

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

MAY 22, 2007

PRESENT:

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

Amy Harvey, County Clerk
Dave Childs, Assistant County Manager
Katy Singlaub, County Manager
Melanie Foster, Legal Counsel

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and Dave Childs, Assistant County Manager, read the following disclaimer:

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.

The Board conducted the following business:

07-569 **AGENDA**

***2:15 p.m.** Commissioner Sferrazza arrived at the meeting.

In response to the call for public comment, Guy Felton said the decorum statement was intended to intimidate critics and was an attack on free speech. He asked this insult against decent open American government be agendized for an in-depth discussion. Sam Dehne discussed free speech and objected to public comment being two minutes. Gary Schmidt objected to approval of the agenda because of the two-minute rule. He commented the Commission was the only body in the State that allowed two

minutes for public comment and stated why he felt there should be an applause rule on the agenda. Mr. Felton clapped. Chairman Larkin issued a first warning to Mr. Felton.

In accordance with the Open Meeting Law, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the agenda for the May 22, 2007 meeting be approved with the deletion of Item 16, Interlocal Agreement with the City of Sparks for use of flood project funds. Board members noted that public comment would be taken on the deleted item.

07-570 PUBLIC COMMENTS

Guy Felton discussed why he felt decency and American government were under constant attack in Washoe County by the Commissioners and District Attorney Dick Gammick.

Sam Dehne commented on why it had been proven over and over again that Nevada's voting system was corrupt.

Kurt Latipow, Fire Service Coordinator, reminded everyone that this was Wildfire Awareness Week in the State of Nevada. He said there was not time to issue a formal proclamation, but Chairman Larkin signed the following resolution:

RESOLUTION OF ACCOMPLISHMENT

WHEREAS, Nevada is consistently among the nation's leaders in acres burned by wildland fire each year; and

WHEREAS, Wildland fire has greatly impacted Nevada's environmental, economic, and social well-being with 2006 being one of the most devastating on record; and

WHEREAS, There are more Nevadans living in and using high fire hazard areas than ever before; and

WHEREAS, The devastation from wildland fire in 2006 prompted Gubernatorial declaration of disaster in three of Nevada's Northern Counties; and

WHEREAS, Many of these impacts and hazards could be mitigated if Nevadans were more aware and proactive; now, therefore, be it

RESOLVED, That Washoe County proclaims the week of May 19-25, 2007 as Nevada Wildland Fire Awareness Week.

Mr. Latipow emphasized the best defense against wildfire was awareness and vigilance. He said even though this week was declared Wildfire Awareness Week, the reality was wildfire awareness needed to be year round.

Gary Schmidt recommended enforcement officers not be allowed to issue citations for alleged violations of the proposed nuisance ordinance. He said a Citizen Advisory Board (CAB) should issue citations only after a presentation to the CAB or by a recommendation from a CAB subcommittee. He felt the recommendations should come from the CAB's because they were made up of people who knew the neighborhoods.

COMMISSIONERS'/MANAGERS ANNOUNCEMENTS

Commissioner Humke said he was briefly leaving the meeting to welcome, on behalf of the Regional Transportation Commission (RTC), the Community Transportation Association of America to the Reno-Sparks Convention and Visitors Authority where the association was holding their exposition.

Commissioner Humke commended the Regional Parks and Open Space Department and their advisory board on the big name performers participating in the Bartley Ranch 2007 Summer Concert Series.

Commissioner Humke acknowledged Dylan Ciciliano, his Public Service Intern, who graduated with a Bachelor of Arts degree from the University of Nevada, Reno last Saturday.

Commissioner Weber said she attended a Truckee Meadows Water Authority (TMWA) tour last Friday, which was offered every six months or so to anyone who called to sign up. She stated it was interesting to find out about water storage and other venues that TMWA provided.

Commissioner Weber said District funds were provided to help the Black Springs and Horizon Hills communities obtain dumpsters for community-wide cleanups last Saturday. She said other District 5 cleanups would be held in Anderson Acres and Silver Knolls on June 9, 2007.

Commissioner Weber said Artown had a very nice event celebrating Artown, and she mentioned Councilmember Dave Aiazzi was this year's President of Artown. She suggested citizens go to www.renoisartown.com for more information.

Commissioner Weber stated she attended City of Reno's Councilmember Dwight Dortch's Town Hall meeting last night at the North Valleys Regional Park and Councilmember Dave Aiazzi's Town Hall meeting at Somerset last Thursday. She encouraged people to attend their Councilmember's town hall meetings.

Chairman Larkin reminded the public that the County was in the middle of the fire season.

Commissioner Galloway said the City of Reno gave a presentation at a recent Citizen Advisory Board (CAB) meeting that showed what happened when fires went uphill, especially when a deck was involved. He had asked if the fire department

contacted realtors about having a voluntary defensible space disclosure on their form, and the person assigned to look into it had contacted the Board of Realtors to see if they were open to that idea. He said he hoped this discussion paid off. He imagined that building inspectors could be trained by fire personnel or Fire Safe Councils to do defensible space assessments. He felt any buyer of a house would like to have that information.

Regarding the Tahoe Regional Planning Agency (TRPA), Commissioner Galloway said he would continue to track the transfer of development rights for commercial floor area or tourist accommodation units, which a local government started restricting a few years ago. He said he would be talking with local government officials about doing a free trade zone and dropping all of those barriers.

Commissioner Sferrazza said he attended “Breaking Bread” at the Senior Center today with representatives of Washoe County and the City of Reno. He stated the issues discussed mainly involved the environment, such as water and recycling. He said it was a good opportunity to meet with seniors, and he encouraged the other Commissioners to do so when the opportunity presented itself.

Commissioner Weber noted she and Commissioner Humke were present when Governor Jim Gibbons signed AB 22, which transferred two parcels of State land to Washoe County for the Sierra Fire Protection District (SFPD) and for part of the parking lot at the Verdi Justice Court. She said since the Verdi Justice Court merged with the Reno Justice Court and the building was closed in 2005, the Verdi History Preservation Society would like to eventually convert the building into a center or museum.

