY 2006 Department of Homeland Security (DHS) Citizen Corps Program (CCP) Grant for \$20,000 to support the expansion and maintenance of the Washoe County Citizen Corps Program be approved and the Chairman be authorized to execute the same. It was further ordered that Finance be directed to make the following budget adjustments:

ACCOUNT	DESCRIPTION	AMOUNT
Increase Revenues		
10580-431100	FFY 06 DHS/CCP Fed Grant	\$20,000.00
Increase Expenditures		
10580-711210	FFY 06 DHS/CCP-Travel	1,000.00
10580-710300	FFY 06 DHS/CCP-Operating	600.00
10580-710100	FFY 06 DHS/CCP-Professional	1,730.00
10580-710509	FFY 06 DHS/CCP-Seminars/Training	11,800.00
10580-711504	FFY 06 DHS/CCP-Equipment	4,870.00

07-165

**WATER RIGHTS DEEDS – TRUCKEE MEADOWS WATER  
AUTHORITY – WATER RESOURCES**

Upon recommendation of Vahid Behmaram, Water Rights Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered that the two Water Rights Deeds between Washoe County and the Truckee Meadows Water Authority exchanging certain blocks of water rights as listed on Exhibit A, which was placed on file with the Clerk, be approved and the Chairman be authorized to execute the same.

07-166

**WATER RIGHTS QUITCLAIM DEED – TRUCKEE MEADOWS  
WATER AUTHORITY – WATER RESOURCES**

Upon recommendation of Vahid Behmaram, Water Rights Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered that the Water Rights Quitclaim Deed between Washoe County and the Truckee Meadows Water Authority for the purpose of dividing undivided interest in certain blocks of water rights be approved and the Chairman be authorized to execute the same.

**07-167            AWARD OF BID – STAND-BY GENERATOR STEAMBOAT LIFT STATION – WATER RESOURCES**

This was the time to consider award of the bid for a Stand-by Generator Steamboat Lift Station for the Water Resources Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on January 2 and 3, 2007. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

Diamond Electric, Inc.  
Building Solutions, LLC  
Engineer's Estimate

Upon recommendation of John Buzzone, Licensed Engineer, and Paul Orphan, Engineering Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered that the bid for the relocation and installation of a permanent Stand-By Generator at the Steamboat Lift Station for the Water Resources Department be awarded to Diamond Electric, Inc., in the amount of \$60,748. It was further ordered that the Chairman be authorized to execute the contract documents upon receipt and the Engineering Manager be authorized to issue the Notice to Proceed.

**07-168            SECOND AMENDMENT – PROFESSIONAL SERVICES AGREEMENT - AMEC INFRASTRUCTURE, INC. - NORTH SPANISH SPRINGS FLOODPLAIN DETENTION PROJECT – WATER RESOURCES**

Upon recommendation of Jeanne Ruefer, Planning Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered the Second Amendment to the Agreement for Professional Services between Washoe County and AMEC Infrastructure, Inc., concerning additional engineering design work for the North Spanish Springs Floodplain Detention Project, in the amount of \$56,800 be approved and the Chairman be authorized to execute the same.

**07-169            DONATIONS - KIDS KOTTAGE – SOCIAL SERVICES**

Katy Singlaub, County Manager, stated the following individuals were present: Robin McDonnell, BDI Laguna; Vera Finn, Michelle Joyce, Nacole Brown, Heather Clifton, Ryan Coker, Coral Court-Smith, Shaun Gray, Desaray Hernandez, James Higgins, Gloria Johnson, Carlos Nevarez, Traci Rovetti, Charles Skidmore, Margaret White, Wal-Mart; and Linda Saylor and Charlotte Herrin, from the Charmanta Auxiliary of the Assistance League of Reno/Sparks. Chairman Larkin thanked them for their generosity. Commissioners Humke and Sferrazza thanked them for their example and for their generosity.

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Galloway, seconded by Chairman Larkin, which motion duly carried with Commissioner Weber absent, it was ordered that the donations of a flat screen television worth approximately \$2,000 from BDI Laguna employees; gifts and gift cards worth approximately \$1,250 from Wal-Mart management trainees; and clothing and miscellaneous items worth approximately \$1,505 from the Charmanta Auxiliary of the Assistance League of Reno/Sparks for children in care at Kids Kottage be accepted with the gratitude of the Board.

**07-170            APPOINTMENT – DIRECTOR OF WATER RESOURCES –  
MANAGER**

Chairman Larkin and Commissioner Galloway welcomed Rosemary Menard as the newly appointed Water Resources Director.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that Rosemary Menard be appointed as the Water Resources Director effective February 13, 2007 and that the annual salary be set at \$125,008.00.

**07-171            AWARD OF BID NO. 2578-07 – WATER QUALITY TESTING AND  
ANALYTICAL REVIEW – PURCHASING**

This was the time to consider award of the bid for Water Quality Testing and Analytical Review for the Purchasing Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on December 15, 2006. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

Nevada State Health Laboratory  
Sierra Environmental Monitoring, Inc.  
Underwriter's Laboratories, Inc.

Upon recommendation of Charlene Collins, Buyer, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that Bid No. 2578-07 for Water Quality Testing and Analytical Review be awarded to Sierra Environmental Monitoring, Inc., the lowest responsive, responsible bidder, in an estimated annual amount of \$160,500. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute the agreement with for a two-year period, with one, one-year renewal option, at the discretion of the County.

**07-172            AWARD OF BID NO. 2579-07 – TRUCK MOUNTED SEWER  
FLUSHER – PURCHASING**

This was the time to consider award of the bid for a Truck-Mounted Sewer Flusher for the Purchasing Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on December 26, 2006. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

WECO Industries  
Plumbers Depot, Inc.

Upon recommendation of Michael Sullens, Buyer, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that Bid No. 2579-07, for a new Truck Mounted Sewer Flusher be awarded to the lowest, responsive, responsible bidder, WECO Industries, in the net amount of \$158,672 on behalf of the Washoe County Department of Water Resources.

**07-173            RESOLUTION – AUGMENT BUDGET – EQUIPMENT SERVICES**

Upon recommendation of Jean Ely, General Services Division Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Weber absent, it was ordered that the following Resolution be adopted, the Chairman be authorized to execute the same, and the Comptroller be directed to make the following adjustments:

**RESOLUTION**

**A RESOLUTION TO AUGMENT THE BUDGET OF  
EQUIPMENT SERVICES (FUND 6069)**

**WHEREAS,** The Equipment Services Fund purchased vehicles and equipment in the 2005-06 fiscal year, and certain vehicles/equipment were not delivered and paid for until the current 2006-07 fiscal year; and

**WHEREAS,** The Equipment Services Division is in need of funding to restore its original purchasing authority to its full purchasing potential so as to complete its scheduled replacement of vehicles/equipment in the 2006-07 fiscal year; and

**WHEREAS,** The Equipment Services Fund (6069) has sufficient resources available from retained earnings to allow for appropriation authority adjustments necessary to fund these expenditures; therefore, be it

**RESOLVED**, That the Washoe County Board of Commissioners requests the Equipment Services Fund be augmented as follows:

**Section 1.**

**Decrease Retained Earnings**

6069-320099	Unrestricted	\$762,403
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**Increase Capital**

ES690601-781007	Capital Vehicles	\$230,406
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ES690602-781004	Capital Heavy Equipment	\$531,997
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**Section 2.** This Resolution shall be effective on passage and approval by the Board of County Commissioners.

**Section 3.** The County Clerk is hereby directed to distribute copies of this Resolution to the Comptroller's office, Equipment Services, General Services, Manager's office and Finance Division.

**07-174      RESOLUTION – SCENIC BYWAYS GANT – GALENA CREEK  
VISITOR CENTER ROADWAY AND INTERPRETIVE  
IMPROVEMENT PROJECT – PARKS**

Upon recommendation of Jennifer Budge, Park Planner, and Kristine Bunnell, Park Planner, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Weber absent, it was ordered the following Resolution of Support for a Scenic Byway grant application request for up to \$580,000 (\$116,000 match) for the Galena Creek Visitor Center Roadway and Interpretive Improvement Project be adopted, and the Chairman be authorized to execute the same.

**RESOLUTION OF SUPPORT  
SCENIC BYWAYS GRANT APPLICATION  
Galena Creek Visitor Center Roadway and  
Interpretive Improvement Project**

**WHEREAS**, State Route 431, Mount Rose Highway, was designated as a Scenic Byway by the Director of the Nevada Department of Transportation on July 1, 1996; and

**WHEREAS**, The Federal Highway Administration has funding available for projects related to Scenic Byways through the Transportation Equity Act for the 21st Century (TEA 21); and

**WHEREAS**, A portion of this funding is set aside for up to 80 percent of project grant applications specifically identified for the enhancement of scenic byways; and

**WHEREAS**, Washoe County Regional Parks and Open Space and the United States Forest Service have approved joint day use recreation facilities totaling approximately \$2,000,000 to be constructed along the Scenic Byway at Galena Creek Regional Park; and

**WHEREAS**, There is a broad public support evidenced through the 2000 Washoe County 1 Bond, Carson Ranger District of the Toiyabe National Forest, State Historic Preservation Society, Truckee Meadows Trail Association, interested citizens; and

**WHEREAS**, 2000 Washoe County 1 Bond funds for Galena day use facilities will be used as matching funding for the project application, in the approximate amount of \$116,000; now, therefore, be it

**RESOLVED**, That the Washoe County Board of Commissioners supports the Scenic Byways grant application for the Galena Creek Visitor Center Roadway and Interpretive Improvement Project.

**07-175            ACCEPTANCE OF GRANT - NEVADA DEPARTMENT OF WILDLIFE – STATE QUESTION ONE GRANT PROGRAM - VERDI POND/CRYSTAL PEAK PARK – PARKS**

Upon recommendation of Lynda Nelson, Natural Resource Planning Coordinator, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that the grant from the Nevada Department of Wildlife, State Question One Grant Program, to restore the Verdi Pond and additional improvements to Crystal Peak Park in Verdi as outlined in the Scope of Work, in the amount of \$420,580 with no match required, be accepted. It was further ordered that the Parks Director be authorized to execute all appropriate grant related documents and the Finance Division be directed to make all the following financial adjustments:

<b>ACCOUNT NUMBER</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
Increase Revenues		
IN19021- 432100	Revenue State Grants	\$420,580
PK906032-781001	Capital Land Improvements	532,380
Decrease Expenditures		
900110-781080	1A Constructions Contracts	111,800

**07-176            AMENDMENT – EAGLE CANYON PARK MASTER PLAN – PARKS**

Upon recommendation of Bill Gardner, Parks Planner, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that the Eagle Canyon Park Master Plan Amendment be approved and \$1,000,000 of existing Residential Park Construction Tax (PCT) be allocated for the construction of three youth baseball fields as follows:

<b>ACCOUNT NUMBER</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
Decrease		
900280 - 781080	Cost Center	\$1,000,000
Increase		
PK900281-781080	Project	\$1,000,000

**07-177            EXPENDITURE – WATER MANAGEMENT FUND – SECOND AMENDMENT TO INTERLOCAL AGREEMENT – PHASE II NORTH VALLEYS FLOOD MITIGATION STUDY – WATER RESOURCES**

Upon recommendation of Jim Smitherman, Program Manager, and Jeanne Ruefer, Planning Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Weber absent, it was ordered that the expenditure of \$127,215 from the Regional Water Management Fund be approved. It was further ordered that the Second Amendment to the Interlocal Agreement between Washoe County and the City of Reno concerning completion of Phase II of the North Valleys Flood Mitigation Study be approved and the Chairman be authorized to execute the same.

