

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

MARCH 13, 2007

PRESENT:

Bob Larkin, Chairman
Bonnie Weber, Vice Chairman
Jim Galloway, Commissioner
David Humke, Commissioner

Amy Harvey, County Clerk
Katy Singlaub, County Manager
Blaine Cartlidge, Legal Counsel

ABSENT:

Pete Sferrazza, Commissioner

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:

07-292 AGENDA

Katy Singlaub, County Manager, said she was advised there were continuances requested on Item 19, Comprehensive Plan Amendment Case No. CP06-019, Hillside Holdings; Item 20, Appeal Case No. AX07-004, Sun Valley General Improvement District 7th Avenue Water Tank, and Item 21, Appeal Case No. AX07-005, Paving of King Lane.

In response to Commissioner Weber, Ms. Singlaub explained the folks requesting the continuance could state when they wanted it continued to, but the decision to continue it or not was up to the Board.

In response to the call for public comment, Guy Felton stated he was speaking to what was included as part of the agenda. He said the agenda was flawed because it contained a threat to the sovereign people. Chairman Larkin warned Mr. Felton he was out of order. Mr. Felton asked why. Chairman Larkin asked if Mr. Felton had comments relating to the approval of the agenda. Mr. Felton said he was speaking on the agenda. Chairman Larkin requested Mr. Felton not be augmentative. Chairman Larkin indicated this was Mr. Felton's first warning and he would only get one warning. Mr. Felton insisted he was speaking on the agenda. Chairman Larkin said he was about ready to call a recess to have Mr. Felton removed. He asked if Mr. Felton had specific

comments on the approval of the agenda. Mr. Felton started to comment on the consent agenda. Chairman Larkin said this item had to do with the approval of the agenda. Mr. Felton said he was speaking on Item 6, Consent. Chairman Larkin stated Mr. Felton had been around long enough that he knew that approval of the agenda was what was being addressed, not specific items. Mr. Felton said he was speaking on approval of the agenda. Chairman Larkin stated Mr. Felton was trying his patience, and asked if he had a comment on approval of the agenda. Mr. Felton said he did, and he was trying to make that comment. He asked what he could talk about and not talk about. Chairman Larkin asked the Clerk to call the next public comment.

Gary Schmidt submitted a letter from his attorney requesting a continuance of Item 20 where he was an appellant, which was placed on file with the Clerk. He said he was supplementing the basis for the continuance by asking the appeal be heard before a full Board, and he explained why.

Garth Elliott asked for a continuance of Item 20 because he had an action pending before the Washoe County Board of Adjustment. He felt hearing the appeal today would deprive him of due process. He concurred with Mr. Schmidt that he wanted the full Board present to hear their appeal.

Patricia Axelrod called out heil Hitler to Chairman Larkin and the Commissioners. Chairman Larkin said the approval of the agenda was being talked about. Ms. Axelrod said she was talking about the agenda. She said she was amazed Chairman Larkin would salute the flag and that there was no swastika behind him. She said if Chairman Larkin warned her and silenced her, she would have him up on First Amendment charges. Chairman Larkin reiterated the item was approval of the agenda. Ms. Axelrod stated she was speaking on the agenda, and she told Chairman Larkin to be quiet and listen to her. She said he should not speak over her. She stated Mr. Felton came up to speak; and, because Chairman Larkin did not want to hear it, he was silenced. She called out heil Hitler.

2:14 p.m. The Board recessed while Ms. Axelrod was escorted from the chambers.

2:17 p.m. The Board reconvened with Commissioner Humke temporarily absent.

Sam Dehne said he would not comment on the lady being illegally removed from the meeting. He stated he would like Item 7, Appearance by Reno-Tahoe Airport Authority Trustees, removed from the agenda because it would be a bunch of flap-doodle and propaganda. He requested if the item were left on the agenda, the asterisk be removed so he could speak. He objected to the two-minutes allowed for citizens to speak on items.

Commissioner Galloway requested that when the continuances came back, they be continued to a time certain.

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

07-293 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, threat 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.

2:22 p.m. Commissioner Humke returned to the meeting.

Guy Felton stated the Commissioners should be removed from public service so good government could return to the County. He said they should be removed because they did not understand democracy or free speech. He stated a public official that concealed information from the public was guilty of fraud, and he discussed the Commissioner's refusal to answer questions on the settlement of the Ballardini lawsuit and their unwillingness to prove the County's electronic voting machines could be trusted.

Gary Schmidt reiterated his request that Item 20, Appeal Case No. AX07-004, Sun Valley General Improvement District 7th Avenue Water Tank, be continued. He read portions of the letter from his attorney, which was placed on file with the Clerk as part of approval of the agenda. He said the Board had two actions scheduled: a determination on whether the appellants had standing and a determination of the substance of the appeal, which was a violation of due process and of Nevada Revised Statute (NRS) 278.300.1. He stated the question of standing should be appealed with the Board of Adjustment, which would ultimately come to the Board of County Commissioners. He said the issue of standing should be cleared up first. He explained he was not prepared to move forward on the appeal; and, because of that, he had told persons who would testify not to come today.

Garth Elliott read from correspondence received from several Sun Valley Citizen Advisory Board (CAB) members regarding Item 20, which were placed on file with the Clerk.

Linda Elliott objected to the placement of the water tank on one of the most prominent hills in Sun Valley when there were other alternatives available. She

requested the water tank placement be sent back to the CAB or to the Planning Commission for further review.

Sam Dehne addressed the agenda and voting corruption. He reiterated his request to speak on the presentation by the Reno-Tahoe Airport Authority Trustees.

07-294 COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS

Commissioner Galloway commented the Chairman had to make tough calls in relation to public comment. He requested an explanation of what the standing issue was before discussing whether Item 20, Appeal Case No. AX07-004, Sun Valley General Improvement District 7th Avenue Water Tank, should be continued. He said his statement regarding the Ballardini settlement was posted on his website, www.JimGalloway.org, for almost a year, and he placed a copy on file with the Clerk. He mentioned the Tune In To Kids event, which would be held on April 14, 2007; and that there would be a proclamation in support of the event on March 27, 2007. He stated the program addressed the failure to communicate within families.

Commissioner Humke said he attended a meeting that was part of a series regarding speeding on Highway 395 through Pleasant Valley. He listed the attendees and discussed why he felt it was a positive meeting. He indicated the Nevada Highway Patrol would saturate enforcement of those segments of the highway, and he discussed their plans and the possible initiative to get a traffic-control device at the corner of Laramie and Highway 395. He said over 200 school busses went in and out of the area to access the Pleasant Valley School. He commented on the difficulty the busses had trying to turn north towards Reno.

Commissioner Weber said at the last February Commission meeting, she had requested an item regarding funding for Keep Truckee Meadows Beautiful from each Commissioner's District Funds. She saw it was not on this agenda and hoped it would be on a future agenda.

Chairman Larkin said on March 26, 2007 at 1:30 p.m. in the City of Sparks chambers, the Sparks City Council would be asking the Regional Transportation Commission (RTC) to participate in a dialog regarding the future of Pyramid Highway. He noted he would be participating and was seeking support from Washoe County staff. He requested an update on the Reno-Sparks Convention and Visitor Authority's consideration of options regarding the two golf courses they managed.