Dave Childs, Assistant County Manager, announced this was “National Public Works Week.” He said there was a Public Works Open House this morning at the Longley location, which was a great opportunity for people to see what the Public Work’s Department did.

07-571 RESOLUTION – FIFTEENTH ANNIVERSARY NATIONAL TRAILS DAY – JUNE 2, 2007 – PARKS

Dave Childs, Assistant County Manager, said the following groups were involved and their representatives were here to accept a copy of the resolution acknowledging their efforts, which he then read:

- Humboldt-Toiyabe National Forest, Franklin Pemberton, Community Affairs Officer
- Bureau of Land Management - Carson Field Office, Bryant Smith, Associate Field Office Manager
- Nevada Department of Conservation and Natural Resources, Division of State Lands, Jim Lawrence, Deputy Administrator

- Nevada Department of Conservation and Natural Resources, Division of State Parks, David Morrow, Administrator, and Cheryl Surface, State Trails Coordinator - Recreational Trails Program Manager
- Truckee Meadows Trails Association, Bill Von Puhl, Vice President and Washoe County Open Space and Regional Parks Commissioner
- Tahoe Rim Trail Association, Mark Kimbrough, Executive Director

RESOLUTION
In Recognition of the Fifteenth Anniversary of
NATIONAL TRAILS DAY - JUNE 2, 2007

WHEREAS, June 2, 2007 is the fifteenth anniversary of National Trails Day™, established by the American Hiking Society as an annual celebration of events held nationwide to promote public awareness and appreciation of America’s trails and the people who help plan, build, and maintain them; and

WHEREAS, National Trails Day™ was created to foster a number of key goals:

- To promote the health benefits of trails
- To build partnerships among trail volunteer organizations, commercial and other private entities, and public land management and recreation agencies
- To encourage cooperative efforts among various trail user groups, such as hikers, bicyclists, equestrians, walkers, runners, boaters, etc.

WHEREAS, The fifteenth anniversary celebration of National Trails Day™ is an important avenue for enhancing outdoor recreation opportunities for people of all abilities and ages; and

WHEREAS, The celebration represents years of hard work, dedication, and countless volunteer hours contributed by individuals, corporate sponsors, government agencies, non-profit groups, and community organizations across America; and

WHEREAS, The Washoe County Regional Parks and Open Space Department, along with key partners, including the Humboldt-Toiyabe National Forest, Bureau of Land Management, Nevada Department of Conservation and Natural Resources - State Parks and State Lands Divisions, Truckee Meadows Trails Association, and Tahoe Rim Trail Association, as well as many other private corporations, groups and individuals, have worked cooperatively to plan, develop, and maintain multiple-use recreational trails throughout Washoe County; now, therefore be it

RESOLVED, That the Washoe County Board of Commissioners acknowledges and supports efforts to promote the goals of National Trails Day™ and hereby recognizes the contributions of our community partners in celebration of the fifteenth anniversary of National Trails Day™.

Mr. Childs noted there was a very successful training session for the volunteers on maintaining trails last weekend, and he commented on the projects that would be happening throughout the County this year.

Doug Doolittle, Regional Parks and Open Space Director, thanked everyone for the great partnership that had evolved over the years and that had accomplished great things.

Mr. Kimbrough announced he was very excited about the new Rim to Reno Project that would allow someone to come from Mount Rose all the way down the Carson Range to Hunter Creek.

Upon recommendation of Douglas Doolittle, Regional Parks and Open Space Director, on motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the resolution be adopted.

07-572 RESOLUTION – RECOGNITION SIERRA NEVADA JOB CORP STUDENTS – CAMP WE CH ME LODGE – PARKS

Commissioner Weber acknowledged the following Sierra Job Corp instructors and students who participated in improving the Camp We Ch Me Lodge in the Galena Creek Regional Park:

- John Lee, Business and Community Liaison
- William Minto, Carpentry Instructor
- Robert Branch, Ken Stephenson, Truman Cody, Joe Birtodaso, and Courtney Shick, Carpentry Students
- Lyudmila Caselli, Painting Instructor
- Painting Students: Hershel Stark, Andrew Ochey, Michael Beal, and Ashley Wilson
- Dave Hess, REI Representative
- Colleen Wallace, Regional Parks and Open Space
- Doug Doolittle, Regional Parks and Open Space Director

Mr. Doolittle thanked everyone for their hard work.

Mr. Lee commented, in his short time as Business and Community Liaison, he saw the faculty and students come together to be a driving force in the community for workforce development. He thanked the Commissioners for their recognition.

Commissioner Weber said Sierra Nevada Job Corp was located in the Stead area for 25 years, and she thanked them for the great work they did around the County.

Commissioner Humke said Camp We Ch Me was a great resource for the County's citizens and the work done by the students enhanced it even further. He said this was a great collaboration between the Regional Parks and Open Space Department, the Sierra Nevada Job Corp, and other County agencies.

In response to the call for public comment, Sam Dehne commented on what a wonderful experience it was for the young men and women to come to see government in action. He led a round of applause for them.

Upon recommendation of Rosemarie Entsminger, Fiscal Compliance Officer, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the following resolution be approved.

RESOLUTION OF APPRECIATION

WHEREAS, Sierra Nevada Job Corps, a program administered by the U.S. Department of Labor, is a place of learning for youth ages 16 to 24 to acquire and enhance job and life skills; and

WHEREAS, In 2006 REI, Inc. generously donated to Washoe County Regional Parks and Open Space \$10,000 for improvements for the Galena Camp We Ch Me Lodge; and

WHEREAS, Sierra Nevada Job Corps students volunteered their time, and carpentry and painting talents to complete an improvement project for the Galena Camp We Ch Me Lodge by using materials with the REI, Inc. donation to construct 46 wooden frame bunk beds, ladders and under bed storage; and

WHEREAS, Sierra Nevada Job Corps provided 30 carpentry students to who worked 2,540 hours to cut the wood beds, 16 carpentry students who worked 451 hours installing the bunks, and 15 students who worked 1,217 hours painting the bunks for a total of 4,208 volunteer hours; and

WHEREAS, This project was a positive partnership and excellent learning experience for the students of the **Sierra Nevada Job Corps** that provides lasting benefit to the Washoe County community; now, therefore, be it

RESOLVED, That the Washoe County Board of Commissioners express their appreciation and respect to **Sierra Nevada Job Corps**, their students and work crew leaders fro their dedication and support of Washoe County Regional Parks and Open Space, Galena Creek Regional Park and Camp We Ch Me.