**07-178            CORONER’S OFFICE - REORGANIZE - MEDICAL EXAMINER**

Upon recommendation of the Transition Team, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that the staff proposal concept to reorganize the Coroner’s Office under a Medical Examiner/Coroner model be approved.

**07-179            NORTHERN NEVADA INFORMATION CENTER AND STATE WATCH PROGRAM UPDATE – SHERIFF**

James Lohey, Assistant Sheriff, conducted a PowerPoint presentation concerning the Northern Nevada Information Center and State Watch Program, which was placed on file with the Clerk. Assistant Sheriff Lohey introduced staff from Washoe County and the Las Vegas Metro Police Department. He stated these programs were

multi-jurisdictional and encompassed the entire state. He reported the total budget for the State of Nevada was \$6.5 million; northern Nevada was budgeted for \$1.3 million.

In response to Commissioner Galloway, Assistant Sheriff Lopey said the analysis via the State Watch Program would work with public and private entities on vulnerability and threat assessments, which would be included in a database for first responders. Commissioner Galloway stated the implementation of recommendations would fall upon the facility that was involved. Assistant Sheriff Lopey replied that was correct, and he described tiered security for accessing the database.

Chairman Larkin inquired about the provisions being made regarding private data. Assistant Sheriff Lopey advised there was a tiered level of accessibility and from what he had seen, it was very secure. Captain Csaba Maczala, Las Vegas Metro Police Department, confirmed the database had been in use, which had never been compromised for 25 years. He said it was a true statewide program that would benefit all the citizens. Chairman Larkin thanked Assistant Sheriff Lopey for his committed effort in making this program a reality for the State.

Commissioner Humke thanked the Las Vegas Metro Police Department personnel in attendance.

There was no action taken on this issue.

**07-180**      **MEMORANDUMS OF UNDERSTANDING - LAS VEGAS  
METROPOLITAN POLICE DEPARTMENT/HOMELAND  
SECURITY – SHERIFF**

Katy Singlaub, County Manager, reminded the Board the grant funds did not come without year funding. She said she met with the State Division of Emergency Management to express concerns because of this being a significant undertaking for local governments. She stated the County needed to be vigilant in pursuing additional funding. Ms. Singlaub believed if this was to be a northern Nevada center that possibly other counties in northern Nevada could help support this project.

Upon recommendation of Assistant Sheriff Jim Lopey, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Weber absent, it was ordered that the Las Vegas Metropolitan Police Department Memorandums of Understanding sub-granting the Washoe County Sheriff's Office FFY 2006 Department of Homeland Security (DHS) State Homeland Security Program (SHSP) Grant-Nevada Division of Emergency Management Project No. 97067HL6 for \$174,500, and FFY 2006 Department of Homeland Security (DHS) Law Enforcement Terrorism Protection Program (LETPP) Program Grant-Nevada Division of Emergency Management Project No. 97067LL6 for \$1,147,000 for a total of \$1,321,500 to establish a Northern Nevada Information Center be approved, and; FFY 2006 Department of Homeland Security (DHS) State Homeland Security Program (SHSP) Grant-Nevada Division of Emergency Management Project No. 97067HL6 for \$63,868

and FFY 2006 Department of Homeland Security (DHS) Law Enforcement Terrorism Protection Program (LETPP) Program Grant-Nevada Division of Emergency Management Project No. 97067LL6 for \$197,721 for a total of \$261,589 to establish a State Watch Program be approved. It was further ordered the Chairman be authorized to execute the same and the Finance Division be directed to make the following budget adjustments:

<b>Northern Nevada Information Center (NNIC): Law Enforcement Terrorism Protection Program (LETPP)</b>	
<b>INCREASE REVENUES:</b>	
10571-431100 (CTC LETPP-Federal Grants)	
<b>INCREASE EXPENDITURES:</b>	\$1,147,000
10571-701300 (CTC LETPP-Overtime)	
10571-710509 (CTC LETPP-Training)	300,000
10571-711504 (CTC LETPP-Equipment Non-Capital)	50,000
10571-710600 (CTC LETPP-Lease Office Space)	233,000
10571-711504 (CTC LETPP-Computer Software)	360,000
10571-711010 (CTC LETPP-Utilities)	170,000
10571-710300 (CTC LETPP- Operating Supplies)	24,000
State Homeland Security Program (SHSP)	10,000
<b>INCREASE REVENUES:</b>	
10572-431100 (CTC SHSP-Federal Grants)	
<b>INCREASE EXPENDITURES:</b>	174,500
10572-711210 (CTC SHSP-Travel)	
10572-710500 (CTC SHSP-Other Expense)	14,500
State Watch: Law Enforcement Terrorism Protection Program (LETPP)	160,000
<b>INCREASE REVENUES:</b>	
10569-431100 (State Watch LETPP-Federal Grants)	
<b>INCREASE EXPENDITURES:</b>	
10569-711210 (State Watch LETPP-Travel)	197,721
10569-710509 (State Watch LETPP-Training)	
10569-711504 (State Watch LETPP-Equipment Non-Capital)	11,832
10569-781007 (State Watch LETPP-Vehicle)	16,179
10569-711114 (State Watch LETPP-Equipment Svcs)	107,196
10569-710502 (State Watch LETPP-Printing)	26,000
10569-710508 (State Watch LETPP-Telephone)	30,694
State Homeland Security Program (SHSP)	4,500
<b>INCREASE REVENUES:</b>	1,320
10570-431100 (State Watch SHSP-Federal Grants)	
<b>INCREASE EXPENDITURES:</b>	
10570-711504 (State Watch SHSP-Equipment Non-Capital)	63,868
	63,868

**CONSULTING SERVICES – EPI-USE AMERICAN, INC. – SAP  
EMPLOYEE SELF-SERVICE CHANGES – WINNET**

Chairman Larkin voiced his displeasure with the performance of the Enterprise Resource Planning (ERP) Program. He expected SAP Public Services, Inc. come forward with a module that would have fit right in with their system. Cory Casazza, Chief Information Management Officer, advised when the original Request for Proposals (RFP) for implementation was done there were some Human Resource (HR) functionality omitted and only the functionality needed to cut payroll checks was implemented. He said this built on that investment and implemented the additional HR functionality.

In response to Chairman Larkin, Katy Singlaub, County Manager, said the executive committee that oversaw the timing and phasing made decisions based on the needs in the organization for business functionality. She said the committee was ready to take this to the next level and utilize more of the available SAP functionality. She explained it was a well-planned and methodical analysis of the business-case for each of the functions the County might add. Ms. Singlaub did not want the Board to feel that pieces were just being added, but that it was a very thoughtful, business-case analysis carried out by the County's business team.

Commissioner Galloway suggested conducting an independent assessment of the program's performance. Chairman Larkin responded his concern was not with the vendor, but dissatisfied with the service . Commissioner Sferrazza agreed.

In response to Chairman Larkin, Mr. Casazza said the intent was to make the SAP program user-friendly for employees. He said these were minor modifications to ease time card data entry for employees. Mr. Casazza explained the majority of the consulting was building the foundation to expand the HR application by conducting training events, performance management and planning.

Commissioner Sferrazza asked if there was a reason for the sole-source. Mr. Casazza replied EPI-Use America, Inc. originally configured and implemented the HR payroll and believed for another company to get up to speed with the configuration would be more costly. He said his staff would work with EPI-Use to do a knowledge transfer so that his maintenance staff could better maintain the system without having to contract out.

Ms. Singlaub said Commissioner Galloway's concerns about EPI-Use learning at Washoe County's expense were good points, and she could arrange a demonstration for the Board. Commissioner Galloway said he would like to see the demonstration before voting on the item. Commissioner Humke said he would welcome a demonstration.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Weber absent, Chairman

Larkin ordered the approval of consulting services with EPI-Use America, Inc., be continued pending a demonstration by County staff.

**07-182            REDUCTION OF CURRENT YEAR EXPENDITURES – FINANCE**

John Sherman, Finance Director, discussed the changes recommended to offset the County's budget shortfalls for fiscal year 2006/07. He said the changes were designed to return the budget to a so-called "historical trend". Mr. Sherman explained some steps had to be taken to accommodate reductions and budgeted revenue shortfalls because of the decline in sales tax, motor vehicle sales and the down turn in residential construction. He thought it was prudent to take corrective measures now to compensate for those declining revenue sources.

Mr. Sherman next discussed the financial impact of a decision of the County Board of Equalization (CBOE) rolling back the taxable value of 9,000 ± parcels from their 2006/07 value to the 2002/03 value. He said an appeal to the State Board of Equalization (SBOE) was detained until a Supreme Court case could be decided. He stated that decision had been made, and he understood the SBOE was going to meet soon to discuss the case. He calculated, absent a reversal by the SBOE, the total impact would be approximately \$12 million in refunds. He said Washoe County's portion would be approximately \$6 million; with \$4.6 million coming from the General Fund and the remainder being absorbed by the school district. After the impact of the refunds, he stated total revenues would be about \$12.6 million less than anticipated. Mr. Sherman indicated the good news was that interest income was far in excess of the budget, which would help offset the two potential revenue declines.

Mr. Sherman stated the budget typically reflected a savings of about 5 to 6 percent over the past three or four years, which was not the case this year. He provided the Board with a salaries, wages and benefits financial report through December 31, 2006, which reflected 50 percent spending as opposed to 47 or 48 percent. He said staff recommendations were to defer pay-as-you-go capital not already committed and to reduce surface supply spending and extend hiring an additional 30 days to bring the spending trend in alignment with the revenue trend. He emphasized the vacancies for public safety positions such as the Sheriff's Department would not be affected and would be filled as quickly as possible. He believed implementing those recommendations could achieve about \$10 million in savings between now and the end of the Fiscal Year.