Katy Singlaub, County Manager, congratulated Chairman Larkin and Commissioners Weber and Sferrazza on the great job they did in Washington D.C. on behalf of the people of Washoe County. She said people were requested to report any County vehicle that was being operated improperly and that every single report was investigated.

Commissioner Galloway commented he had requested that almost all of the balance of his District Special Funding Account go to the Tune In To Kids project, so he would not have the funds available to use as Commissioner Weber suggested.

DISCUSSION – CONSENT AGENDA

In response to the call for public comment, Sam Dehne said he was disappointed that the consent agenda was not reduced because of his directives, but just happened.

07-295 FINANCIAL REPORT – WASHOE COUNTY GOVERNMENTAL FUNDS – COMPTROLLER

Upon recommendation of Trish Gonzales, Comptroller, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the Interim Financial Report for Washoe County Governmental Funds for seven months ended January 31, 2007 (unaudited) be accepted.

07-296 AT&T – ALTERNATE ANSWER CIRCUITS – CAMA TRUNK LINES – 911 EMERGENCY RESPONSE ADVISORY COMMITTEE

Upon recommendation of Rick Vandenberg, 911 Emergency Response Advisory Committee Chair, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the expenditure from the Enhanced 911 Fund to AT&T for the annual phone charge in the amount of \$7,634, a one-time installation fee in the amount of \$1,794 to add Alternate Answer Circuits to the three Public Safety Answering Points (PSAP’s), and the amount of \$1,136 to program CAMA trunk lines to the VESTA system be approved.

07-297 SENIOR LAW PROJECT – SENIOR SERVICES

Upon recommendation of Marietta Bobba, Senior Services Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the expenditure of funds for travel in an amount not to exceed \$2,124 as provided by a previously accepted grant award from the Division for Aging Services for the period of July 1, 2006 through June 30, 2007 for the Senior Law Project be approved and the Finance Department be authorized to make the following budget adjustments:

ACCOUNT	DESCRIPTION	AMOUNT OF INCREASE/(DECREASE)
10089-701110	DAS Legal/Base Salaries	(\$2,124)
10089-711210	DAS Legal/Travel	\$2,124

**RESOLUTION – ESTABLISH PETTY CASH FUND – INCLINE
VILLAGE SHERIFF’S SUBSTATION – TREASURER**

Chairman Larkin asked if a comprehensive review of establishing petty cash funds had been done. He felt \$20 did not seem sufficient for a substation. Katy Singlaub, County Manager, replied the petty cash authority was spelled out in an ordinance. She said the amount was based on the department’s request, which was reviewed and approved by the Treasurer’s Office. She stated departments had several other mechanisms they could use to pay for things. She said petty cash was to make change for things like records being copied.

Upon recommendation of Bill Berrum, Treasurer, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, it was ordered that a petty cash fund be established in the amount of \$20 for the Incline Village Sheriff’s substation and the Chairman be authorized to execute the following resolution:

RESOLUTION

Establish a petty cash fund in the amount of \$20
for the Sheriff’s Incline Village substation.

WHEREAS, The Board of County Commissioners of Washoe County, pursuant to NRS 354.609, has the authority to create and fund change and petty cash fund accounts; and

WHEREAS, The Washoe County Sheriffs Department has requested a petty cash fund in the amount of \$20 to assist in the administration of the Incline Village substation; now, therefore, be it

**RESOLVED, BY THE BOARD OF COMMISSIONERS OF
WASHOE COUNTY, NEVADA** as follows:

1. That, pursuant to the provisions of NRS 354.609, the County Treasurer and the County Comptroller are hereby authorized and directed to take all necessary steps to establish and account for a \$20 petty cash fund for the Washoe County Sheriffs Incline Village substation.
2. That the above \$20 will be transferred from the Washoe County Treasurer’s Commercial Bank Account.
3. That said petty cash fund be used exclusively for transactions related to The Sheriff’s Department Incline Village substation.
4. That the Sheriff shall henceforth be held accountable for the petty cash fund authorized by this resolution.

5. That the County Clerk is directed to distribute copies of this Resolution to the Washoe County Treasurer, Comptroller, Internal Auditor, Sheriff's Department and the Nevada Department of Taxation.

07-299 **CHANGE ORDERS – CRUZ EXCAVATING, INC. – INCLINE VILLAGE FAIRWAY PROJECT PHASE III – COUNTRY CLUB WATER QUALITY IMPROVEMENT PROJECT – PUBLIC WORKS**

Upon recommendation of Kimble Corbridge, Senior Licensed Engineer, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the Change Orders to Cruz Excavating, Inc. for the Incline Village Fairway Project Phase III - Country Club Water Quality Improvement Project in the amount of \$30,588.97 be approved and the Public Works Director be authorized to execute the necessary documents.

07-300 **RESOLUTION AND APPOINTMENT – GERLACH/EMPIRE CITIZEN ADVISORY BOARD AT-LARGE MEMBER**

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the following resolution modifying the membership of the Gerlach/Empire Citizen Advisory Board (CAB), by adding an At-Large Alternate position, be adopted. It was further ordered that Joann Stroisch be appointed to fill the new At-Large Alternate position on the Gerlach/Empire CAB with a term beginning March 13, 2007 and ending June 30, 2008.

RESOLUTION

WHEREAS, The Gerlach/Empire Citizen Advisory Board was formed by the Board of County Commissioners on December 9, 1980 to represent the citizens of the Gerlach-Empire area; and

WHEREAS, The Washoe County Commission desires that the Gerlach/Empire Citizen Advisory Board have the ability to establish a quorum of members for each meeting; now, therefore, be it

RESOLVED, BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA, That the Gerlach/Empire Citizen Advisory Board be restructured, as amended in the following paragraph, under the authority of Washoe County Code Section 5.429; and be it further

RESOLVED, That the membership of the Gerlach/Empire Citizen Advisory Board is amended to consist of four at-large members, one member

representing the area's Senior Citizens, and one at-large alternate position appointed by the Board of County Commissioners; and be it further

RESOLVED, that this amendment to the membership of the Gerlach/Empire Citizen Advisory Board become effective the date this Resolution is adopted.

**07-301 BUDGET FUNDS REALLOCATION – TRAVEL AND TRAINING
WATER RESOURCES FUND – WATER RESOURCES**

Upon recommendation of Jerry McKnight, Finance and Customer Services Manager, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the reallocation of budget funds in the amount of \$27,500 to accommodate travel and training expenditures in the Water Resources Fund be approved and the Finance Department be authorized to make the following budget adjustments:

ACCOUNT	DESCRIPTION	AMOUNT OF INCREASE/(DECREASE)
669200-710130	Overhead - Professional Services	(\$17,500)
669200-710100	Professional Services	(\$5,000)
669200-710120	Legal Fees	(\$5,000)
669200-710509	Seminars and Meetings	\$5,000
669200-711210	Travel	\$22,500

**07-302 TEMPORARY LICENSE AGREEMENT – CITY OF SPARKS –
CENTRAL TRUCKEE MEADOWS REMEDIATION DISTRICT
PROGRAM – MONITORING WELLS, SOIL BORINGS AND
VAPOR SAMPLES – WATER RESOURCES**

Upon recommendation of Chris Benedict, Remediation District Program Manager, and Jeanne Ruefer, Water Resources Planning Manager, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the Temporary License Agreement between Washoe County and the City of Sparks for the Central Truckee Meadows Remediation District Program, concerning monitoring of wells, soil borings, and soil vapor samplers located on City property and utilized by the Water Resources Department, be approved and the Chairman be authorized to execute the same.