**PUBLIC HEARING ON TENTATIVE BUDGET – ADOPTION OF
FISCAL YEAR 2007/08 FINAL BUDGET – CONTINUED FROM
MAY 21, 2007**

In response to Commissioner Sferrazza, Melanie Purcell, Budget Manager, stated she felt the \$400,000 increase in the Manager's budget over the last five years was attributable to the Community Support function that was part of the County Manager's line item detail.

John Sherman, Finance Director, stated the total activity in the Manager's Office had declined \$1.3 million in the proposed budget from 2006. He said the decline was primarily due to WinNet being moved back into the Technology Services Department. He explained there were increases in Management Services, which included Community Support, the Fire Coordinator position created several years ago, and additional resources to expand the Community Relations function. He said the amount for elections was \$2.9 million for the year ending June 30th, which would go down this year with it being an off election year. He stated the Manager's budget had grown over the last three years from \$1.3 million to 1.4 million, which was primarily due to wage increases.

Commissioner Sferrazza said there was concern the increase in staff would increase the demands on other offices, including the District Attorney's Office. He commented that was something that might need to be looked at when the Manager's Office staff was increased.

Commissioner Weber said she participated in a conference call about the budget for Nevada Works. She stated Mr. Sherman had been instrumental a few years ago in getting the fee reduced, and she and the Nevada Work's Board hoped the \$10,100 administrative fee charged to Nevada Works could be waived.

Mr. Sherman replied that request was received and any adjustment would have to be a contract adjustment. He advised staff was preparing a report for consideration by the Board on June 12, 2007. He said only the \$10,100 of revenue received for providing accounting, payroll, and legal services would be reflected in the County's budget.

In response to Commissioner Weber, Mr. Sherman said the Recorder/Clerk E-Marry project was a capital project the Board approved in 2002. He stated the County Clerk had requested General Fund support for the project; and, if the Board wanted to provide General Fund support for that project, it would have to occur this fiscal year. He said staff was preparing a report to come to the Board on June 12th for some General Fund support this year.

In response to Commissioner Sferrazza, Ms. Purcell replied the Commissioners' District Funds were maintained in this budget.

In response to Commissioner Weber, Ms. Purcell explained the Special Revenue Funds, Form 23a, was the transfer schedule that indicated transfers from the General Fund to other operating funds.

Commissioner Galloway said the question about a fee waiver raised a policy question. He said State law was clear that the Commission could give money to a nonprofit organization for public benefit. He said if the Board really wanted to know who money was being given to, then it would be more appropriate to charge them the correct amount for services provided and donate to them the equivalent amount that they could use to pay for it. He indicated that by doing it that way the Board would know the organization was getting \$10,000. He stated, otherwise, if the fee was waived for 50 organizations, the true cost for supporting those nonprofit organizations would be hidden in the budget. He felt it would not be apparent to a citizen reading the budget that the Board was giving a nonprofit money. Ms. Purcell confirmed that was a policy decision, but from an accounting perspective it would be a more accurate reflection. Commissioner Galloway said he wanted that out on the table because the Parks Department was directed to do that, which he felt was appropriate. He stated there was not enough money to give to every worthy nonprofit organization. He said only some were selected, and by doing it this way, the Board could donate to the nonprofit while still considering all of the other possible uses for the money. He felt that would be fairer to other people in the community who also felt they had worthy causes. He said he was raising this issue for consideration in future budgets.

Commissioner Sferrazza said he agreed 100 percent with Commissioner Galloway because he felt it was better budgeting practice to actually show a grant was being given to an entity. He asked for clarification of what it meant to reduce the General Fund balance by 6.5 percent below the adopted policy. Ms. Purcell replied the budgeted fund balance would be 6.5 percent while County policy was 7-9 percent. She said the anticipation across most agencies was this downturn was temporary, but it would be watched very closely; and, if there were concerns, it would be brought back before the Board to suggest a course of action.

Commissioner Galloway asked if a continued downturn would trigger the Rainy Day Fund. Mr. Sherman stated the uses for that fund were covered by statute, and he explained how that worked. He said revenues and expenditures were monitored monthly, so immediate corrective action could be taken if something was not inline with the adopted budget.

Chairman Larkin opened the public hearing.

Sam Dehne asked for confirmation on the amount in the Rainy Day Fund, and he discussed how that fund and special fund accounts worked. Gary Schmidt said he supported Commissioner Galloway regarding the manner in which reductions or discounts should be budgeted. He requested that staff be advised to bring it back as an action item so staff could be directed to do it that way next year rather than making it a suggestion. He suggested it also cover reductions in costs or discounts to County

employees or Commissioners, whenever anyone got special consideration in the cost of a service or a free service. He said the amount should be properly budgeted and giving them and equivalent amount should be considered at an open meeting.

There was no response to the call for further public comment. The Chairman closed the public hearing.

In response to Commissioner Galloway, Mr. Sherman said the balance of the Rainy Day Fund was \$3,250,000. He explained Special Fund money was committed to specific items such as retiree health benefits, bond proceeds for specific projects, and for self-insurance. He said Mr. Dehne was referring to the money held in the County's investment portfolio, which included money invested and held for other entities such as the School District. He indicated the amount in the portfolio was in excess of \$620 million. Commissioner Galloway said that money caused confusion every year because people felt that money was available to the County, but it was not.

Ms. Purcell discussed the recommended budget as depicted on a PowerPoint slide, which was placed on file with the Clerk.

In response to Chairman Larkin, Mr. Sherman confirmed there was no increase in taxes and the only personnel being added were in the Sheriff's Office, in Child Protective Services pursuant to a contract with the State, and a position in the District Attorney's Office. He said the increases were being kept to a minimum and were being dedicated towards public safety.

On motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that the Fiscal Year Ending 2008 Final Budget for Washoe County be approved and adopted. It was further ordered that the direction provided by Commissioners Galloway and Sferrazza be taken in preparing next year's budget.

CONSENT AGENDA DISCUSSION

***4:05 p.m.** Commissioner Sferrazza temporarily left the meeting during public comment on the entire consent agenda and prior to the vote on it (Items 07-574 through 07-598).

In response to the call for public comment, Sam Dehne congratulated the Board on the consent agenda containing relatively mundane items.

07-574 MINUTES

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Larkin ordered that the minutes of the regular meeting of April 10, 2007 be approved.

07-575 **INTERLOCAL LEASE AGREEMENT – WASHOE COUNTY
SCHOOL DISTRICT – BUS USE – TRANSPORT FOR YOUTH
CAMP FIELD TRIPS – PARKS**

Upon recommendation by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza temporarily absent, it was ordered that the Interlocal Lease Agreement between Washoe County and the Washoe County School District for the 2007 calendar year for use of School District buses for the purpose of transporting participants of Washoe County Youth Camps on various field trips be approved, and the Chairman be authorized to execute the same. It was noted operating expenses were anticipated not to exceed \$3,070 annually and funding was available in Recreation Division Recreation Programs and Camps cost center 140325. It was also noted no Funding Transfer was required.

07-576 **NAMING OF EASEMENT – PONDEROSA POINT DRIVE –
PUBLIC WORKS**

Upon recommendation of the Regional Street Naming Committee, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Larkin ordered that the naming of a privately maintained unnamed easement located approximately 0.5 mile south of Franktown Road in Washoe Valley be approved as Ponderosa Point Drive.

07-577 **TRAVEL REIMBURSEMENT – LATINO YOUTH SYMPOSIUM
JUNE 5, 2007 – JUVENILE SERVICES**

In response to Chairman Larkin, Carol Galantuomini, Juvenile Services Division Director, identified the non-employees and explained they were being brought to participate in the symposium to address the over representation of Latino youth in the delinquency population. She stated this was a unique opportunity for individuals in the community to hear what these individuals had to say. She said they would be providing their expertise, wealth of knowledge, perspective, and what has worked and not worked with the initiative in other communities that have Juvenile Detention Alternatives Initiative (JDAI). She said the symposium was to help bring the community together to deal with some of the issues unique to the Latino population.

Upon recommendation of Carol Galantuomini, Juvenile Services Division Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Larkin ordered that the travel reimbursement for three non-County employees to be present at and participate in the Latino Youth Symposium, a Juvenile Detention Alternatives Initiative (JDAI) seminar, be approved and the Finance Department be directed to make the necessary budget adjustments.

RESOLUTION – NOTICE OF SALE - DELINQUENT SPECIAL ASSESSMENT – TREASURER

In response to the call for public comment, Gary Schmidt read part of the resolution and discussed his issue with WCAD 29. He commented one parcel was on the list because of a computer glitch having to do with one dollar, and he was assured by the Treasurer’s Office that the parcel should be withdrawn. He wondered about the other people whose property was going to lien sale.

Upon recommendation of Linda Jacobs, Deputy Treasurer, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza temporarily absent, it was ordered that the resolution directing the County Treasurer to give notice of the sale of properties subject to the lien of a delinquent special assessment in the following special assessment districts (SAD’s): WCAD 21 - Cold Springs Sewer, WCAD 23 - Arrowcreek Water, WCAD 26 - Matterhorn Drive, WCAD 29 - Mt. Rose Sewer Phase 1, WCAD 31 - Spearhead Way-Running Bear Drive, WCAD 36 - Evergreen Hills Drive be adopted and the Chairman be authorized to execute the same and any other necessary documents:

RESOLUTION NO. 07-578

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

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

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

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

WHEREAS, the assessment installments on certain properties in the Districts are delinquent, as identified in Exhibit A placed on file with the Clerk ("delinquent properties"), and remain delinquent after delivery by certified mail, return

receipt requested, of a ten day delinquency notice to each delinquent property owner; and

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

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

1. The Board hereby exercises its option to cause the whole amount of the unpaid principal of the assessments on the delinquent properties to become due and payable as provided in NRS 271.410.
2. The Board hereby ratifies all action previously taken by the County Treasurer and directs the County Treasurer to give notice of the sale of the delinquent properties and to sell the delinquent properties pursuant to NRS 271.540 to NRS 271.630. **The sale shall take place at 11:00 a.m. on June 28, 2007, in the Washoe County Central Conference Room, 1001 E 9th St, Reno Nevada**, which the Board hereby finds a convenient location within the County.
3. If some irregularity or circumstance arises before the sale of any delinquent property such that in the opinion of the Washoe County Treasurer the public interest would best be served by withdrawing such a delinquent property from sale, the Washoe County Treasurer is hereby expressly authorized to make such a withdrawal. The Treasurer shall report to the Board in writing concerning his decision to make such a withdrawal and shall state the reasons for the decision.
4. The County Treasurer shall give the notice as provided in NRS 271.545, by publication in the Reno Gazette Journal, a newspaper of general circulation in the County, and such notice to be published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication to be at least 15 days prior to the day of sale. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication and the last publication. Such service by publication shall be verified by the affidavit of the publisher and filed with the County Treasurer. The County Treasurer or his designee shall also give written notice of sale by mailing a copy of such notice, by first-class mail, postage prepaid, at least 20 days prior to the day of sale, to the last known owner or owners of all properties subject to sale or other designated person at his or her last-known address or addresses; and to any person or governmental entity that appeared in the records of the County to have a lien or other interest in the delinquent property. Proof of such mailing shall be made by the affidavit of the

County Treasurer or his designee and such proof shall be filed with the County Treasurer. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the County Treasurer until all special assessments and special assessment bonds issued (if such special assessment bonds have been or are hereafter issued) shall have been paid in full, both principal and interest, until any period of redemption has expired or property sold for an assessment, or until any claim is barred by an appropriate statute of limitations, whichever occurs last.

5. The officers of the County are hereby authorized to take all action necessary to effectuate the provisions of this Resolution.
6. The resolution is effective on passage and approval.