Chairman Larkin inquired if staff factored in gift card sales when they calculated the model on taxable sales. Mr. Sherman said gift card sales had an impact and was factored in; however, even though taxable sales were down in December, the recent forecast showed a 3 percent growth rate in consolidated taxes, taxable sales and sales tax. Chairman Larkin asked if in any of the General Fund cost constraints or the Public Works Construction Fund deferments would have an effect on public safety issues. Mr. Sherman responded they would not.

In response to Commissioner Humke, Mr. Sherman said public safety included the criminal justice system, Child Protective Services, Patrol, Detention, Prosecutors, Courts, and the small component the County funded for volunteer fire staff. He assured Commissioner Humke the public would not be harmed by the recommendations.

In response to Commissioner Galloway, Mr. Sherman said there were two revenues from the sale of vehicles. He explained there was a tax on the sale of the vehicle and then every year there was a registration fee called a "government service tax", which was a tax on the value of the vehicle. He said sales taxes go to the County of purchase, but the amounts had dropped. Commissioner Galloway inquired would the County have to review some of the non-pay-as-you-go if the downtrend continued. Mr. Sherman indicated the ongoing operating costs were the expenditures that would have to be reduced. He reiterated the calculated total for the property tax refunds could be in excess of \$12 million. Commissioner Galloway stated this Board's responsibility was to deal with potential budget impacts. He stated it was not up to the Board to appeal any decisions from the CBOE.

In response to Commissioner Sferrazza, Mr. Sherman stated, administratively, staff was in the process of determining what the values would be and what the refund would be including interest. He explained there was an appeal in front of the SBOE that would be part of the Supreme Court ruling that led up to the 9,000± parcels rollback, which would be heard on February 15, 2007. Commissioner Sferrazza stated the Assessor had an appeal before the SBOE, but at the same time the Assessor met with this Board and said he already sent notices out rolling back all the 9,000± parcels. Mr. Sherman said he did not think anything had been mailed, but thought some general information through the media had occurred.

Melanie Foster, Legal Counsel, explained when there was an appeal before the SBOE it was the practice of the County to go ahead and implement the CBOE's decision. She said that was what staff was working on right now. Commissioner Sferrazza inquired if the implementation had occurred yet. Mr. Sherman responded staff was working on the implementation, but it would take some time to complete. He explained the County would not have to go forward with the implementation if the appeal was approved.

In response to Commissioner Humke, Mr. Sherman replied there was no consistent measurement for the sales of construction materials, because the State Department of Taxation changed the business classification system, but indications were it was down by more than 10 percent. Commissioner Humke said the State was involved with certain economic forecasting techniques, and he wondered if Mr. Sherman or staff participated in some of those activities. Mr. Sherman responded not at the State level, but the County was a recipient of staff's efforts. He explained his staff took that forecast into consideration, as well as the one done by the University of Nevada, Reno and the finance directors of the two cities.

In response to the call for public comment, Gary Schmidt said the Board did not have a complete understanding or vision of what was occurring at the SBOE. He said there were very few refunds involved and that the issue was equalization.

Upon recommendation by Mr. Sherman, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which duly carried with Commissioner Weber absent, Chairman Larkin ordered that the staff recommendations, which were necessary in light of the projected shortfall in revenues to increase the time vacancies were open, reduce overtime, and defer select pay-as-you-go capital projects be approved.

In response to Chairman Larkin, Katy Singlaub, County Manager, explained the effort was to have a cooperative implementation of a spending reduction plan by working with department heads and elected officials. She said she would work with each department regarding their particular needs.

**07-183            AGREEMENT – CONSULTING ENGINEERING SERVICES –  
SOUTH TRUCKEE MEADOWS WATER RECLAMATION  
FACILITY – WATER RESOURCES**

Katy Singlaub, County Manager, stated the South Truckee Meadows Water Reclamation Facility (STMWRF) would be approximately a \$20 million expansion.

In response to Commissioners Humke and Sferrazza, Rick Warner, Senior Licensed Engineer, explained the ranking procedures stating all four entities were highly qualified. He confirmed none of the project's costs would be paid out of the General Fund, but would be funded from sewer connection fees.

Upon recommendation by Paul Orphan, Engineering Manager, and Mr. Warner, on motion by Commissioner Humke, seconded by Chairman Larkin, which motion duly carried with Commissioner Weber absent, it was ordered that the agreement between Washoe County and CH2M Hill, Inc., for Consulting Engineering Services to provide facility planning and preliminary engineering services necessary to expand sewer treatment capacity for the South Truckee Meadows Water Reclamation Facility in an amount not to exceed \$706,300 be approved. It was further ordered that the Chairman be authorized to execute the contract documents and the Engineering Manager be authorized to issue the Notice to Proceed.

**07-184            REPORTS/UPDATES COUNTY COMMISSION MEMBERS**

Commissioner Humke reported on a recent Regional Transportation Commission (RTC) retreat that he and Chairman Larkin attended. He said there was a lot of transportation needs without sufficient revenue. He said all possibilities were being reviewed in order to serve private and public transportation needs.

Commissioner Galloway reported on a meeting held January 29, 2007 with people interested in Peavine Trails. He said it was suggested to draft a trail plan to connect the subdivisions. He discussed small lot development on rough terrain areas for Peavine and Geiger Grade. Commissioner Galloway explained a developer could trade property with the Bureau of Land Management (BLM) or the U.S. Forest Service for something that would be developed for trails.

Commissioner Galloway reported the Nevada Tahoe Conservation District and the Northwest Neighborhood Advisory Board (NAB) would meet February 15, 2007 to address requests to Washoe County for help with improvements to their area. He further discussed the budget and regional programs and services.

Commissioner Sferrazza said he did not think services should depend on the geographical location of where people reside, which were not restricted to people who live in incorporated areas. He suggested equalization of tax issues for incorporated and unincorporated areas.

**4:40 p.m.** The Board temporarily recessed.

**5:30 p.m.** The Board reconvened.

**07-185** **RESOLUTION - MEDIUM-TERM OBLIGATION BONDS – FINANCE**

**5:30 p.m.** This was the time set in a Notice of Intention to Authorize Medium Term Obligations by Washoe County, Nevada, Notice of Public Hearing published in the *Reno Gazette-Journal* on February 2, 2007 to act upon a resolution authorizing medium-term obligations in the maximum principal amount of \$4,800,000 to enable the Board to pay all or a portion of the cost of acquiring, improving, equipping, and constructing building projects, including public buildings to accommodate or house lawful County activities, including but not limited to, County personnel, offices, records, supplies and equipment.

Chairman Larkin opened the public hearing by calling on anyone wishing to speak for or against the Medium-Term Obligation Bonds. There being no one wishing to speak, the Chairman closed the public hearing.

Upon recommendation of Anna Heenan, Senior Fiscal Analyst, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered that the following Resolution authorizing Medium-Term Obligations in an amount of up to \$4,800,00 for the purpose of financing all or a portion of the cost of acquiring and improving public buildings (Edison Way) be adopted and the officers of the County be directed to forward materials to the Department of Taxation of the State of Nevada. It was further ordered that the Finance Director be authorized to arrange for the sale of the County's Medium-Term Bonds; provide certain details in connection therewith; the Chairman be authorized to sign; and, provide the effective date hereof:

**RESOLUTION NO. 07-185**

**A RESOLUTION AUTHORIZING MEDIUM-TERM OBLIGATIONS IN AN AMOUNT OF UP TO \$4,800,000 FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE COST OF ACQUIRING AND IMPROVING PUBLIC BUILDINGS (EDISON WAY); DIRECTING THE OFFICERS OF THE COUNTY TO FORWARD MATERIALS TO THE DEPARTMENT OF TAXATION OF THE STATE OF NEVADA; AUTHORIZING THE FINANCE DIRECTOR TO ARRANGE FOR THE SALE OF THE COUNTY'S MEDIUM-TERM BONDS; PROVIDING CERTAIN DETAILS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF.**

**WHEREAS**, the Board of County Commissioners of Washoe County, Nevada (the "Board", "County", and "State", respectively) proposes to incur up to \$4,800,000 in medium-term obligations of the County under Chapters 350.087 to 350.095, inclusive, of Nevada Revised Statutes (the "Project Act" and "NRS", respectively), in order to finance all or a portion of the cost of acquiring, improving, constructing and equipping building projects, including public buildings to accommodate or house lawful County activities, including but not limited to, County personnel, offices, records, supplies and equipment (the "Project"); and bearing interest at a rate or rates which do not exceed by more than 3% the "Index of Twenty Bonds" most recently published in The Bond Buyer before bids are received for such medium-term obligations or a negotiated offer is accepted, and maturing within 10 years of the date of issuance thereof, in order to pay the costs of the Project; and

**WHEREAS**, the Board has determined that legally available funds of the County will at least equal the amount required in each year for the payment of interest and principal on such medium-term obligations; and

**WHEREAS**, NRS 350.087 requires that a notice of intention to authorize medium-term obligations be published not less than 10 days prior to the consideration of a resolution authorizing medium-term obligations; and

**WHEREAS**, a notice of intention to act upon the resolution authorizing such medium-term obligations has been duly published in a newspaper of general circulation in the County not less than 10 days prior to the date hereof pursuant to NRS 350.087; and

**WHEREAS**, all comments made at the public hearing held on this date on the adoption of this resolution have been duly considered by the Board.

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

Section 1. The Board hereby finds and determines that the public interest requires medium-term obligations for the Project in a principal amount not exceeding \$4,800,000.

Section 2. The facts upon which the finding stated in 1 above are:

(a) There is a continuing need to provide office space for County employees to meet the demands of and to serve the existing and future residents of the County and those needs are likely to persist or increase in the future due to the growth of the County.

(b) It is in the best interests of the County and its inhabitants, and would best serve the health and welfare thereof, if the Project is now accomplished, thereby assisting in alleviating the needs mentioned in (a) above.

(c) It is not feasible to finance the Project from other funds of the County, among other reasons, because of restraints on the County's budget for the current fiscal year and other demands on and needs for existing funds of the County.

Section 3. The source of revenue of the County that is anticipated to be used to repay the medium-term obligations and the dollar amount expected to be available from each such source are monies derived from the County's General Fund in an amount of not less than \$581,500 per year are anticipated to be available to repay the medium-term obligations.

Section 4. The medium-term obligations shall not be paid in whole or in part from a levy of a special tax exempt from the limitations on the levy of ad valorem tax, but shall be paid from the other legally available funds of the County mentioned in Section 3.