**07-303 WATER RIGHTS DEED – JOHN C. SERPA – FUTURE
DEVELOPMENT WASHOE VALLEY/PLEASANT VALLEY
HYDROGRAPHIC BASINS – WATER RESOURCES**

In response to the call for public comment, Sam Dehne felt kudos should go to John Serpa for his donation of over 400 acre feet of water to the County. He said this item should not be buried in the consent agenda. Katy Singlaub, County Manager,

explained the water was not being donated to the County, but it was a commitment in exchange for future water service for development.

In response to Commissioner Galloway, Vahid Behmaram, Water Rights Manager, said Mr. Serpa was negotiating with St. James Development, but the negotiations were not yet final. Commissioner Galloway said this was the same development that John Frankovich appeared about and that the Board made the compromise in public about the zoning density in the area. Mr. Behmaram replied that was correct. Commissioner Galloway said the residents indicated at a very public hearing that the proposed development was better than the alternative, which could have meant more intense development.

In response to Chairman Larkin, Mr. Behmaram explained the County was holding the water rights in trust for whoever dedicated it to the County; but it was their water and they were responsible for all costs until the water was committed to a project. He said the text of the agreement was very clear that the owner could request a reconveyance of the water at any time, and the County was obligated to give any uncommitted water back.

In response to Commissioner Galloway, Mr. Behmaram said the water rights had been examined and were acceptable for future water service.

Upon recommendation of Vahid Behmaram, Water Rights Manager, and Paul Orphan, Engineering Manager, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the following actions be taken:

1. The Water Rights Deed and the associated Agreement for 427.948 acre feet of groundwater rights from Permits 69702, 69703, 69705, 69706, 69707, 69894, 69895, 69896, 69897, 69898, 69899, 69900, 69901 between John C. Serpa, as Grantor, and Washoe County, as Grantee, be approved and Chairman Larkin be authorized to execute the same;
2. The Engineering Manager be directed to record the Water Rights Deed and the associated Agreement with the County Recorder.

07-304 RESOLUTION – COMMISSION DISTRICT 4 SPECIAL FUNDING ACCOUNT – SHILOH LEADERSHIP AND DEVELOPMENT SERVICES – MANAGER

In response to Commissioner Weber, Katy Singlaub, County Manager, confirmed all the Commissioners needed to be present to vote on expenditures from District Special Funding Accounts.

Chairman Larkin explained this was an ancillary organization that was established to fund scholarships for Nevada veterans and their families to Nevada schools. He said the Mayors of the Cities of Reno and Sparks had contributed to the fund.

On motion by Commissioner Galloway, seconded by Chairman Larkin, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the expenditure from County Commission District 4 Special Funding Account to the Shiloh Leadership and Development Services to provide with administrative costs for the organization, be continued to the first meeting when all Commissioners would be present.

2:56 p.m. Commissioner Weber temporarily left the meeting.

07-305 UPDATE – RENO-TAHOE INTERNATIONAL AIRPORT

Larry Martin, Reno-Tahoe Airport Authority Chairman, conducted a PowerPoint presentation on the Reno-Tahoe International Airport that covered air service, the new baggage landing system, cargo, what was coming to the airport, security and safety improvements, and the provided free entertainment. A copy of the presentation was placed on file with the Clerk along with a copy of the Winter 2006 *Reno-Tahoe Flyer*.

3:03 p.m. Commissioner Weber returned to the meeting.

As part of his presentation, Mr. Martin also discussed the Nevada National Guard's temporary use of the Reno-Stead Airport, construction of its taxiway, and its new instrument landing system.

Mr. Martin said approximately 14,000 passengers and approximately 160 commercial airlines arrive and depart through the Reno-Tahoe International Airport every day along with approximately 176 metric tons of cargo. In 2006, he stated there were over 5 million passengers and 55,551 metric tons of cargo.

In response to Commissioner Galloway, Mr. Martin stated the trustees did not favor televising the Airport Authority Board meetings unless there was something significant being discussed.

Commissioner Galloway requested putting to a vote whether or not the meetings should be televised so the public would know who did or did not favor it. He asked if the cargo coming into the airport helped reduce landing fees only if it landed at the Reno-Tahoe facility. He asked if Reno-Tahoe and Reno-Stead facilities were operated as one facility and if more cargo went to Reno-Stead, would that not work to keep the landing fees low at the Reno-Tahoe facility. Mr. Martin explained more cargo going in and out of the Reno-Tahoe facility kept the landing fee rates down for air carriers. He stated there would be a trigger point that would require building a cargo ramp or looking at the Reno-Stead facility.

Commissioner Galloway asked if federal regulations allowed the two facilities to be operated as one in respect to cargo. Brian Kulpin, Marketing and Public Affairs Director, indicated he would have to get back to the Board with the answer to that question. He explained there were no plans to move cargo to the Reno-Stead facility because of infrastructure, runway, lighting, and landing systems issues. He stated the tie-in between the commercial and cargo carriers was at the Reno-Tahoe facility. Commissioner Galloway said he was concerned about the growth rate because it might reach a point where either cargo or people would be forced out of the Reno-Tahoe facility.

Mr. Kulpin said the next 10-year master plan was being looked at, but currently only 40 percent of the airport's infrastructure was being used. He stated there was plenty of room for cargo growth as well as commercial carrier growth. He confirmed there was a need for more terminal facilities because some portions were very dated.

Chairman Larkin commented on the Midway Airport rocking chairs that were spread out all over the airport but were located near power outlets. Mr. Kulpin discussed the locations of the rocking chairs at the Reno-Tahoe facility. He said the airport already had WiFi, but new systems were being looked at that would replace the pay phones.

Commissioner Humke asked if airport takeoff and landing numbers were back to those of pre-911. Mr. Martin replied the numbers were up pre-911, but the passenger count was down slightly from the same month one-year ago. He said Southwest Airlines accounted for 60 percent of takeoffs and landings. Mr. Kulpin said there were 5.1 million passengers in 2005 and just over 5 million in 2006. He said that slight decline was the result of Northwest Airlines leaving the market, and there were ongoing talks about Northwest coming back.

Commissioner Weber said she appreciated the report. She asked if the planes were fuller. Mr. Kulpin replied the Reno-Tahoe International Airport's load factors were above the national average with many being upward of 93-94 percent. He said flights were being filled, and it could be a challenge to get a seat during busy times. He advised booking flights early.