07-579 RESTART, INC. SHELTER PLUS CARE PROGRAM AND CONTRACT REVIEW – INTERNAL AUDIT

Upon recommendation of Bill Mikawa, Internal Audit Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Larkin ordered that the ReStart, Inc. Shelter Plus Care Program and Contract Review from the Internal Audit Division be accepted.

07-580 AUDIT REPORT – WASHOE COUNTY SELF-FUNDED HEALTH BENEFIT PROGRAM – INTERNAL AUDIT

In response to Commissioner Galloway, Kathy DeValk, Internal Auditor, stated the audit verified both the accuracy of whether the claims were charged in a manner that agreed with the different plans and approved rates and whether the claims were correctly added. She explained the claims process.

Upon recommendation of Kathy DeValk, Internal Auditor, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Larkin ordered that the Audit Report on the Washoe County Self-funded Health Benefit Program from the Internal Audit Division be accepted.

07-581 IMAGING AND RECORDS RETENTION AUDIT REPORT – INTERNAL AUDIT

Chairman Larkin noted the staff report indicated the internal audit found records were often maintained longer than necessary and the County did not practice consistent and uniform records destruction. He asked if the Manager's Office could outline what managerial procedures would be initiated based on the audit report. Dave Childs, Assistant County Manager, said he talked with the records management staff, and

it was believed there should be a set of records retention criteria that was uniform across the County. He stated staff from County departments could participate in the development of a process, which would then be implemented. Chairman Larkin asked how the criteria would be benchmarked. Mr. Childs said the criteria would be tied to State standards and would also look at best practices across the country. He expected this could be done in 90 days. Chairman Larkin requested an agenda item in 90 days on what procedures had been put into place.

Upon recommendation of Kathy DeValk, Internal Auditor, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Larkin ordered that the Imaging and Records Retention Audit Report from the Internal Audit Division be accepted.

**07-582 EXPENDITURE AND RESOLUTION – COUNTY COMMISSION
DISTRICT 3 SPECIAL FUNDING ACCOUNT – BREATH OF
HOPE FOUNDATION**

In response to the call for public comment, Sam Dehne stated he supported the requests for fairly small amounts of money for the various expenditures from Commissioner Sferrazza's Special District Fund Account.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza temporarily absent, it was ordered that the request for expenditure of \$1,000 from the Special District Fund Account for County Commission District 3 to the Breath of Hope Foundation to assist in providing support to pediatric medical patients and their families and to enhance the quality of life for children with critical medical conditions for Fiscal Year 2006/07 be approved and the Chairman be authorized to execute the following resolution necessary for the same:

RESOLUTION - Authorizing the Grant of Public Money to the Breath of Hope Foundation

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

WHEREAS, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in Fiscal Year 2006/07, to make a grant of money to Breath of Hope Foundation - \$1,000 for costs associated with providing support to pediatric medical patients and their families and to enhance the quality of life for children with critical medical conditions; now, therefore be it

RESOLVED, By the Board of Commissioners of Washoe County that the Board hereby grants to the Breath of Hope Foundation - \$1,000, for costs associated with providing support to pediatric medical patients and their families and to enhance the quality of life for children with critical medical conditions a grant for fiscal year 2006/07 in the amount of \$1,000.

07-583 **EXPENDITURES AND RESOLUTIONS – COUNTY**
COMMISSION DISTRICT 3 SPECIAL FUNDING ACCOUNT –
RENO SPARKS NAACP – BOYS AND GIRLS CLUB OF
TRUCKEE MEADOWS – NEVADA WILDERNESS PROJECT

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza temporarily absent, it was ordered that the request for expenditures of \$2,200 from the Special District Fund Accounts of County Commission District 3 to the Reno Sparks NAACP in the amount of \$1,200 to sponsor events and scholarships for at risk students; Boys and Girls Club of Truckee Meadows in the amount of \$500 to pay for transportation; and Nevada Wilderness Project in the amount of \$500 to preserve wilderness in Washoe County, for fiscal year 2006/07 be approved and the Chairman be authorized to execute the following resolutions necessary for the same:

RESOLUTION - Authorizing the Grant of Public Money for the NAACP's Back to School Stay in School Program

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

WHEREAS, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in Fiscal Year 2006/2007, to make a grant of money to the NAACP - \$1,200 for costs associated with production of Back to School Stay in School, and that by providing this grant of money a substantial benefit will be provided to the inhabitants of Washoe County; now, therefore, be it

RESOLVED, By the Board of Commissioners of Washoe County that the Board hereby grants to the NAACP - \$1,200 for costs associated with production of Back to School Stay in School, a grant for Fiscal Year 2006/2007 in the amount of \$1,200.

RESOLUTION - Authorizing the Grant of Public Money for the Boys and Girls Club of Truckee Meadows

WHEREAS, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county and that a board may make a grant of money to a

private organization, not for profit, or to a governmental entity, to be expended for a selected purpose; and

WHEREAS, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in Fiscal Year 2006/2007, to make a grant of money to the Boys and Girls Club of Truckee Meadows - \$500 for costs associated transporting students to and from their main location, and that by providing this grant of money a substantial benefit will be provided to the inhabitants of Washoe County; now, therefore, be it

RESOLVED, By the Board of Commissioners of Washoe County that the Board hereby grants to the Boys and Girls Club of Truckee Meadows - \$500 for costs associated with transporting students to and from their main location, a grant for Fiscal Year 2006/2007 in the amount of \$500.

RESOLUTION - Authorizing the Grant of Public Money to the Nevada Wilderness Project

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

WHEREAS, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in Fiscal Year 2006/07, to make a grant of money to the Nevada Wilderness Project - \$500 for costs associated protecting land within the borders of Washoe County, and that by providing this grant of money a substantial benefit will be provided to the inhabitants of Washoe County; now, therefore, be it

RESOLVED, By the Board of Commissioners of Washoe County that the Board hereby grants to the Nevada Wilderness Project - \$500 for costs associated protecting land within the borders of Washoe County, a grant for Fiscal Year 2006/07 in the amount of \$500.