Section 5. The County proposes to borrow a sum not to exceed \$4,800,000 at an annual interest rate estimated to be 4.25% to be repaid over a period of not more than 10 years, which does not exceed the estimated useful life of the Project. Such medium-term obligations shall be evidenced by the issuance by the County of medium-term negotiable bonds (the "Bonds"), in one or more series, which mature not later than 10 years after the date of issuance and the interest rate shall in no event exceed by more than 3 percent the "Index of Twenty Bonds" which is most recently published before bids are received or a negotiated offer is accepted. The estimated useful life of the Project to be acquired with the proceeds from the medium-term obligations is at least 10 years. The Bonds shall mature at such times in such amounts as not to exceed the useful life of the Project.

Section 6. The Finance Director is hereby authorized to arrange for the issuance and sale of the Bonds in a total principal amount of not more than \$4,800,000 to finance the cost of the Project, in accordance with Project Act and the Bond Act. He is authorized to specify the terms of the Bonds, the method of their sale, the final principal amount of the Bonds, the terms of their repayment and security therefore, and other

details of the Bonds, and if deemed appropriate by him, to advertise the Bonds for sale, subject to the Project Act and the Bond Act and subject to ratification by the Board. Such Bonds shall be issued on such other terms and conditions as the Board determines, all as provided in the Project Act and NRS 350.500 to 350.720, inclusive, (the "Bond Act") and as specified by the adoption of one or more bond ordinances and the execution of a certificate of the Finance Director specifying the Bond terms and details approving and ratifying their sale (the "Bond Ordinance").

Section 7. The officers of the County are hereby authorized to take all action necessary or appropriate to effectuate the provisions of this resolution, including without limitation, (a) updating the County's capital improvement plan, debt management policy and statements of current and contemplated debt, if required, to reflect the Project, (b) forwarding all necessary documents to the Executive Director, Department of Taxation, Carson City, Nevada, (c) assembling of financial and other information concerning the County and the Project, and the Bonds, and (d) if deemed appropriate by the Finance Director, preparing and circulating a preliminary official statement for the Bonds, a notice of bond sale for the Bonds, or both, in the forms specified by the Finance Director. The Finance Director is authorized to deem the preliminary official statement to be a "final" official statement on behalf of the County for the purposes of Rule 15c2-12 of the Securities and Exchange Commission.

Section 8. The County represents that it is in compliance with the applicable provisions of law, including, without limitation, the provisions of chapter 354 of NRS.

Section 9. In order to permit the County to reimburse itself for prior expenditures relating to the Project with the proceeds of Bonds, the Board hereby determines and declares as follows:

(i) The County reasonably expects to incur expenditures with respect to the financing of the Project prior to the issuance of Bonds and to reimburse those expenditures from the issuance of the Bonds; and

(ii) The maximum principal amount of Bonds expected to be used to reimburse such expenditures is \$4,800,000.

Section 10. This Resolution shall become effective upon the approval hereof by the Executive Director of the Department of Taxation of the State of Nevada as provided in NRS 350.089.

**07-186**                    **SPECIAL ASSESSMENT DISTRICT NO. 37 SPANISH SPRINGS  
SEWER PHASE 1a – WATER RESOURCES**

**5:30 p.m.**            This was the time set in a Notice of Hearing by Washoe County, Nevada, published in the *Reno Gazette-Journal* on January 26th, February 2nd and February 9,

2007 to consider all complaints, protests and objections made in writing or verbally to the assessment roll or to the proposed assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specifically benefited by and proposed to be assessed for, the improvements in the Special Assessment District (SAD) No. 37 (Spanish Springs Sewer Phase 1a), by any person interested, and by any parties aggrieved by such assessments.

Chairman Larkin opened the public hearing by calling on anyone wishing to speak for or against the SAD No. 37, Spanish Springs Sewer Phase 1a.

Rosemary Menard, Water Resources Director, provided a Power Point presentation, protest letters received, as well as a brief summary pertaining to the status of this item, which were all placed on file with the Clerk. She explained this project was undertaken to address nitrate contamination as a result of failing septic systems in that area. She indicated the purpose of today's action was to correct an earlier error that established the pre-payment period for the local assessment district. Ms. Menard explained the Department of Water Resources (DWR) told property owners they would have 20 years to repay their assessment, but the initial authorizing legislation mistakenly established a repayment period of 20 installments over a 10-year period. She explained the summary provided some answers to key questions raised from the protest letters received and quite a bit of work had been completed to develop the plan to correct the nitrate contamination.

Chairman Larkin said there were several items raised in a letter that was circulated throughout the community, which he believed prompted most of the protest letters. He inquired how many steps had been completed in this process to date. Joe Stowell, Licensed Engineer, stated there had been about 17 steps. Chairman Larkin corrected him in stating this was actually the 21st step and he wondered how many protests had been received to date. Mr. Stowell replied there had been 42 protests.

Ms. Menard addressed the questions received via protest letters. The first question was when would future phases of the project be completed. She explained the project had been divided into nine phases. Ms. Menard stated the nitrate contamination project needed to be completed, but right now they were waiting for additional federal resources from the grant program to mitigate some of the cost impacts to the property owners. She said DWR staff was ready to move ahead with Phase 1b as soon as those additional resources became available.

Ms. Menard stated the second question dealt with whether or not the money for the Spanish Springs phased sewer project had been spent elsewhere. She summarized where the funds came from, and that all funds were spent or dedicated to the Spanish Springs Project.

Ms. Menard stated the third question addressed how the phases were established. She reported this particular phase was designed and chosen so that the school located in the north part of the service area, which was a major source of the nitrate contamination, could be addressed. She said Phase 1a was not chosen to facilitate new

development, but acknowledged the development might not have occurred had this project not been put in place.

Ms. Menard stated another question was would the completion of the Phase 1a solve the issues related to nitrate contamination of the groundwater. She reported it would not, because groundwater monitoring demonstrated the nitrate contamination was still rising.

Ms. Menard said property owners wondered if the County, through the Assessment District, should pay for private property costs and sewer use fees of private property owners associated with the project. She explained Nevada Revised Statutes (NRS) did not allow the County to pay for private property improvements using this assessment mechanism.

Ms. Menard stated the final question dealt with the tax status of the reimbursement of the private property costs, which came from a State Grant. She stated it was a taxable contribution from the County to the individual property owners, but she believed that providing funds to mitigate private property costs in connecting to the sewer was a benefit for most property owners.

Chairman Larkin inquired how many units would be in all phases. Ms. Menard responded there were 2,000 units with 212 units in the first phase. Chairman Larkin inquired on the consequences of the Board not adopting the resolution. Ms. Menard stated original authorizing legislation established a 10-year repayment period and that would stand, rather than the intended 20-year repayment period.

Kendra Follett, Swendseid and Stern Bond Counsel, stated it was required to re-open the public hearings to implement the new terms to be included in most of the future steps.

Commissioner Galloway inquired how much of the total project was taxable. Ms. Menard explained property owners received \$2,000 from a State Grant to mitigate their connecting costs, which meant they would end up saving \$2,000, but would end up paying a fraction of that back in federal taxes.

In response to Chairman Larkin, Ms. Menard replied the construction of Phase 1 had been completed. She explained Phase 1b was waiting for the federal budget for fiscal year 2007 to find out if additional funds would be available to begin the phase.

In response to the call for public comment, Paul Chapman stated his main concern was that, if this was so important, why was there not more being done to get federal funds. He wondered why property owners could not just deal with one County agency instead of the three.

Frank Karaglanis felt this had adversely affected him. He said the County received 40± protests, but there were 163 people affected, so a 25 percent objection rate

was pretty high considering a majority of the residents did not receive their registered letter. He voiced his concerns about actual interest rates and what the school had been assessed.

Chairman Larkin inquired if there were any more public comments. Hearing none, he closed the public hearing portion of the meeting and opened discussion up to the Board.

Katy Singlaub, County Manager, stated the County aggressively pursued federal funding for this project. She explained the 10 and 20-year discussion was not about the construction schedule, but about the payment schedule. She said the project was an emergency, which was why the County had already completed construction of Phase 1.

Mr. Stowell stated it would take 10 to 20 years to see the affects of the work being done, because it took a long time for the water to travel from some of these septic systems into the groundwater. He explained the school paid an assessment of approximately \$43,000 to connect in addition to their own on-site construction work.

In response to Chairman Larkin, Ms. Singlaub stated the County had consolidated permitting functions. She would pass along the request to Dave Childs, Assistant County Manager, to ensure the process was streamlined.

Mr. Childs recommended the public begin with the Department of Water Resources for future phases and then contact him for further assistance. He informed the Board one-stop shopping entitled "Permits Plus Zone" had been implemented.

Ms. Singlaub stated the previous action would be upheld whereby the payment plan would go through on a payment schedule of 10 years instead of 20 years if the Board did not approve the proposed Resolution. She explained that the Nevada Department of Environmental Protection directed the County to correct this problem and the County was fortunate to be able to do this project in a cost effective manner due to federal assistance.

Commissioner Galloway wondered if the inspections could be streamlined along with the permitting process and could the connection be approved before it was turned on and the old system removed. Mr. Childs responded the idea of the Permits Plus Zone was to streamline the entire process.

Upon recommendation by Mr. Stowell, and Paul Orphan, Engineering Manager, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered the protests received be dismissed, the following Resolution be adopted and the Chairman be authorized to execute the same:

## **RESOLUTION**

### **A RESOLUTION CONSIDERING PROTESTS MADE AT THE HEARING ON THE PROVISIONAL ORDER AND THE ASSESSMENT ROLL FOR THE ACQUISITION AND IMPROVEMENT OF A SANITARY SEWER PROJECT IN WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 37 (SPANISH SPRINGS SEWER PHASE 1a); AND PROVIDING OTHER MATTERS RELATED THERETO.**

**WHEREAS**, the Board of County Commissioners of the County of Washoe in the State of Nevada (the "Board," "County" and "State," respectively), has heretofore, pursuant to the requisite preliminary proceedings, created Washoe County, Nevada, Special Assessment District No. 37 (Spanish Springs Sewer Phase 1a) (the "District"), for the purpose of acquiring a sanitary sewer project as defined in NRS Section 271.200 (the "Project") and has provided that a portion of the entire cost and expense of such Project shall be paid by special assessments, according to benefits, levied against the benefited lots, tracts and parcels of land in the District; and

**WHEREAS**, pursuant to a resolution adopted on September 13, 2005, the Board called a provisional order hearing on October 11, 2005 (the "Provisional Order Resolution"); and

**WHEREAS**, on October 11, 2005, the Board held a provisional order hearing and considered all protests to the assessments, the District and the Project, each written protest and oral complaint, objection and protest were considered and found to be without merit and the Board overruled all protests and complaints pursuant to a resolution adopted on October 11, 2005; and

**WHEREAS**, on October 11, 2005, the Board considered all applications for hardship determinations and the recommendations of the Washoe County Department of Social Services and did not approve any applications for hardship determination; and

**WHEREAS**, the Board caused to be filed with the County Clerk on October 25, 2005:

- a) The detailed estimate of the total cost of the District, including each of the incidental costs;
- b) The engineer's report on benefits;
- c) Full and detailed final plans and specifications; and
- d) The assessment map and assessment plat.