Mr. Martin said excavating for the control tower would begin in the next couple of months because work on the control tower would start in late summer. He stated he would be giving a presentation at the Good Old Days Club about the early days of aviation in the Truckee Meadows on Friday, March 16, 2007 at noon.

07-306

**REGIONAL WATER MANAGEMENT FUND – WATER
RESOURCES PLANNING FUND – AGREEMENT – ECO:LOGIC,
LLC – TRUCKEE MEADOWS SERVICE AREA/FUTURE
SERVICE AREA FACILITY PLAN – WATER RESOURCES**

In response to Commissioner Galloway, Jim Smitherman, Water Resources Program Manager, said the facility plan requirements came out of the amendments to the Truckee Meadows Regional Plan that required concurrency facility planning for water supply, sanitary sewer, and flood control. He said those three subjects spread across all of the Truckee Meadows Services Area (TMSA) both within the jurisdiction of Washoe County and that of adjoining jurisdictions. He stated that required coordination for facilities that might be shared with the City of Reno or the City of Sparks. He said that brought the level of complexity that required this level of effort. Mr. Smitherman stated staff was trying to anticipate future demand at the same time planning was done. Commissioner Galloway asked if plans were included for conjunctive use. Mr. Smitherman said conjunctive use was included as was using reclaimed water. Commissioner Galloway noted for the record no legislative compulsion was required to get this done.

Upon recommendation of Chris Wessel, Water Management Planner, Jim Smitherman, Water Resources Program Manager, and Jeanne Ruefer, Water Resources Planning Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the expenditure from the Regional Water Management Fund in the amount of \$273,060 and the Department of Water Resources Planning Fund in the amount of \$59,940 be approved. It was further ordered that the Agreement for Consulting Engineering Services with ECO:LOGIC, LLC, concerning the completion of the Washoe County Truckee Meadows Service Area/Future Service Area Facility Plan, be approved and the Chairman be authorized to execute the same.

07-307

**AWARD OF BID – MOUNT ROSE WATER SYSTEM
IMPROVEMENTS 2007 CAPITAL IMPROVEMENT PROJECT –
WATER RESOURCES**

This was the time to consider award of the bid for the Mount Rose Water System Improvements 2007 Capital Improvement Project for the Water Resources Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on January 24, 25, and 31 and February 1, 2007. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

Conley Equipment & Leasing, LLC
Mountain West Excavation
Burdick Excavating Co. Inc.
Gerhardt & Berry Construction, Inc.
Mike's Trenching, Inc.

Cruz Excavating, Inc.
A & K Earth Movers, Inc.
Gradex Construction Company, Inc.
Peavine Construction, Inc.
Marv McQueary Excavating, Inc.

Katy Singlaub, County Manager, noted the failure of some domestic wells in the area and the need to expand the system.

Commissioner Galloway asked if there was a lowest responsible bidder situation, it be mentioned in the agenda item description, because he felt someone reading the agenda would not know this item had gone out to bid.

Upon recommendation of Joe Stowell, Licensed Engineer, and Paul Orphan, Engineering Manager, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the bid for constructing the Mount Rose Water System Improvements 2007 Capital Improvements Project for the Water Resources Department be awarded to Conley Equipment & Leasing, LLC, in the amount of \$917,314.79 and the Chairman be authorized to execute the contract documents upon receipt. It was further ordered that the Engineering Manager be authorized to issue the Notice to Proceed.

**07-308 BILL NO. 1504 – AMENDING WASHOE COUNTY CODE –
CHANGING DIVISION OF EMERGENCY MANAGEMENT TO
DIVISION OF EMERGENCY MANAGEMENT AND HOMELAND
SECURITY**

Bill No 1504, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY CHANGING THE DIVISION OF EMERGENCY MANAGEMENT TO THE DIVISION OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY, AND OTHER MATTERS PROPERLY RELATED THERETO," was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

**07-309 BILL NO. 1505 ORDINANCE NO. 1325 – NEVADA GENERAL
OBLIGATION (LIMITED TAX) MEDIUM TERM BONDS –
SERIES 2007 – PUBLIC BUILDING PROJECTS (EDISON WAY)**

In response to Chairman Larkin, John Sherman, Finance Director, replied the payments would come out of the General Fund, as did the lease payments. He said this would substitute lease payments for debt payments. He stated the bonds were bid with the County obtaining a 3.83 percent interest rate, which would be locked in if the Board approved the ordinance.

Introduced by Commissioner Galloway, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with

Commissioner Sferrazza absent, Chairman Larkin ordered that Ordinance No. 1325, Bill No. 1505, entitled, "**AN ORDINANCE DESIGNATED BY THE SHORT TITLE "2007 MEDIUM TERM BOND ORDINANCE;" AUTHORIZING THE ISSUANCE OF AND SPECIFYING THE TERMS AND CONDITIONS OF THE WASHOE COUNTY, NEVADA GENERAL OBLIGATION (LIMITED TAX) MEDIUM TERM BONDS, SERIES 2007 IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$4,800,000 FOR PUBLIC BUILDING PROJECTS (EDISON WAY); SPECIFYING AND AUTHORIZING THE FINANCE DIRECTOR TO SPECIFY OTHER DETAILS CONCERNING THE BONDS; AND PROVIDING FOR ITS ADOPTION AS IF AN EMERGENCY EXISTS AND THE EFFECTIVE DATE HEREOF"** be approved, adopted and published in accordance with NRS 244.100.

07-310 WORK CARD PERMITS

Commissioner Weber felt the way work card permit appeals were currently being handled did not flow well.

Chairman Larkin said Rita Lencioni, Assistant to the Manager, suggested starting at 1:00 p.m. during the middle of the month meeting but moving to the Caucus Room to hear the work card permit as the final action of the meeting.

Commissioner Galloway said he was not sure that would silence the criticism, and he discussed why. He felt the agenda had to be approved no matter when the meeting started, and that would generate the same complaint that anyone wishing to comment twice had to show up at 1:00 p.m. and then again at 2:00 p.m. He suggested having the work cards at the end of the meeting, which would mean the person appealing the work card permit would have to wait. He stated he really did not like either option.

Commissioner Weber asked if a special meeting could be called and held in the Caucus Room without being televised. She said anyone wanting to speak under approval of the agenda could do so at that time and then they would be dismissed to conduct the closed hearing with the person appealing the work card permit.

Chairman Larkin said he was suggesting starting the meeting at 1:00 p.m. on days there were work cards; and, at the conclusion of the Board's regular business, the Board would convene in the Caucus Room to hear the work card permit appeal. He said that would place the work card permit at the very end of the meeting. He said that way people who wanted to speak at 1:00 p.m. would not have to come back at 2:00 p.m. He said once the work card permit appeal was done, the Caucus Room would be reopened to the public and anyone wishing to make public comment could do so.

Commissioner Weber asked if the Board would adjourn from there. She suggested starting the meeting at 1:00 p.m. in the Caucus Room, without being televised, approving the agenda and taking public comment on the agenda, asking everyone to leave

to hear the work card permit appeal, and then going down to Chambers to hold the remainder of the meeting.