07-584 **EXPENDITURE – COUNTY COMMISSION DISTRICT 3**
SPECIAL FUNDING ACCOUNT – PUBLIC WORKS – HUNGRY
VALLEY CONGESTED AREA SIGNS

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza temporarily absent, it was ordered that the request for expenditure of \$1,000 from the Special District Funds Accounts of County Commission District 3 to the Washoe County Public Works Department to assist in funding signs for the Hungry Valley Congested Area for fiscal year 2006/2007 be approved.

07-585

**EXPENDITURE AND RESOLUTION – COUNTY COMMISSION
DISTRICT 3 SPECIAL FUNDING ACCOUNT – NEVADA BOARD
OF REGENTS**

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza temporarily absent, it was ordered that the request for expenditure of \$1,310 from the Special District Fund Accounts of County Commission District 3 to the Nevada Board of Regents to assist in funding various needs at the University of Nevada: University of Nevada Foundation Griffin-Santini Fund - \$1,000 and University of Nevada Inter-Fraternity Council - \$310 be approved and the Chairman be authorized to execute the following resolution necessary for the same:

RESOLUTION - Authorizing the Grant of Public Money to the Nevada Board of Regents

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

WHEREAS, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in Fiscal Year 2006/2007, to make a grant of money to Nevada Board of Regents to assist in funding U of N Foundation/Griffin-Santini Fund - \$1,000 for travel assistance and academic scholarships, and University of Nevada Inter-Fraternity Council - \$310 for an Academic program, a substantial benefit will be provided to the inhabitants of Washoe County; now, therefore, be it

RESOLVED, By the Board of Commissioners of Washoe County that the Board hereby grants to Nevada Board of Regents, a grant for Fiscal Year 2006/2007 in the amount of \$1,310.

07-586

**EXPENDITURE AND RESOLUTION – COUNTY COMMISSION
DISTRICT 3 SPECIAL FUNDING ACCOUNT – VARIOUS
SCHOOLS**

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza temporarily absent, it was ordered that the expenditure of \$2,500 from the Special District Fund Accounts of County Commission District 3 to the Washoe County School District to assist in funding various school needs: Wooster High School - \$500, Procter Hug High School - \$500, North Valleys High School - \$500, Peavine Elementary School - \$500, and Glenn Duncan Elementary School - \$500 for fiscal year 2006/2007 be approved and the Chairman be authorized to execute the following resolution necessary for the same:

RESOLUTION - Authorizing the Gift of Public Money to Washoe County School District

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

WHEREAS, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in Fiscal Year 2006/2007, to make a grant of money to Washoe County School District to assist in funding Wooster High School - \$500 for the Hispanic Educational Leadership Program, Procter Hug High School - \$500 for the Nevada All Student College Educated in Nevada Today program, North Valleys High School - \$500 for a reader board, Peavine Elementary School - \$500 for playground enhancements, and Glenn Duncan Elementary School - \$500 for the literacy program, a substantial benefit will be provided to the inhabitants of Washoe County; now, therefore, be it

RESOLVED, By the Board of Commissioners of Washoe County that the Board hereby grants to Washoe County School District, a grant for Fiscal Year 2006/2007 in the amount of \$2,500.

07-587 **EXPENDITURE AND RESOLUTION – COUNTY COMMISSION DISTRICT 5 SPECIAL FUNDING ACCOUNT – SILVER STATE CAL RIPKEN BASEBALL, INC. – NORTH VALLEY REGIONAL PARK BASEBALL DUGOUTS**

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza temporarily absent, it was ordered that the expenditure from County Commission District 5 Special Funding Account in the amount of \$2,000 to Silver State Cal Ripken Baseball, Inc. to assist in the cost for planning and design of the baseball dugouts for the North Valley Regional Park be approved and the Chairman be authorized to execute the following resolution necessary for the same:

RESOLUTION - Authorizing the Grant of Public Money to Silver State Cal Ripken Baseball, Inc. to assist in the cost for planning and design of the baseball dugouts for the North Valley Regional Park.

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

WHEREAS, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in Fiscal Year 2006/07, to make a grant of money to Silver State Cal Ripken Baseball, Inc. to assist in the cost for planning and design of the baseball dugouts for the North Valley Regional Park and that by providing this grant of money, a substantial benefit will be provided to the inhabitants of Washoe County; now, therefore, be it

RESOLVED, By the Board of Commissioners of Washoe County that the Board hereby grants to Silver State Cal Ripken Baseball, Inc., a grant for Fiscal Year 2006/2007 in the amount of \$2,000.

**07-588 INDEPENDENT CONTRACTOR AGREEMENTS –
SECRETARIAL SERVICES CITIZEN ADVISORY BOARDS –
SPECIALIZED SECRETARIAL SERVICES AND TRIFOX -
COMMUNITY DEVELOPMENT**

Upon recommendation of Bob Webb, Planning Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza temporarily absent, it was ordered that the professional recording secretarial services provided to Washoe County Citizen Advisory Boards for Fiscal Year 2007/08 be approved. It was further ordered that the Independent Contractor Agreements between Washoe County and Specialized Secretarial Services in the amount of \$69,136 and Trifox in the amount of \$28,443 to provide professional recording secretarial services to Washoe County Citizen Advisory Boards for fiscal year 2007/08 be approved and the Chairman be authorized to execute the same.

**07-589 APPOINTMENT – HOME CONSORTIUM TECHNICAL REVIEW
COMMITTEE – COMMUNITY DEVELOPMENT**

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Larkin ordered that Alejandro (Alex) Krell be appointed as the Washoe County representative to the HOME Consortium Technical Review Committee for a two-year term commencing July 1, 2007, consistent with the by-laws of the Technical Review Committee.

**07-590 AGREEMENT EXTENSION - OPHIR LAKES SUBDIVISION
(CASEY RANCH AKA WINTERS RANCH) - COMMUNITY
DEVELOPMENT**

Upon recommendation of Bill Whitney, Senior Planner, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Chairman Sferrazza temporarily absent, it was ordered that an extension of the Ophir Lakes Subdivision Agreement between Washoe County and Ophir Lakes Subdivision (Casey Ranch aka Winters Ranch) for an additional one-year period to June 1, 2008, with a finding that an extension will provide a significant public benefit if the

extensions ultimately facilitate the final parcels for acquisition of the Casey Ranch aka Winters Ranch as open space, be approved and the Chairman be authorized to execute the same.