**WHEREAS**, the District has been created by an Ordinance adopted on October 25, 2005 (the "Creation Ordinance"), under the provisions of Chapter 271 of NRS, the Consolidated Local Improvements Law; and

**WHEREAS**, the Board has heretofore determined that a portion of the cost and expense of the Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in the District; and

**WHEREAS**, the Board has heretofore determined and does hereby declare that the net cost to the County of all improvements in the District (including all necessary incidentals which either have been or will be incurred in connection with the District) is \$5,091,725.09 of which \$1,069,082.81 is to be assessed upon the benefited tracts and parcels of land in the District for the Project and \$4,022,642.28 will be paid from other sources; and

**WHEREAS**, the Board, by a resolution duly adopted directed the Engineering Division of the Washoe County Department of Water Resources, as the engineer for the County with respect to the District (the "Engineer") to make out a preliminary assessment roll; and

**WHEREAS**, after determination of the portion of the costs of such work to be paid by the property specially benefited, the Board, together with the Engineer, made out an assessment roll containing, among other things, the names and addresses of the last-known owners of the property to be assessed, or if not known that the name is "unknown", a description of each lot, tract or parcel of land to be assessed, and the amount of the assessment thereon, and the Engineer has reported the assessment roll to the Board and has filed the assessment roll (the "Assessment Roll") with the County Clerk; and

**WHEREAS**, the Board thereupon fixed a time and place, to-wit, Tuesday, October 24, 2006 at 5:30 p.m., at the Commission Chambers, Washoe County Administration Complex, 1001 E. 9th Street, Reno, Nevada, when all complaints, protests and objections to the Assessment Roll, to the amount of the assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and proposed to be assessed for, the Project in the District, by any person interested, and by any parties aggrieved by such assessments, would be heard and considered by the Board; and

**WHEREAS**, the Board caused the Assessment Roll to be filed in the records of the office of the County Clerk on September 26, 2006; and the Clerk by publication and by mail gave or caused to be given the requisite notice of the time and place of such hearing, of the filing of the Assessment Roll in her office, of the date of filing the same, and of the right of any such person so to object specifically in writing and of the waiver of any objection in the absence of such objection; and

**WHEREAS**, at the time and place so designated the Board met to hear and determine all objections so filed or made orally by any interested party; and

**WHEREAS**, each written protest and oral complaint, objections and protest was duly considered; and

**WHEREAS**, all complaints, protests and objections, both written and oral, were found to be without sufficient merit and overruled; and

**WHEREAS**, by a resolution adopted on October 24, 2006 (the "Assessment Protest Resolution"), the Board confirmed the Assessment Roll to be in final form; and

**WHEREAS**, the assessments do not exceed the benefits to the property assessed nor that portion of the total cost of the Project payable from assessments as heretofore determined; and

**WHEREAS**, by ordinance duly adopted on November 13, 2006 (the "Assessment Ordinance"), the Board levied the assessments in the Assessment Roll in the District; and

**WHEREAS**, the Board desires to amend all proceedings relating to the District, including the Provisional Order Resolution, the Creation Ordinance and the Assessment Ordinance, to provide for the payment of assessments in installments of forty (40) substantially equal semiannual installments which will include both principal and interest being payable semiannually at the office of the County Treasurer of Washoe County on March 1 and September 1 in each year, commencing on September 1, 2007; and

**WHEREAS**, the Board by resolution duly adopted on January 9, 2007, established a date, time and location at which the Board would hear and consider any and all complaints, protests and objections to the Assessment Roll and to the assessments contained therein; and

**WHEREAS**, the Board has, in accordance with the provisions of law relating thereto, given the requisite legal notice by posting, mail and publication that complaints, protests and objections the provisional order, to the Assessment Roll, to the amount of the assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and assessed for, the Project in the District, by any person interested, and by any parties aggrieved by such assessments should be filed with the County Clerk, and that the Board would hear and consider any and all complaints, protests or objections on Tuesday, February 13, 2007, at 5:30 p.m., at the First Floor Commission Chambers, Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada; and

**WHEREAS**, the Board met at the place and time to hear and consider all complaints, protests and objections made or filed; and

**WHEREAS**, the Board has determined (based upon the tabulation of the percentage of owners protesting prepared by the Engineering Division of the Washoe County Department of Water Resources, as the engineer for the County, and filed with

the County Clerk) that the total percentage of those owners filing written or oral objections for the entire District amounted to less than one-half of the area to be assessed using the modified area basis (i.e., on an acreage basis modified to treat any parcel or tract that is less than one acre as a one-acre parcel); and

**WHEREAS**, the written and oral protests or objections were noted for the record and a copy of the minutes of the public hearing are hereto as Exhibit A, which were placed on file with the Clerk; and

**WHEREAS**, all complaints, protests and objections, both written and oral, were heard and considered by the Board on February 13, 2007, and after extensive review and deliberation hereby are found to be without sufficient merit and are hereby overruled; provided, however, that the Board has, nevertheless, concluded that it is necessary and equitable that the District and the Assessment Roll be corrected and revised as set forth in Section 2 hereof (as so corrected and revised, the "Assessment Roll");

**WHEREAS**, the Board has determined and does hereby again determine, that all of the assessable property in the County which is specially benefited by the improvements acquired in the District, and only the property which is so specially benefited, is included on the Assessment Roll heretofore filed with the County Clerk on September 26, 2006 and confirmed by resolution of the Board adopted on October 24, 2006; and

**WHEREAS**, the Board has determined, and does hereby determine, that the notice, posted, mailed and published, for the hearing held on February 13, 2007, on the provisional order, the Assessment Roll, the amount of the assessments, and the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and assessed for, the Project in the District, by any person interested, and by any parties aggrieved by such assessments, was reasonably calculated to inform each interested person of the proceedings concerning the District which may directly and adversely affect his or her legally protected rights and interests.

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

Section 1. The Board determines that each and every protest and objection filed or otherwise made (representing less than 50 percent of the area to be assessed based on the modified area basis (i.e., on an acreage basis modified to treat any parcel or tract that is less than one acre as a one-acre parcel)) is without sufficient merit, and that the same is overruled and finally passed on by the Board except the District and the Assessment Roll are modified as described in Section 2.

Section 2. The Board has determined, and does hereby determine, that, except as hereinafter stated, it is advisable to acquire the Project as provided by the

provisional order resolution and does hereby order that assessments be levied therefore and the Board hereby validates and confirms the Assessment Roll for the District, as made out by the Board, together with the Engineer, and filed in the records of the office of the County Clerk on September 26, 2006 and confirmed by the Board by resolution adopted on October 24, 2006 as set forth below is modified, revised, corrected and made de novo; provided, however, that the Board has, nevertheless, concluded that it is necessary and equitable that the Assessment Roll be corrected and revised as follows:

Revised Amount

<u>Parcel Number</u>	<u>Ownership</u>	<u>Final Assessment</u>
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[unless changes are listed here, no changes are made and  
all protests or objections are overruled and denied]

Section 3. Pursuant to NRS 271.360 and an ordinance adopted on October 23, 2001 establishing a hardship determination procedure, the Board has considered all applications for hardship determinations and the recommendations of the Washoe County Department of Social Services and made determinations in connection therewith on October 11, 2005.

Section 4. Any person who filed, and did not withdraw a written protest or objection as aforesaid, shall have the right, within 30 days from the effective date of this resolution, to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination, but thereafter all actions or suits attacking the validity of the proceedings and the amounts of benefits, shall be perpetually barred.

Section 5. The Engineering Division of the Washoe County Department of Water Resources as the engineer for the County has prepared and filed with the County Clerk in the manner required by law and presented to the Board and the Board hereby ratifies the preparation and filing of the following:

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

Section 6. All action, proceedings, matters and things heretofore taken, had and done by the County and the officers thereof (not inconsistent with the Provisions of this Resolution) concerning Special Assessment District No. 37 (Spanish Springs Sewer Phase 1a), including, but not limited to the acquisition of the Project, the creation of the District and the validation and confirmation of the Assessment Roll and the assessments therein, be, and the same hereby are, ratified, approved and confirmed. The officers of the County are directed to effectuate the provisions of this resolution.

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

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

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

**07-186**            **BILL NO. 1503 – SPECIAL ASSESSMENT DISTRICT NO. 37**  
**(SPANISH SPRINGS SEWER PHASE 1a PROJECT) – WATER**  
**RESOURCES**

Bill No. 1503, entitled, "AN ORDINANCE CONCERNING AMENDMENTS TO THE CREATION ORDINANCE, THE ASSESSMENT ORDINANCE AND THE BOND ORDINANCE FOR WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 37 (SPANISH SPRINGS SEWER PHASE 1a); LEVYING ASSESSMENTS IN THE DISTRICT; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH" was introduced by Commissioner Galloway, the title read to the Board and legal notice for final action of adoption directed.

**07-187**            **COMMENTS – BILL DRAFT REQUEST (BDR) NO. 48-183**  
**CREATE REGIONAL WATER ENTITY - WATER RESOURCES**

Senator Mark Amodei stated the subcommittee was created by Legislation in 2005 and had a large laundry list of items to look at. He stated the Bill Draft Request (BDR) was presently circulating in draft form, so the public, stakeholders and affected entities could provide input. Senator Amodei said the regional entity would manage water resource issues such as conjunctive use, conservation programs, service boundaries, regional capital construction treatment facilities and regional size mains. He stated the legislative committee would only get to meet five or six times to come up with a responsible recommendation; so they focused from the beginning on the issue of wholesale water and regional issues in terms of conservation service areas, acquisition, and capital improvements.