Chairman Larkin said the issue was bumping into the Planning Commission meeting, because there is no way to know how long the work card appeals would take.

Commissioner Galloway asked if the Board had to hear the work card permit appeals on a day when the Chambers had to be yielded to the Planning Commission. He said even with starting at 1:00 p.m., the Board might not get down to the Chambers to finish everything by 6:30 p.m. He stated that would leave the Board without a room to hold the final action. He said the work card might be heard late at night if it was an item on a non-Planning Commission meeting day, which would be no worse than anyone else having to wait late at night. He favored not holding the work card permit appeals on a day when the Chamber had to be yielded.

Chairman Larkin said his concern was the ability of the Board members to concentrate that late at night on such an important issue. Commissioner Galloway commented it was very common to go to midnight when he first became a Commissioner, and he did not feel the decisions made then were invalid. He felt the technicalities on the planning issues done late at night were worse than the technicalities on the work card permit appeals. He felt it should be left the way it is or changed to a non-Planning Commission meeting day.

Commissioner Humke suggested trying something and evaluating it in a couple of months.

Commissioner Weber said the public would be waiting if the Board continued doing things the way it was, but staff and the individual appealing the work card would have to wait if the appeal were heard at the end of the meeting. Commissioner Galloway felt it was more appropriate to put the work cards at the end of the meeting because they involved only a few people and staff.

Chairman Larkin felt the Commissioners were in agreement that work cards would be held at the end of the meeting, but it still needed to be decided if they would be scheduled for the middle meeting or not. He suggested trying it for a few months at the end of the middle meeting.

Commissioner Galloway said trying that was fine, but what would happen if it ran into the Planning Commission meeting. Chairman Larkin said the final decision would be made in the Caucus Room.

Commissioner Galloway said it should be clearly noticed that at the end of the closed session the doors would be opened so any interested members of the public could attend. He felt this was one instance when it was okay not to televise.

07-311 **LEGISLATIVE ISSUES**

John Slaughter, Management Services Director, said SB 30, which dealt with overcrowding at the Washoe County jail, was postponed indefinitely. He indicated that was Legislative terminology for a bill being dead, but the bill was revived today in the Senate judiciary and would go into a work session next week. He said staff was working diligently to inform committee members of the need for the bill.

Mr. Slaughter stated AB 274, which was an appropriation bill for the Truckee River Flood Project, was introduced and had a hearing scheduled for March 19th at 8:00 a.m.

Mr. Slaughter said an overview of the Washoe County Water Resources Department was presented to the Assembly Government Affairs Committee on February 28th in preparation of SCR 26 coming from the SCR 26 committee through the Assembly Government Affairs Committee.

Mr. Slaughter mentioned SB 127 was an appropriation bill that included funding for a new Truckee Meadows Community College campus in Spanish Springs.

Mr. Slaughter said County, Regional Transportation Committee, and Cities of Reno and Sparks staff presented an overview of capital projects, particularly those that focused on transportation issues. He stated staff also took the opportunity to discuss the Truckee River Flood Project and its need for additional funding.

Mr. Slaughter distributed a handout on SB 79, which was placed on file with the Clerk.

Commissioner Galloway said he put SB 79 on the agenda because Dan Burk, Registrar of Voters, had sent out an e-mail requesting support in opposing it. Commissioner Galloway said he informed the legislators that the Board had not taken a position on SB 79, and he was speaking for himself when he spoke in favor of it. He subsequently received an e-mail from Senator William Raggio that stated no action had been taken, and he asked if the bill was dead. Mr. Slaughter said the bill was read and no action was taken on that particular day. He said folks he had talked to in Carson City felt the bill would have a hard time getting through.

Commissioner Galloway said he favored the bill, and he felt that every objection raised by Mr. Burk could be answered. He stated it was up to the Board whether or not it wanted to take a position on SB 79.

In response to Chairman Larkin, Mr. Slaughter indicated SB 79 was not currently scheduled to have a hearing between now and next Tuesday's Commission meeting. He said he would bring SB 79 back for discussion at the March 20, 2007 meeting. Commissioner Weber stated bring it back would give Mr. Burk the opportunity to be present to discuss his views.

Commissioner Galloway stated he understood this was an enabling bill, which gave the Secretary of State the authority to work out the details on how this would happen.

In response to Commissioner Humke, Mr. Slaughter said the deadline for first passage out of the house was April 13, 2007, but there was a prior deadline for it to get out of committee.

3:50 p.m. The Board temporarily recessed.

4:06 p.m. The Board reconvened as the Trustees of the Sierra Fire Protection District and the Truckee Meadows Fire Protection District with Commissioner Sferrazza absent.

4:42 p.m. The Board reconvened as the Board of County Commissioners with Commissioner Sferrazza absent.

07-312 STATUS REPORT - NATIONAL CENTER FOR CHILD DEATH REVIEW - DISTRICT ATTORNEY

Richard Gammick, District Attorney, commented on a *Reno Gazette Journal* article dated March 13, 2007. He said during the interview staff talked about positive aspects. He said staff indicated if recommendations could be implicated in Washoe County or adopted they would be seriously considered, which was not included in the article. He explained the National Review Panel presented findings to the County based on the interviews of submitted cases dated between 2001 and 2004. He commented each agency would explain the findings and issues that occurred due to those findings. Mr. Gammick stated the action plan to be submitted to the State which contained in the staff report dated February 27, 2007 and placed on file with the Clerk.

Mike Capello, Social Services Director, commented on the Independent Child Death Review Panel's report entitled "Findings and Recommendations - Child Deaths 2001-2004," dated December 1, 2006, the recommendations concerning his department, and a letter reviewing the summary of findings and action steps that would be taken, dated March 5, 2007, which were placed on file with the Clerk. He indicated he had been the Director of Social Services for eight years and assumed full responsibility for the cases reviewed and the findings made to his Department. Mr. Capello stated the children of Washoe County would benefit from the agencies rallying around this issue.

Vernon McCarty, Coroner, commented on his letter dated March 1, 2007, reviewing the report of findings and recommendations, which was placed on file with the Clerk. Mr. McCarty rebutted the inaccuracies, context irregularities, and hearsay he felt were listed in the report and submitted corrections to those statements. He said he did not deny problems existed in child death investigations or that improvements could not be made, but he said the department worked extensively to deliver the best in death investigations, and he felt this report was used as a means to advance the cause at the Coroner's expense.

Dr. Ellen Clark, Forensic Pathologist, commended the Panel in reviewing the cases, as they were a difficult collection. She said the forensic pathologists who conducted the examinations were uniformly in agreement with the Panel for the recommendations. Dr. Clark said, with the advent of the Medical Examiner's system, the majority of the recommendations would be specifically addressed and a forensic pathologist would now conduct the emergence of a different system of certifying cause and manner of death. She indicated she would meet regularly with Child Protective Services (CPS), and law enforcement in reviewing any and all suspicious cases that came through the office. Dr. Clark said it was their intent to implement and order additional metabolic tests, various screens, and sub-specialty examinations in cases when indicated. She said this was factored into the 2007/08 fiscal year budget. Dr. Clark stated a different reporting system was being implemented so any suspicious child death cases reported and processed by the Coroners/Medical Examiner Office would be remanded to a special reporting form and distributed to CPS and law enforcement.