**07-591 APPOINTMENTS – WEST TRUCKEE MEADOWS CITIZEN
ADVISORY BOARD – COMMUNITY DEVELOPMENT**

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Larkin ordered that Andy Giddings be reappointed to the West Truckee Meadows Citizen Advisory Board as an East of McCarran At-Large Member with a term beginning on July 1, 2007 and expiring on June 30, 2009 and the following members be appointed to the West Truckee Meadows Citizen Advisory Board:

- Ann Potts as an East of McCarran At-Large Member to fill Peter Kirby's unexpired term to June 30, 2008;
- Sheri Coleman as a West of McCarran At-Large Member to fill Roy Hibdon's unexpired term to June 30, 2007 and to a new two-year term beginning July 1, 2007 and expiring June 30, 2009;
- Ryan Davis to fill a vacant At-Large Secondary Alternate position to June 30, 2009.

**07-592 WATER RIGHTS DEED – WATER SALE AGREEMENT – SUN
VALLEY GENERAL IMPROVEMENT DISTRICT LADERA
RANCH, PHASE I – WATER RESOURCES**

Upon recommendation of Vahid Behmaram, Water Rights Manager, and Paul Orphan, Engineering Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza temporarily absent, it was ordered that the conveyance of 52.43 acre feet of water rights from the Sun Valley General Improvement District (SVGID) to Washoe County in support of Ladera Ranch, Phase 1 and the associated Water Sale Agreement leasing said water rights back to SVGID be approved. It was further ordered that the Chairman be authorized to execute the Water Rights Deed and the Water Sale Agreement and the Water Rights Manager be directed to record both documents.

**07-593 CONSULTING ENGINEERING SERVICES AGREEMENT
AMENDMENT NO. 1 – WOOD RODGERS, INC. – GEIGER
GRADE/TOLL ROAD FLOOD CONTROL PROJECT – WATER
RESOURCES**

Commissioner Galloway asked if the contract contained a no conflict clause. Paul Orphan, Engineering Manager, said there was no clause, but staff checked it out to make sure there was no conflict of interest. He explained Wood Rodgers, Inc. was the construction manager not the flood planner.

Upon recommendation of Jeanne Ruefer, Planning Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza temporarily absent, it was ordered that Amendment No. 1 to the Agreement for Consulting Engineering Services dated June 27, 2006 between Washoe County and Wood Rodgers, Inc. for additional scope of work associated with development of a facility plan for Geiger Grade/Toll Road Flood Control Project in the amount of \$13,650 be approved and the Chairman be authorized to execute the same.

07-594 PROFESSIONAL SERVICES AGREEMENT AMENDMENT NO. 1
– PROPERTY SPECIALISTS, INC. – WATER AND
WASTEWATER PROJECTS PROPERTY ACQUISITIONS –
WATER RESOURCES

Commissioner Sferrazza indicated he thought in-house staff was going to be hired to do property acquisition. Paul Orphan, Engineer Manager, replied this was a continuation of the original agreement to complete the Pleasant Valley Interceptor Project Phases III and IV. Chairman Larkin said he also thought this was going to be done using in-house staff. Mr. Orphan said he did not have the personnel to do this in house. Commissioner Galloway felt the in-house position was in regard to flood control acquisitions. Chairman Larkin said it was supposed to be split between flood control and the Water Resources Department.

Naomi Duerr, Truckee River Flood Management Project Director, said it was recommended in the upcoming budget, which was just approved, that there be an additional attorney position in the District Attorney's Office to be split between the Truckee River Flood Management Project and the Water Resources Department. She said that position would handle all of the legal requirements associated with land acquisition. She stated within the flood project, the position of a land acquisition manager was authorized through the Board and the Flood Project Coordinating Committee. She said the final interviews were being conducted tomorrow. She stated that position was 100 percent funded by the flood project and would be dedicated to those activities. She said the arrangement was that when those duties were exhausted, the project would look at transferring the position to the County if the County saw the need for it. She explained the immediate need was not to share the position, but after July 1st the attorney would be co-funded with Water Resources to assist with this program.

In response to Commissioner Sferrazza, Ms. Duerr said the item before the Board was an amendment to an existing contract for a project underway for Water Resources. She confirmed the land acquisition manager would only work for the flood control project and was being paid by the 1/8-cent sales tax. She believed the salary range was from \$70,000 to \$85,000. Commissioner Sferrazza said his issue was because the Board was being asked to approve \$50,000 for one acquisition for the completion of one project when the salary would be for a whole year. Ms. Duerr said there would be associated benefits that would add approximately 30 percent more to the salary as well as the cost for office space and supplies.

Commissioner Sferrazza asked if there were any plans to hire a property acquisition specialist. Dave Childs, Assistant County Manager, said it was proposed in the draft budget for fiscal year 2007/08, but only five positions were funded. He explained that staff would come back with a recommendation to fund the property acquisition specialist if the County could afford funding the position next year. Commissioner Sferrazza requested staff provide a list of all property acquisitions that were planned for the next year. He said if \$50,000 a pop was being spent, it could easily exceed the cost of funding the position for a year. He stated he had seen these items over and over again and there was always the same excuse that there was not funding for the position but the County ended up spending a lot more than if the position were filled. Mr. Childs said staff would put together a list, but some acquisitions could not be anticipated.

Commissioner Humke asked if any of the costs were reimbursable by the developers of the Pleasant Valley project. Mr. Orphan replied the agreement the Board entered into with the developer had the County responsible for obtaining the easements. He said the County was under contractual obligation to get this done and the deadline had been extended once, which was the urgency for this. Commissioner Humke remarked this was a contract exception to the reimbursement agreement. Mr. Orphan replied that was correct.

In response to Commissioner Galloway, Mr. Orphan stated there were multiple properties that still needed to be acquired to complete the project. He confirmed future connections would fund a good portion of the project and that certain commitments were made that the County would proceed with all haste.