Senator Amodei said nothing in the BDR would impact the Orr Ditch Decree or the Truckee River Operating Agreement (TROA), just as there was nothing in the draft to tell the Truckee Meadows what their importation plan would or water rates would be. He said the BDR would leave intact the retail operations of the four existing retail water utilities in the Truckee Meadows; South Truckee Meadows General Improvement District (STMGID); Sun Valley GID; Washoe County Water Resources and the Truckee Meadows Water Authority (TMWA). He said there was nothing in the BDR to condemn directly or indirectly, existing rights to water or to affect the underlying water law of the State of Nevada in terms of prior appropriation and priority. Senator Amodei said the BDR would not give the entity's jurisdiction to schedule the delivery of water throughout the Truckee Meadows through the four retail facilities. He indicated it

would create a board of nine members consisting of two from the Washoe County Board of County Commissioners, two from the Sparks City Council, two from the Reno City Council, one from each of the GID's, and one from the water treatment entity; because representation by all four bodies needed to be involved in a retail water business.

Rosemary Menard, Water Resources Director, explained the comparison chart included with the staff report attempted to describe in a very neutral and informative way the situation with respect to a number of characteristics. Those characteristics were part of discussions that the water purveyors in Washoe County were having during the time that the SCR-26 subcommittee was meeting regarding interlocal agreements, approaches and what issues needed to be resolved. The characteristics were boundaries, authority of an entity, purpose, new versus existing resources and who would benefit. The approaches and what the new entity might do included function powers and limitations, governance, voting and the water planning commission. She explained the spreadsheet showing the joint purveyors outline that involved Washoe County, TMWA, the two GID's, some work on an Interlocal agreement, what had been distributed, and the BDR.

Ms. Menard explained the boundaries appeared to be the same, the Interlocal agreement approach used the Nevada Revised Statutes (NRS), and the BDR proposed special Legislation. She stated it appeared the purpose of authority in all cases under discussions involved facilitating, coordinating existing resources, making the best use of what we had and looking at resource planning and development for the future. She believed it focused on having a regional plan to solve problems and how to use the resources we already had in the best possible way. Ms. Menard briefly discussed costs sharing strategies.

Ms. Menard believed there was an issue regarding the way service areas were addressed. She said the Interlocal Agreement approach maintained service areas would exist with the current providers, which left the question of who would serve additional development; the BDR appeared to provide service area authority determination to the new entity.

Ms. Menard explained the different compositions of boards under governance and the number of representatives of some of the agencies. She said a simple majority was the common theme under voting and there was an opt-out provision so, if an entity did not want to be involved in a particular capital project or major development effort, they did not have to provide resources to pay for it. She stated the Regional Water Planning Commission (RWPC), which was created by the Legislature, would report to the new entity. Ms. Menard discussed technical issues regarding the way the water plan was to be managed.

Ms. Menard understood the Commission's goal was to pursue the establishment of a regional water planning and management agency to address water issues using a parallel path, working both with Senator Amodei and then working with Washoe County water agencies to develop an Interlocal agreement. She provided the

Board with some ideas of what the Water Resource Department thought an effective regional management agency would be. Ms. Menard stated the effective planning and management of resources, including surface water, ground water, water quality, and reclaimed water were all the pieces that went into making sure there was an adequate water supply that met the environmental and economic needs of the community.

Ms. Menard stated the Board may want to consider comments to Senator Amodei regarding the BDR that addressed the following issues specifically:

- 1) Consider adding language establishing and enforcing policies for existing resources for consistent, effective and efficient management by Washoe County water purveyors.
- 2) Consider adding language affirming that ownership and management of water rights serving current customers would continue to be controlled by the current owners.
- 3) Consider that those providers currently providing service would maintain control of existing service territories so that investments are not stranded.
- 4) Consider integration of language to authorize the new entity to make service provider decisions based on which purveyor and resource could most efficiently and effectively serve the area. Also allow for an initial service area designation to be developed as part of an updated regional integrated water resource management plan and review every 12 years.
- 5) Allow the new entity to have final decision-making authority in the event of service area disputes.
- 6) Consider a nine-member Board that would include representatives from the cities of Reno and Sparks, Washoe County, Truckee Meadows Water Authority, South Truckee Meadows General Improvement District, the Sun Valley General Improvement District and the Water Reclamation Facility, as well as domestic well owners and a consumer representative.
- 7) Consider continuing working on a voting mechanism that would build agreement and strong support for the proposals of the new entity.
- 8) Consider that the legislation specifically recognized that existing wholesale agreements need to be honored and there would be no competition with existing wholesalers.
- 9) Consider adopting a position that would give the new entity's Board the authority to decide who pays rates for new wholesale service, that growth should pay for itself and that local control of retail rates would be retained by the current service provider.

Ms. Menard stated there were some questions that came out of the review regarding section 540(a) of NRS that involved the RWPC. She suggested amending it rather than repealing it.

In response to the call for public comment, Kevin Haddock wondered what the advantages would be for replacing the existing water board with the proposed board and why was Incline Village and the Incline Village GID immune from the authority of the new board. He understood other exceptions would be the Indian Reservation and the Gerlach GID. He wondered how the technical committee for the board would be selected, what the effect would be on well owners and ratepayers with the creation of this new entity.

Erik Holland stated he opposed the bill and was not interested in being part of a cost-sharing plan to add new supplies of water for more growth. He voiced his concerns with regard to sales tax, tax structures and AquaTrac. He believed there were negative impacts with regard to exporting water.

Pat Phillips stated she was a representative of a group interested in protecting domestic well use. She found out about SCR-26 in June 2006; which was after the hearings and after the recommendations were made. She said a lot of this came from Clark County seeking to obtain water from White Pine County, so an interim study was called for. Ms. Phillips said the subcommittee was supposed to study the availability and conservation handling of water for Washoe County, with the result being BDR 48-183. She felt BDR 48-183 was not about conservation, but redistribution. She said if the goal of BDR 48-183 was to preserve the quality of life and conserve water for service to all under the authority of a single entity, it needed the support and cooperation of all water purveyors. Ms. Phillips stated there were over 8,000 domestic well users in Washoe County and, under this bill; they would have no say, no representation and no protection. She said the bill included the right of eminent domain and the ability to access water for public good. Ms. Phillips discussed briefly the history of developers within the County granting a sphere of influence to the Cities, which she believed was an intrusion into the rights of domestic well purveyors. She suggested the following language to the bill: 1) domestic well purveyors must have representation on the commission and on the board; 2) domestic well use must be addressed and protected within the bill; and, 3) protection or a mechanism preventing developers from granting cities a sphere of influence, which would allow them to gain water access to the detriment of the surrounding county homes.

Robbin Palmer stated she was a domestic well owner. She attended the meeting of Citizens for Sensible Growth where she heard a presentation that outlined many points as to why this was a bad idea. She was against creating the water authority, because she felt the current system was not broken and did not need fixing.

Don Vetter stated he believed this would create a super-agency that would establish redevelopment districts, taxation and exercise eminent domain; all for the development and acquisition of water. He thought this would be a repeat of the Honey Lake Project. He did not think water rights should be pursued for new growth using taxpayer's money, staff and time. Mr. Vetter was concerned that there was no language within the bill that addressed watershed protection, watershed management and protection of the Truckee River.

Susan Lynn stated she was concerned this bill would repeal NRS 540A and the existing water plan, which a great deal of energy and effort went into adopting. She explained the Water Planning Commission made a diligent effort to comply with Judge James Hardesty's ruling to come up with water policies and conjunctive use plans to cover issues of flooding, stormwater, water quality, sewer and water supply. She said only the State Engineer could create new water, and he had to certificate water rights. She believed that just because a water right was certificated it did not become a new water source.

Garth Elliott stated the Sun Valley GID had been fighting hard for his rights as a Sun Valley citizen. He said with this bill the GID would be reduced to one vote in nine, and he thought that was a bad idea. He thought the bill should be taken to the people for a vote instead of trying to initiate another layer of government that was not needed.

Ray White stated he spent \$15,000 to put in a well at his home, and he thought the establishment of a new agency would definitely reduce the value of his property. He thought the bill would lead to water meters and a monthly fee.

John Howe stated he drilled a well deep enough to serve his needs and had not had any trouble with it for over 30 years. He said there were roughly 500 families in his neighborhood who did the same thing. He hoped new legislation would be crafted to protect the people who took care of their own water.

Margaret Reinhardt stated she did not support the bill. She wondered how the bill would make water more available for the citizens. She inquired if the bill would lower their rates and she was informed that it would not. Ms. Reinhardt believed this bill was for new growth at the expense of the existing ratepayers.

Tina Nappe stated she thought the bill represented the supply of money would come from the citizens, but she did not know where the supply of water would come from. She was concerned the bill did not address a budget, so the citizens would know how much they would be paying. She explained rates were low under the Southern Nevada Water Authority because they received \$280 million from the sale of public lands, more sales tax and huge impact fees for new development. She would prefer the bill not go into effect until 2011, and to see a planning authority that was not politicized.

Heather Singer stated she felt the creation of a Northern Nevada Water Authority would not be in the best interest of the region because it would have the power to raise taxes for the infrastructure to pipe in rural water for more growth. She believed residents should not be forced to supplement funding for water so that developers could build more subdivisions.

Steve Bradhurst provided the Board with his analysis of the bill. His question was whether or not state and local government should be involved in the

acquisition of water resources. He reiterated a previous board of county commissioners thought government should not be involved in the acquisition of water resources and would not put the public at risk. Mr. Bradhurst said Section 542B in the bill stated, “the acquisition, development and management, and conservation of regional water resources by the authority was for a government and public purpose and a matter of public necessity.” He questioned if it was a matter of public necessity. Mr. Bradhurst pointed out a previous cost analysis of bringing water into the community at \$1 billion for 40,000 acre-feet of water.

Perry DiLoreto stated he was present on behalf of the Northern Nevada Development and Water Coalition. He hoped there was a way to make it clear that no one was trying to take away anyone’s water rights, whether it be those of an individual well owner, STMGID wells, TMWA’s water rights, or the County’s water rights. He said with regard to service territories, the County went out on a limb so that general obligation bonds would be repaid through connection fees and fund the new water treatment facility south of Reno. He explained the facilities would bring into utilization a local resource, which was not imported from anywhere; it was already here and had never been used. Mr. DiLoreto suggested the County had \$50 million to spend on the treatment plant, but would look to developers and private enterprise to bring water to it. He said the County could charge fees to pay back the cost of that plant. As a developer he was looking for a way to do a better job of managing the resource. Mr. DiLoreto explained water had to be brought in for new developments; it did not get taken from anyone. He said the water for Damonte Ranch had been on Damonte Ranch for over 120 years and it was used for agricultural purposes now being converted to Municipal and Industrial use.

Gary Schmidt stated he did not think a super-agency was needed to manage the water in Washoe County, and he thought any legislation should include language to put this to the citizens for a vote. He discussed some issues with regard to NRS 239, campaign contributions and expenditures.