Lisa Haney, Chief Deputy, said the Washoe County Sheriff's Office in conjunction with the Reno and Sparks Police Departments had concluded their review of the Report and developed a response to the implementation or disposition of each of the recommendations directed towards law enforcement. Chief Haney said, based upon the findings, all three agencies agreed that the existing cooperation was effective and the written procedures ensured timely communication with the District Attorney's Office, CPS, and the Coroner's Office. She said the Sheriff's Department viewed the report as a positive action to systematically and periodically assess an organizational approach to child death investigations and were committed to the best practices. Chief Haney stated on behalf of the Washoe County Sheriff's Office and the Reno and Sparks Police Departments she thanked the National Center for their diligence in compiling such a comprehensive report. She noted the law enforcement community was devoted in providing the utmost care and examinations in all child involved investigations.

Mr. Gammick remarked the staff of the District Attorney's Office reviewed the findings and found a number of exceptions to those findings that he forwarded in a letter to Michael Willden, Nevada Department of Health and Human Services Director, dated March 5, 2007 explaining the inaccuracies, which was placed on file with the Clerk.

Commissioner Humke asked Mr. Capello to explain how cases were processed. Mr. Capello replied this was an area that policy had historically focused on CPS's responsibility to protect live children versus being involved in fatalities where only one child may have been in the household. He said discussions ensued with the National Panel and a different perspective arose for CPS to be involved in those investigations and explained why that would be beneficial. He said the State also maintained the child abuse central registry. Mr. Capello said the review showed a number of children who died in a foster home; however, he explained they were placed in that foster home with a terminal illness. He explained many of those cases did not receive autopsies and were not investigated so the Panel felt there was a cloud around them because everyone in the

system assumed the fatality was eminent. He said the Panel requested a thorough cross-jurisdiction investigation regardless of the cause of death to be certain there was no issue with the care of the child in that home. Mr. Capello remarked the department had a close relationship with the foster parent as a partner in the system.

5:11 p.m. Commissioner Weber temporarily left the meeting.

Commissioner Galloway inquired if this was a good assessment of child deaths deemed suspicious or due to possible child abuse. Mr. Gammick replied these were cases not perused because of evidentiary problems or other issues. He indicated the comments and recommendations would be taken forward.

In response to Commissioner Galloway, Dr. Clark replied forensic pathology included evaluating child death cases, but there was a recommendation the County seek a forensic pediatrician. She explained a forensic pediatrician primarily played an intervention role and dealt with living children, while a forensic pathologist dealt with the death investigation. Dr. Clark indicated the standard of practice was a basic metabolic panel conducted on each child's death to avoid overlooking an inheritable disease. She said staff would implement a system and have the process in place for conducting basic metabolic screens on each of the deaths. Dr. Clark said the medical examination would identify the deaths that required an in-depth study and there would be a mechanism in place if something was identified microscopically that would lead to an in-depth evaluation and supplemental tests.

5:20 p.m. Commissioner Weber returned.

Chairman Larkin said in reading through the rebuttal submitted from Mr. McCarty, he found nothing that infringed upon the fine career of Mr. McCarty and stated the Coroner's office ran a stellar operation. He believed there were substantial policies in place and the move to the Medical Examiner's Office was a testament to those policies.

Chairman Larkin asked if Social Services would be requesting substantial money related to this report along with the resources the Department requested in subsequent agenda items. Mr. Capello believed the requested resources combined with the upcoming budget requests would move the department forward. He said he attempted to study demands the recommendations would place on staff, and the department would connect those resources to meet those demands. He felt his staff had been strategic and focused on selecting items where results could be seen. Chairman Larkin said ready-made changes had been implemented and asked if there were any trends identified where a death occurred in a home in which the County had placed a child. Mr. Capello stated the in-depth review gave an opportunity to examine those trends and determine any questionable issues.

Mr. Gammick explained the action plan distributed to the Board which addressed all of the recommendations made by the Panel, and was placed on file with the Clerk.

Mr. Willden explained why the study was implemented. He said the report was conducted to check the systemic issues and how the system could be improved. However, the work was not completed since Legislative issues and bills needed to be passed with substantial budget and staffing resources. Mr. Willden remarked each community needed the ability to respond when there was a fatality or a serious CPS case.

Commissioner Galloway said it might be difficult to find a foster family to take a child with a terminal condition with the knowledge there would be a detailed death investigation when the child died. He said broad social welfare responsibilities were involved. He asked if the resources would come from a State agency and mandate higher levels to give the County resources or receive assistance for a year or two then the County would be left further taxing the population. Mr. Willden recognized the limited resources and would push for State resources. He stated he was more concerned with the federal perspective than the State perspective.

Commissioner Humke asked if anything was learned from the rural counties or Clark County. Mr. Willden indicated there were some good pilot concepts available, sharing of information, and processes in place. He said in Nevada, Washoe County had set the standard that others were trying to achieve.

In response to Chairman Larkin, Mr. Willden clarified there was nothing statistical about this study and anyone who made those statistics was wrong. He said the systemic issues drove them to find the numbers, but there was no attempt to be random or statistically valid.

Justice Deborah Agosti, Nevada Supreme Court, thanked the Board for their interest in this subject. She explained the Independent Child Death Review Panel (ICDRP), was a group of nationally recognized experts paid by the State of Nevada to review selected cases. She said they first reviewed Clark County then Washoe County and the rural counties. Justice Agosti said Mr. Willden decided it would be better to bring together a group of State recognized individuals to receive those recommendations. She explained the reason more cases were identified in Washoe County was because the County had better record keeping. Justice Agosti saluted Mr. McCarty for his years of service and stated this report was not meant to be an accusation of anyone or any department. She said these reports were all generated with one purpose, to save lives. She noted the important question was how to prevent child fatalities.

In response to Chairman Larkin, Justice Agosti recommended accepting the findings and recommendations.

Mr. Gammick thanked everyone who appeared before the Board. He said there was an intense effort by the organizations in the County to improve in this area and do the best that could be done. Mr. Gammick said with the support of the Legislature, the Board, and others involved, the County would continue to strive to reduce the number of child deaths. He explained what could be done in the future and reviewed the steps being

taken to implement the action plan. He said everyone was committed to doing the best job and would attempt to implement the recommendations and keep striving to improve the system.

In response to the call for public comment, Garth Elliott spoke on the dangers of second-hand smoke and the extended foster care program.

Upon recommendation of Mr. Gammick, Mr. Capello, and John Berkich, Assistant County Manager, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the status report on the State of Nevada's review of child fatalities in Washoe County conducted by the National Center for Child Death Review be accepted. It was further ordered that future consideration, proposed requests for resources, and, direction to staff concerning same, be accepted.

07-313 AMENDMENT TO INTERLOCAL CONTRACT - STATE OF NEVADA HEALTH AND HUMAN SERVICES - SOCIAL SERVICES

Upon recommendation of Michael Capello, Social Services Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the amendment to the Interlocal Contract between the Washoe County Department of Social Services and the State of Nevada Health and Human Services Department increasing the Temporary Assistance to Needy Families (TANF) funding by \$1,317,258 for a total amount of \$2,195,432 for fiscal year 2007 be approved. It was further ordered that the Chairman be authorized to execute the same and the Finance Department be directed to make the necessary adjustments.

07-314 CREATION OF POSITIONS - SOCIAL WORKERS - SOCIAL SERVICES

Upon recommendation of Michael Capello, Social Services Director, on motion by Commissioner Humke, seconded by Chairman Larkin, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the creation of eight Social Worker III positions, one Senior Social Worker position, one Intake Screener position, and one Human Services Program Supervisor position effective April 1, 2007 as evaluated by the Job Evaluation Committee in order to allow immediate implementation of proposed improvements in child welfare services in response to the federal Program Improvement Plan (PIP) and recent review of child fatalities with a projected fiscal impact in fiscal year 2006/07 of approximately \$336,000 be authorized.

6:20 p.m. The Board recessed.

7:00 p.m. The Board reconvened.

**07-315 COMPREHENSIVE PLAN AMENDMENT CASE NO. CP06-019 -
HILLSIDE HOLDINGS**

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 Washoe County Planning Commission's action of February 6, 2007 to approve a modification of the applicant's request to amend the Southeast Truckee Meadows Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment request would change the land use designation on eight parcels and result in land use designations of approximately 70.86 acres of Medium Density Suburban (MDS), 48.91 acres of Medium Density Rural (MDR), 288.31 acres of Open Space (OS) and 1.32 acres of Public and Semi-Public Facilities. The request would result in the ability to construct up to 151 dwellings, the current land use designation allows 9. The County Commissioners may consider other appropriate land use designations such as Low Density Suburban (LDS), and may reduce the acreage of certain land use designations to reduce the amount of dwellings approved, if appropriate. All eight of the subject parcels are currently designated General Rural (GR). The properties are located approximately 2 miles east of the intersection of McCarran Boulevard and Pembroke Drive and approximately ¼ mile north of the intersection of Pembroke and Man Of War Drive. Clean Water Way borders the northwestern corner of the project. Portions of the parcels are within the Truckee Meadows Service Area, and within the area of interest of the City of Sparks, as identified by the 2002 Truckee Meadows Regional Plan. The parcels are located within Sections 23 and 14, T19N, R20E, MDM, Washoe County, Nevada. The property is within the Washoe County Commission District No. 2 and within the Southeast Truckee Meadows Citizen Advisory Board boundary. (APN's: 021-030-07 & 051-010-04, 05, 06, 07, 09, 10, & 11).

Katy Singlaub, County Manager, stated there had been a request from the applicant for continuation of the Comprehensive Plan Amendment.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against Comprehensive Plan Amendment Case No. CP06-019.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that Comprehensive Plan Amendment Case No. CP06-019, Hillside Holdings, be continued to March 27, 2007.

**07-316 APPEAL CASE NO. AX07-004 - SUN VALLEY GENERAL
IMPROVEMENT DISTRICT 7TH AVENUE WATER TANK -
GARY SCHMIDT AND GARTH ELLIOTT - COMMUNITY
DEVELOPMENT**

5:30 p.m. This was the time to consider an Appeal of the Planning Commission's Action Approving the Sun Valley General Improvement District 7th Avenue Water Tank (Case No. SW06-009) – To affirm the Planning Commission's approval of Special Use

Permit Case No. SW06-009, to reject the appeal on the basis that the appellants do not have standing to appeal the Planning Commission's action pursuant to Washoe County Code, Chapter 110, Section 110.810.50 (b) Who Can Appeal, or to concur with the appellants and overturn the Planning Commission's approval or to remand the case back to the Planning Commission for additional review. The property is located at 2805 East Golden Valley Road, immediately west of its transition from West Seventh Avenue. The +/-10.4-acre parcel is designated General Rural (GR) and Low Density Suburban (LDS) in the Sun Valley Area Plan, and is situated in a portion of Section 13, T20N, R19E, MDM, Washoe County, Nevada. The property is located in the Sun Valley Citizen Advisory Board boundary and Washoe County Commission District No. 5. (APN 088-210-07).

The Chairman opened the public hearing by calling on anyone wishing to speak for or against Appeal Case No. AX07-004.

Kelly Mullin, Assistant Planner, stated the appellant's, Gary Schmidt and Garth Elliott, did not have standing to appeal this project.

Melanie Foster, Legal Counsel, said the Board had been advised to continue the item based upon the standing issue. She said the determination of standing, in regard to a land use decision, had always been made by the Board.

In response to Chairman Larkin, Ms. Foster explained applications for appeals were limited to the applicant or the applicant's authorized agent, a person who may be adversely affected by the decision, someone who had participated in the review process by submitting written or oral testimony on the application, having attended a public hearing on the application, or prevented from participating in the review by circumstances beyond his/her control. She suggested hearing from the appellants and the applicant on this matter before a decision was made.

Gary Schmidt, appellant, said he disagreed with Legal Counsel's opinion and thought this should be the purview of the Board of Adjustment (BOA). He said it was claimed that a Citizen Advisory Board (CAB) was not a public hearing and he disagreed. He acknowledged he was present at the Planning Commission meeting and waved his request to speak card, but the Chairman closed the public hearing without him being able to comment. Mr. Schmidt requested a continuance so he could make his presentation to the Sun Valley CAB on the location of the proposed water tank.

Garth Elliott, appellant, commented he told several people not to arrive and testify because the appeal would not be discussed. He said he had been a member of the Sun Valley CAB and assumed they were under the public review process since it was monitored, recorded, and agendized by the County. Mr. Elliott said he was unable to attend the Planning Commission meeting, but felt the testimony he gave at the CAB would be properly presented at the Planning Commission meeting. He requested a two-week continuance.

Stuart White, Sun Valley General Improvement District (SVGID) representative, requested the Board make the determination on standing. He said it was disingenuous and inappropriate for the appellants to state that based on the staff report and the agenda the standing issue had distracted them. He said, based on the staff report, there was no support for a continuance. Mr. White strongly urged the Board not to delay this matter, as it was part of Sun Valley's long-sought second point of wholesale water service into the district. He said this type of maneuvering was Mr. Schmidt's attempt to delay the project. Mr. White commented both issues should be handled without delay.

Commissioner Galloway said an option could be to send this back to the Planning Commission, or continue it and wondered if Mr. White had a preference. Mr. White replied he would prefer the entire matter decided tonight.

Mike Harper, Planning Manager, emphasized the County did not deny that the CAB's had a participatory process, but State law did not recognize that. He explained staff did not agendize the CAB agendas, those were completed by the CAB chair. He indicated the Chairman of the Planning Commission opted not to re-open the public hearing for Mr. Schmidt to make a presentation, which was the prerogative of the Chair. Mr. Harper said an appearance at a public meeting did not mean an appearance at a public hearing, and he added CAB's do not conduct public hearings. He indicated, although rare, the standing issue was part of the Development Code to provide structure and framework to the process. He said staff was firm that evaluation of the materials provided against the standards adopted in the Development Code clearly indicated the appellants did not have standing to bring an appeal.