Leo Horishny stated he concurred with the other speakers and did not support the idea of a Newland’s Project to go outside the County to bring in water. He also believed creation of this type of administration would come with financial costs for everyone.

Ira Hanson stated he believed the bill would allow going after private water through eminent domain instead of going through the free market process. He felt it would force everyone who had private water rights to sell them to the new purveyor, who in turn would distribute them to the developers, because the bill authorized the board of trustees to acquire and dispose of, in any manner, water rights, water supplies and related facilities. He stated the County already had an excellent water planning commission with a comprehensive plan in place.

Chairman Larkin inquired if there were any more public comments. Hearing none, he closed the public comment portion and opened discussion back up to Senator Amodei and the Board.

Senator Amodei reiterated nothing in the BDR would change the existing water law in the State of Nevada regarding priority and well owners. He explained the bill was released as a draft so any concerns could be incorporated into the final bill. He said it was the committee's intent to not manifest or require that there be a specific importation policy, because they wanted to defer that to the elected officials from the Truckee Meadows. Senator Amodei stated if the elected officials did not want to have an importation policy and wanted to place a moratorium on domestic water supplies for Washoe County on any water coming from outside the County that would be their decision. He explained nothing in this BDR should be interpreted in any way to disturb the technical work being done by the Water Planning Commission (WPC). Senator Amodei explained when the WPC was created, they were given no authority to enforce their plan; so this would give them some authority. He asked if there was an opportunity to manage resources in a region, collectively by elected officials, should there be one group or should there continue to be four different groups charged with doing that. He discussed condemnation issues and how they were handled at the legislative level. He assured the public that the BDR did not imitate the Southern Nevada Water Authority. Senator Amodei stated under this proposal, elected officials would have the freedom to direct their policy with regard to importation.

Commissioner Galloway discussed purchased water rights and water rights being dedicated for service. He thought the new authority should not have the ability for eminent domain and should not in any other way reallocate water rights that were already dedicated to the benefit of existing users without the consent of those users and without compensation. Senator Amodei responded he was only one of 63 votes, but he would review what Commissioner Galloway proposed. Commissioner Galloway wondered about the tax authority, because he thought the appointed board would not be an elected board. Senator Amodei stated he disagreed because the board would require elected officials as members. He stated the existing surcharge that went to the WPC was looked at and then any funding decisions made after that, keeping in the spirit of local control, would be subject to a vote of the board. Commissioner Galloway inquired about a vote of the people. Senator Amodei stated if the new board wanted to place that restriction on the bill, it could be done.

Commissioner Sferrazza stated one of the ongoing discussions at recent joint meetings was to come up with a draft Interlocal Agreement; and, if that was done could it be presented to Senator Amodei in place of the BDR. Senator Amodei stated if the legislation was passed, there could still be a need for an Interlocal agreement to implement it. Commissioner Sferrazza was concerned about the cost of acquiring new water and who would bear those costs. He stated historically new development paid the acquisition costs for new water, and he wondered if there was anything in the bill that would prevent that from continuing. Senator Amodei stated there was nothing in the proposal that would change that policy. He stated he would support that being included in the language of the bill.

Chairman Larkin asked Senator Amodei to clarify issues regarding management of existing water rights versus future water rights. Senator Amodei responded the thought process with regard to existing versus future was about conjunctive use and scheduling. He said being able to use the resource in the context of this region most responsibly had to be done by way of scheduling that made sense and to say this entity would only have jurisdiction over new water would be excluding the vast majority of the water resources in terms of managing their use and scheduling. One of the issues in terms of responsibility towards the resource, he thought for the most part, would be abrogated because there would not be the ability to manage, in a conjunctive use context, a majority of the water resources in the Truckee Meadows. Chairman Larkin stated the new entity would not manage the existing water resources; they would just schedule and work with existing purveyors for conjunctive use. Senator Amodei replied if the entity existed, they would need the ability to manage the water in terms of a resource context.

Commissioner Galloway stated the South Truckee Meadows Water Treatment Plant was already planned to operate, and he suggested eliminating the word “existing” because then there would not have to be other disclaimers. He thought Senator Amodei committed to saying he would not support an eminent domain clause. Senator Amodei stated that was correct. Commissioner Galloway suggested additional language stating there would be no reduction in existing service areas without the consent of the utility affected. Senator Amodei stated that he would support that clause. Commissioner Galloway stated the Board of County Commissioners was the water board and two years ago they refused to lower the public’s drought reserves, which would have freed up 15,000 acre-feet of water for developers.

Commissioner Humke stated he appreciated Senator Amodei’s comments on conjunctive use and other conservation concepts. He asked if Senator Amodei could comment on the interim committee continuing after the bill was or was not passed; and, if he could make any long-term predictions regarding any opportunities for multi-county Interlocal agreements. He wondered what Senator Amodei believed should be the regulatory environment of water at the State level, should it just take place by local elected officials or should there be a State regulatory role as well.

Senator Amodei responded he understood the State Engineer would deal with water rights, ownership, priority and all of those things in terms of property rights. He said the State probably had not done a good job in terms of water planning statewide. As western Nevada continued to matriculate, and he was not saying if that was good or bad, but in a five or six county area within an hour of Reno there were 600,000 to 700,000 people living. Senator Amodei stated county lines were meaning less and less, because air quality and airshed issues did not stop at the Washoe County line; and it was the same for the water issues, as the Truckee River did not start and end in Washoe County. He said it was proposed the State not play much of a role in terms of planning in the Truckee Meadows. He explained the statewide water committee’s role and the establishment of priority dates with respect to domestic wells. Senator Amodei believed it

would be a disaster if water decisions were not kept in the hands of the people who were responsible for zoning and master plan decisions.

Chairman Larkin commented the focus should be water leadership and how to use this valuable resource in the future. He stated there were a lot of investments in the service areas and the BDR contemplated elimination of those areas. Senator Amodei stated if the proposal said that, it was not their intent. He said there was no intent to eliminate, shrink, or alter existing service areas. Senator Amodei said the proposal was trying to say, as those service areas grew, decisions would be made on the basis of engineering technical input to avoid situations with dueling mains going down a street.

Commissioner Galloway suggested the following additional comments be added to the existing comments: A new eminent domain statement and a statement ruling out reallocation of water from existing dedicated water by other means. He would like staff to draft language saying there would be no reduction in service territories or in any existing utility without their consent. Commissioner Galloway requested staff bring the Board language on the taxing authority stating there would be no tax levied by this authority on the general population without a public vote, but it could impose fees on new development. He also proposed language that the water board would retain its authority to rule on suggestions or proposals from the Water Planning Commission and the proposal should address new wholesale water as an alternative. Since the existing BDR did not honor the compromise reached by the water purveyors, he would like an alternative governance structure; one from each utility, which would be STMGID, TMWA, Washoe County Department of Water Resources and the Sun Valley GID, plus including a consumer representative and a domestic well owners as possible members.

Commissioner Humke stated he thought one of the strongest things that could be asked for and sought at this time was a recital as to the public policy protecting well owners, which would be paired with the placement of a well owner on the resulting authority.

Commissioner Sferrazza suggested language stating the cost for developing, acquiring and supplying water would be born by new development.

Chairman Larkin stated he would like to see language drafted that dealt with existing water rights and scheduling of water in a conjunctive use concept versus managing existing purveyor's water should be taken out. He requested a letter be sent to Senator Amodei and other committee members expressing the Board's thanks for Senator Amodei attending the meeting to receive comments and input on the draft.

There was no action taken on this issue.

**07-188      LEGISLATIVE ISSUES – GOVERNMENT AFFAIRS**

John Slaughter, Management Services Director, discussed a list of platform issues staff had been working on, which was placed on file with the Clerk. He

explained Washoe County supported issues with regard to methamphetamine integrated strategies to counter the methamphetamine epidemic occurring nationally and within Washoe County and supported increased funding for all the components of an integrated strategy. He said Washoe County also supported tenable affordable housing, children's issues, senior services, elections, property rights, eminent domain, alternative energy, franchise fees, infrastructure, transportation funding, water, Yucca Mountain rail transportation project and public lands. Chairman Larkin inquired if this was the final language. Mr. Slaughter stated it was. Chairman Larkin asked for a continuance on this issue to allow the Commissioners additional time to review the list. He inquired if there were any additional platform issues to discuss. Mr. Slaughter stated the County may want to deal with graffiti issues.

Katy Singlaub, County Manager, stated the Board might want to discuss general support for increased funding for wildland fire fuels reduction from the State. She said the Nevada Division of Forestry had a significant responsibility in partnering with counties on fuels reduction.

Commissioner Humke stated the concept of graffiti was a narrow concern. He thought the County might do well to broaden it to relate to the overall concept of malicious mischief. He referenced a recent event that happened in Boston.

Chairman Larkin stated next week, the Board would be prepared to finalize the platform issues and include two additional areas dealing with graffiti and wild land fire fuels reduction. Commissioner Galloway stated he would like to add language to the Land Use Transportation element regarding the preservation of public access to public lands. Mr. Slaughter stated that was addressed on the last page of the handout.

**07-189            COMPREHENSIVE PLAN AMENDMENT CASE CP06-006  
(SOUTHEAST TRUCKEE MEADOWS AREA PLAN UPDATE) –  
COMMUNITY DEVELOPMENT**

**5:30 p.m.**        This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* and mailed to affected property owners on February 2, 2007 to consider Comprehensive Plan Amendment Case CP06-006 to determine if the Washoe County Planning Commission recommendation for approval should be upheld or reversed, if the proposed update/amendment is an appropriate change to the Southeast Truckee Meadows Area Plan, and consistent with the goals, policies and standards of the elements of the Washoe County Comprehensive Plan; if any modifications, revisions, additions, or deletions are necessary in response to the proposed amendment to the Southeast Truckee Meadows Area Plan.

Bill Whitney, Senior Planner, stated he worked with the Hidden Valley and Toll Road Working Groups, individual residents from Virginia Foothills, the eastside subdivision, and the Hidden Valley Homeowner's Association. He said the residents working on the area plan update were provided wide latitude in defining the areas character and translating that character into the plan's goals, policies, and a series of

maps. Mr. Whitney highlighted maps attached to the staff report dated January 23, 2007, to the Board showing the timeline and the overall process that they followed. He explained the Southeast Truckee Meadows Area Plan differed from other unincorporated areas of the County in that large tracts of undeveloped land had moved from the unincorporated jurisdiction of the County into the jurisdiction of the City of Reno. He said those undeveloped lands within the City created a bifurcated planning area that resulted in distinct and physically separated communities in both the northern and southern portions of the planning area.