Commissioner Galloway asked if all appeals had to be in writing. Mr. Harper replied that was correct. He remarked an appeal was received on March 12, 2007 from Mr. Schmidt indicating he wished to appeal an interpretation of the standards in the Code regarding standing to the BOA. Mr. Harper said, in conversations with the District Attorney's Office, it was indicated this was not an appealable item to the BOA. He explained staff never decided Mr. Schmidt could not appear before the Board of County Commissioners and argue whether there was standing. He said staff provided an evaluation of the standards to make the recommendation to the Board that the appellants did not have standing. Commissioner Galloway asked when Mr. Schmidt submitted the written application to appeal to the BOA on March 12th, was he told that was appropriate or valid. Mr. Harper replied no. He said he sent a letter to Mr. Schmidt explaining that it was an inappropriate appeal.

Commissioner Humke asked if the two appellants attended the CAB, but not the Planning Commission meeting. Mr. Harper clarified Mr. Elliott did not attend the Planning Commission meeting, but Mr. Schmidt, as the record showed, appeared after the public hearing was closed. Commissioner Humke questioned if the Legislature intended a CAB to be part of the process for an appeal. Mr. Harper said if the Legislature had intended that, they would have put in a number of requirements and noted there was no current language in State law. Mr. Harper said staff had high respect for the CAB's since they provided a great deal of information.

In response to Commissioner Galloway, Mr. Schmidt clarified he had filed his appeal on March 9, 2007 and said Mr. Elliott filed his appeal on March 12th. Mr. Schmidt indicated his appeal was date stamped and accepted.

Commissioner Galloway envisioned a prolonged process if the Board found there was no standing. He was favoring having the standing allowed, but other Commissioners may feel differently. Commissioner Galloway said if the Board did find for standing, and proceeded with hearing this matter, would SVGID stipulate they would not challenge the finding of standing. Ms. Foster said that was not a question SVGID's counsel could answer. She said SVGID was governed by a Board of Trustees who could only act in a duly noticed public meeting.

Chairman Larkin asked both appellants how the proposed water tank would adversely affect them. Mr. Schmidt replied he traveled that road consistently and the continued sight of the tank would offend him. Chairman Larkin asked how much diminution in the quality of life would occur. Mr. Schmidt said that was a subjective remark. He said the tank would offend him, by the process in which the tank was placed there. Chairman Larkin again asked how the appellant would be adversely affected by the placement of the tank. Mr. Schmidt stated because it diminished the aesthetic value of that ridgeline. Mr. Elliott replied the hillside could be seen throughout Sun Valley and would cause him mental anguish.

In response to the call for public comment, Robert Fink said he did not object to people's opinions and had been through an appeal process. He noted the regulations needed to be followed.

Commissioner Humke said in terms of the Code, Mr. Schmidt would have standing to appeal, but Mr. Elliott would not.

Commissioner Weber did not think there should be a continuance. She suggested rejecting the appeal on the basis the appellants did not have standing and move forward on the merits of the Special Use Permit.

Chairman Larkin stated he found neither appellant had standing based on the requirement they could not show any adverse affect.

Commissioner Galloway disagreed. He said if this were liberally construed then there was no quantity on the adverse affect. He said the appellants cared enough to come before the Board, and he felt they showed adverse affect. Commissioner Galloway stated they were adversely affected and standing should be allowed.

In response to Commissioner Galloway, Ms. Foster replied if the Board chose not to make a decision then it informally accepted the appearance at the Planning Commission meeting and the CAB meetings sufficient for the appellant's standing to appeal.

Commissioner Humke felt it was important for the merits on whether SVGID could have the authority to move forward with the proposed water tank. He confirmed Mr. Elliott did not have standing, and Mr. Schmidt did meet the test of attendance at a public hearing. Commissioner Humke asked Mr. Schmidt to briefly explain how he would be adversely affected.

Mr. Schmidt replied he would be physically stressed and ill to the point of leaving Sun Valley because he would not want to view the water tank.

Upon recommendation of Ms. Mullin, on motion by Commissioner Weber, seconded by Chairman Larkin, which motion duly carried with Commissioner Galloway voting "no," and Commissioner Sferrazza absent, it was ordered that the appeal be rejected on the basis that the appellants did not have standing to appeal based that cause was not shown on being adversely affected by the Planning Commission's action pursuant to Washoe County Code, Chapter 110, Section 110.810.50(b) and that the merits of the Special Use Permit go forward.

07-317 APPEAL CASE NO. AX07-005 (BECKER GENERAL CONTRACTORS INC.) - PAVING OF KING LANE - CASE NO. PM06-005 - COMMUNITY DEVELOPMENT

5:30 P.M. This was the time set to consider an Appeal of Parcel Map Review Committee's Condition of Approval Requiring the Paving of King Lane, Case No. PM06-055 – To affirm the Washoe County Parcel Map Review Committee's condition of approval requiring the appellant, Becker General Contractors Inc., to pave King Lane, or to concur with the appellant that the requirement to pave King Lane is not proportional to the impact of the number of lots created by the parcel map. PM06-055 is the second of two parcel maps that created six lots ranging in size from 0.53 acres to 0.61 acres that are located at the western end of King Lane in the Southeast Truckee Meadows Area Plan (APN: 017-052-01). Condition 5.g of the approval of PM06-055 requires street improvements as a condition of the map, which, as determined by the County Engineer, includes the paving of King Lane.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against appeal Case No. AX07-005.

Angela Fuss, Senior Planner, CFA, Inc., representative for the applicant, Becker Construction, stated the applicant was unable to attend and requested a continuance.

In response to the call for public comment, Bruce Bacon, submitted photographs of the subject property, which were placed on file with the Clerk. He objected to the continuance stating the applicant had not attended the Parcel Map Review Hearing. Audrey Compell stated she would like to see the road paved. Debbie Larson stated she was in favor of t paving the road.

The Chairman closed the public hearing.

On motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the appeal of Parcel Map Review Committee's Condition of Approval requiring the paving of King Road, Case No. PM06-0555 be continued to the March 27, 2007 meeting.

BOARD MEMBER COMMENTS AND UPDATES

Commissioner Humke declared the Southeast Citizen Advisory Board (CAB) had not agendaize an item for the "Virginia 40's" a subject of a Regional Planning Governing Board application; however, public comment would be heard during their next meeting.

Chairman Larkin announced he attended the National Association of Counties, (NACo) conference in Washington D.C. and stated it was a successful trip.

Commissioner Weber reminded the public that 8,000 clean-up vouchers for the Keep Truckee Meadows Beautiful on May 12, 2007 had been mailed.

* * * * *

8:40 p.m. There being no further business to come before the Board, the meeting was adjourned.

ROBERT M. LARKIN, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Jan Frazzetta and Stacy Gonzales Deputy County Clerks*