Mr. Whitney explained the goals and policies that directly addressed preserving the existing character of the communities. He said Hidden Valley looked to maintain its existing character through restricting uses not compatible with their residential areas and the continuation of special regulations that presently existed in Article 212 of the Development Code. He stated new policies for Hidden Valley also addressed the adjacent lands of the University Farms area and portions of the hills, which surrounded the area.

Mr. Whitney explained the policies in the plan for the Virginia Foothills and Toll Road character management areas dealt mainly with issues concerning health, safety and welfare of the residents, such as flooding, wildfire, emergency access, traffic and potential community design amenities. He said the Toll Road area contained a small amount of federal land area, and the policies for that area addressed access and use of those federal lands. Mr. Whitney stated the rest of the planning area in the unincorporated area of the County was the rural character management area, which he discussed. He said the policies were directed towards improved regulation of future development with slope and floodplain constraints.

Mr. Whitney discussed the land use changes and the reason for the changes. He addressed the critical flood storage zone for the Truckee River and Steamboat Creek that was shown on the development suitability map. He said the City of Reno and Washoe County had adopted floodwater storage mitigation ordinances for the area. Mr. Whitney stated the concern expressed by the Planning Commission was, because of having a portion of the University of Nevada, Reno (UNR) Farms within the City of Sparks jurisdiction, Sparks would have to adopt a similar ordinance. He indicated Spark's staff was aware of the concern.

He concluded, staff recommended the County Commission uphold the Planning Commission's unanimous approval of the update to the Southeast Truckee Meadows Area Plan.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against Comprehensive Plan Amendment Case No. CP06-006.

Tom Judy, who had participated in a working group, expressed his appreciation for Mr. Whitney's work. He said he supported the plan and requested the Board approve it as presented.

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

Chairman Larkin inquired if there were any more public comments. Hearing none, he closed public comment.

Commissioner Galloway asked if the dirt portion of old Toll Road would be repaired up to the Storey County boundary as an emergency access for the area. Mr. Whitney replied that would be different and was a result of the Andrew Lane fire and last winters flooding, which brought out emergency access issues. He explained this was a policy, but did not commit the County to a timetable.

A discussion ensued regarding the transmission lines located near Brown Elementary School.

In response to Commissioner Humke, Mr. Whitney said the intersection of Western Skies Drive and SR 341 was physically located within the City of Reno. He stated the Nevada Department of Transportation (NDOT) would make the final decision regarding that intersection, and he discussed the concerns involved in the proposed policy change.

In response to Chairman Larkin, Mr. Whitney stated Policy 3.5 dealt with areas outside of the Southeast Truckee Meadows. He said the residents of Hidden Valley saw UNR farms as part of their community, and he did not want to stifle them by putting in policies to direct future growth on a large piece of property next to their community. He stated everyone was aware half the farm was under the City of Reno's jurisdiction and half was under the City of Sparks, but no jurisdiction had been exerted. He said some policies for those areas were included in the Character Management Area. Chairman Larkin asked if that had been done in any other plans. Mike Harper, Planning Manager, replied every area plan adopted had policies that affected incorporated municipal areas. He said residents had insisted they have an opportunity to provide some direction to the Cities of Reno and Sparks to create that transition. He stated the Planning Commission indicated that was the appropriate direction to go. Mr. Harper said the residents knew the area plans did not have the affect of law and they would not be included in the County's Development Code.

Commissioner Galloway said the issue came up at the West Truckee Meadows Citizen Advisory Board (CAB) meeting that the area was concerned about its viewscape of Peavine Mountain. He indicated the citizens did not want to look at houses going up Peavine Mountain and were told they could express that concern in their area plan. He said he did not have a problem with this because it did not have the affect of law.

Chairman Larkin said it had the affect that it established policy that could be contrary to actions that Commissioners took on items while on other Boards, such as

the southeast connector road. He stated he did not necessarily agree that a County Planner could stand up at an RTC meeting and state this was what the Board of County Commissioner's policy was, because he did not agree with either one of those two policies. Chairman Larkin stated the intent was admirable, but he had a problem with the exact wording since it was not permissive but mandatory.

Commissioner Humke said Policy 3.5 dealt with flood control and urged all flood control regulations be maintained using strong language such as the word "will," while Policy 3.6 uses the word "should."

Mr. Whitney discussed Policy 3.5 and said the City of Reno and the County had comparable ordinances that dealt with mitigation in Zone 1. He said the City of Sparks was working on a comparable ordinance, but were waiting to see if the existing ordinances were adequate. He said the citizens in Hidden Valley felt strongly about putting that in even though it was stating the obvious.

**8:50 p.m.** Commissioner Sferrazza temporarily left the meeting.

Chairman Larkin commented that new developments in the area would be designed to allow for minimal damage and quick restoration after a flood event, but did not describe a road event. Mr. Whitney said that referred to certain types of development that could be built in flood zones that would be better , and he provided an example.

Chairman Larkin reiterated he did not want a Washoe County Planner standing up at an RTC meeting and stating the policy was the intent of the Commission to prevent the southeast connector. Mr. Whitney acknowledged that was clear.

Based on the following findings, on motion by Commissioner Humke, seconded by Galloway, which motion duly carried with Commissioner Weber absent and Commissioner Sferrazza temporarily absent, it was ordered that Comprehensive Plan Amendment Case No. CP06-006, concerning the Southeast Truckee Meadows Area Plan update, be approved and the Chairman be authorized to execute the Resolution amending the area plan after a determination of conformance with the Regional Plan by the Truckee Meadows Regional Planning Agency:

**FINDINGS:**

1. The proposed amendment to the Southeast Truckee Meadows Area Plan is in substantial compliance with the policies and action programs of the *Washoe County Comprehensive Plan*.
2. The proposed amendment to the Southeast Truckee Meadows Area Plan will provide for land uses compatible with existing and planned adjacent land uses and will not adversely impact the public health, safety or welfare.

3. The proposed amendment to the Southeast Truckee Meadows Area Plan responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land:
4. The proposed amendments to the Southeast Truckee Meadows Area Plan will not 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 amendments to the Southeast Truckee Meadows Area Plan will promote the desired pattern for the physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
6. The proposed amendment to the Southeast Truckee Meadows Area Plan will not exceed the four permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.
7. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.
8. The Washoe County Board of County Commissioners gave reasoned consideration to the information transmitted from the Washoe County Planning Commission and to the information received during the public hearing.

**07-190            REVISED LAND USE AND TRANSPORTATION ELEMENT --  
WASHOE COUNTY COMPREHENSIVE PLAN -- COMMUNITY  
DEVELOPMENT**

**5:30 p.m.**        This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on February 2, 2007 to consider the possible adoption of the Revised Land Use and Transportation Element (LUTE) of the Washoe County Comprehensive Plan as adopted by the Washoe County Planning Commission; or identification and discussion of possible amendments to adopted policies and/or additional policies to be referred to the Planning Commission for a report to the Board of County Commissioners.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against this issue.

Commissioner Galloway said he was not aware of anyone having a problem with language already in the LUTE with the exception of two additional sets of language that fleshed out the LUTE, which had the support of staff. Commissioner Galloway said the Board could vote not to approve the LUTE, adopt it without the

additional language, or add the new language, which would require referring it to the Planning Commission for comment.

Commissioner Galloway indicated there was a letter from Lori Wray, Scenic Nevada, supporting the additional language.

Mike Dillion Jr., Builders Association of Northern Nevada (BANN) representative, said the major problem they had was in the introduction where it stated which document would prevail if there was a conflict between the LUTE or the area plans. He said at the Development Services Advisory Council (DSAC) meeting, the members indicated they would be willing to participate in a workshop with County staff to try to resolve the issue by identifying the conflicts and determine a process and a timeline. Mr. Dillion stated there had been several workshops which were productive and they appreciated the time spent on the issue by Don Morehouse, Planner, and Michael Harper, Planning Manager.

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

**8:58 p.m.** Commissioner Sferrazza returned to the meeting.

Mr. Morehouse said staff would be referring back to the Planning Commission the two policy additions as well as revisions of existing policy language once it was worked out with BANN.

In response to Commissioner Galloway, Mr. Morehouse said the revisions would be clarifying revisions.

Mr. Harper said staff agreed to work with BANN and other organizations to clarify language on what would take precedent and what the timelines would be to resolve a conflict. He stated BANN wanted to make sure as the Development Code was revised, the County was aware of what policies were being implemented. He said a workshop had been scheduled for February 26, 2007. Mr. Harper said staff was requesting the policy language be referred back and staff be given the opportunity to work with BANN. He stated that would be included as new language that would come back to the Board after being approved by the Planning Commission, and he explained the process.

In response to Commissioner Galloway, Mr. Harper said Legal Counsel would be brought in to participate in the process.

After further discussion, Mr. Dillon said BANN wanted clarification on which document was dominate. Chairman Larkin asked if there was any additional language BANN wanted added other than the two items that would be referred back to the Planning Commission. Mr. Dillon replied those were the items BANN wanted discussed.

Commissioner Galloway moved to refer the additional proposed amendments as well as the task of resolving conflicts, including setting up a process and the timelines to do so, back to the Planning Commission. Commissioner Galloway said the motion did not say wording could not be added to resolve Mr. Dillon's issues but it would have to be approved by the Planning Commission and come back to the Board. He said if any of the language was objected to, it could be deleted.

Chairman Larkin said the staff report stated Nevada Revised Statutes required specific amendments because the way it was worded, he did not know it could be added to or subtracted from.

Mr. Harper said the intent was to provide more specific language as to how conflicts would be addressed. He indicated the other option was to continue this matter and staff could work with BANN and other specific parties to come up with recommended language, which would be a specific referral to the Planning Commission.

Melanie Foster, Legal Counsel, said the statute was not specific enough. She stated it laid out that for any changes sent back, the Planning Commission had 40 days to provide the Board with their response.

Commissioner Galloway asked if it required specific language for those changes or could the Board direct that changes be made to resolve this issue. Ms. Foster replied it said any changes.

Commissioner Humke suggested continuing this matter because he would prefer sending fewer things to the Planning Commission to decide. Mr. Harper agreed it should be continued with direction to staff that it be brought back after resolution of the issues.

Commissioner Galloway said he understood from Mr. Dillion that he wanted the LUTE to be a master document, and he discussed what could be changed to resolve potential conflicts.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered that the possible adoption of the Revised Land Use and Transportation Element (LUTE) of the Washoe County Comprehensive Plan be continued until after staff had met with parties involved and come up with proposed language to resolve the remaining issues.

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**9:10 p.m.** There being no further business to come before the Board, the meeting adjourned.

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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  
Jaime Deller and Jan Frazzetta, Deputy County Clerks*