Commissioners Galloway and Sferrazza stated they supported amending the agreement but wanted to look at hiring someone in the future. Chairman Larkin said he anticipated the property specialist being hired for flood control and, during any lull in that work there would be coordination between Ms. Duerr and Rosemary Menard, Water Resources Director, with the priority being flood control.

In response to the call for public comment, Sam Dehne felt salaries were out of control. He congratulated the County on its new budget that did not raise taxes.

*NOTE: Commissioner Sferrazza temporarily left the meeting after this discussion and prior to the vote on the entire consent agenda (Items 07-574 through 07-598).

Upon recommendation of Jason Phinney, Licensed Engineer, and Paul Orphan, Engineering Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza temporarily absent, it was ordered that Amendment No. 1 to the Agreement for Professional Services between Washoe County and Property Specialists, Inc. dated June 14, 2005 for services relating to property acquisitions for water and wastewater projects in the amount of \$50,000 be approved and the Chairman be authorized to execute the same.

07-595 **INTERLOCAL COOPERATIVE AGREEMENT – REGIONAL
TRANSPORTATION COMMISSION – DRAINAGE CHANNEL
CONSTRUCTION – LA POSADA TO NORTH SPANISH SPRINGS
FLOOD CHANNEL – WATER RESOURCES**

Upon recommendation of Jeanne Ruefer, Planning Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza temporarily absent, it was ordered that the Interlocal Cooperative Agreement for Reimbursement from the Regional Transportation Commission (RTC) for construction of a drainage channel from La Posada to the North Spanish Springs Flood Channel be approved and the Chairman be authorized to execute the same upon receipt.

07-596 **GRANT OF INGRESS/EGRESS EASEMENT – SUNRISE
ESTATES WATER DISTRIBUTION SYSTEM – JULIE B.
WINKEL – WATER RESOURCES**

Upon recommendation of Dwayne Smith, Licensed Engineer, and Paul Orphan, Engineering Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza temporarily absent, it was ordered that the Grant of Ingress and Egress Easement associated with the Sunrise Estates water distribution system, from Julie B. Winkel, be accepted and the Chairman be authorized to execute the same. It was further ordered that payment to Julie B. Winkel in the amount of \$10 be authorized and the Engineering Manager be directed to record the Easement at the Office of the County Recorder.

07-597 **TEMPORARY CONSTRUCTION EASEMENTS – GRANTS OF
EASEMENT – PLEASANT VALLEY INTERCEPTOR PHASE 2 –
PAYMENT FIRST AMERICAN TITLE FOR ESCROW
ACCOUNTS – WATER RESOURCES**

Upon recommendation of Jason Phinney, Licensed Engineer, and Paul Orphan, Engineering Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza temporarily absent, it was ordered that the Temporary Construction Easements and Grants of Easement for the Sanitary Sewer Interceptor for the Pleasant Valley Interceptor Phase 2 be accepted and the Chairman be authorized to execute the same. It was further ordered that payment to First American Title for escrow accounts on APN's: 017-301-02 in the amount of \$56,500, 017-301-24 in the amount of \$22,050, and 017-301-29 in the amount of \$77,050 - Dorothy Towne Trust; and 017-320-24 - Robinson in the amount of \$15,100; and for associated escrow fees not to exceed \$10,000 be authorized.

07-598

**TEMPORARY CONSTRUCTION EASEMENT – GRANT OF
EASEMENT – PLEASANT VALLEY INTERCEPTOR PHASE 2 –
PAYMENT SADER – WATER RESOURCES**

Upon recommendation of Jason Phinney, Licensed Engineer, and Paul Orphan, Engineering Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza temporarily absent, it was ordered that the Temporary Construction Easements and Grants of Easement for the Sanitary Sewer Interceptor for the Pleasant Valley Interceptor Phase 2 be accepted and the Chairman be authorized to execute the same. It was further ordered that payment to the property owners of APN 017-320-23, Sader, in the amount of \$1,700 be authorized and the Engineering Manager be directed to record the easements at the Office of the County Recorder.

4:06 p.m. The Board took a brief recess.

4:26 p.m. The Board reconvened with all members present. Katy Singlaub, County Manager, was present.

07-599

**RIGHTS-OF-WAY AGREEMENT – NEVADA BELL TELEPHONE
COMPANY DBA AT&T NEVADA – INTERNET PROTOCOL
VIDEO SERVICE – MANAGER**

John Berkich, Assistant County Manager, identified the members of the project delivery team. He explained the Rights-of-Way Agreement would present a new television product based on the availability of broadband and Internet Protocol-based services. He stated the negotiations began with the templates developed by the cities, which were modified for the unincorporated areas of the County. He explained the County's focus was protection of its right-of-way assets and to preserve monies related to public access television services.

Mr. Berkich discussed the main provisions of the agreement as contained in the staff report dated May 14, 2007. He introduced the President of AT&T Nevada, Howard Lenox, Jr.

Mr. Lenox thanked County staff for their assistance in putting together the agreement. He said with approval of the agreement, 100 percent of AT&T's northern Nevada footprint anticipated for the delivery of Internet Protocol Video Services (IPTV), or Internet Protocol Television, would be secured under local agreements. He stated that sent a very strong message to AT&T about its ability to provide real choice and competitive alternatives to the citizens in terms of the media and video products available.

In response to Commissioner Sferrazza, Mr. Lenox stated the fundamental difference between IPTV and cable was that AT&T technology was based on Internet Protocol. He said that meant AT&T could deliver specific services that were different

from the broadcast model used by traditional cable today. He explained if a customer subscribed to 300 channels, all 300 channels were in the pipe and the customer selected from them using a tuner. He said IPTV would allow the customer to pick the product, which would come to the customer using the entire pipe rather than sharing the bandwidth across all the different channel selections. He stated that allowed the experience to be customized for the end user. He said 20 to 25 megabits of bandwidth would be delivered in the initial offering, which would be possible by pushing the fiber optics deeper into what AT&T refers to as the outside plant. He stated AT&T believed this would provide a superior product from technology and choice standpoints.

In response to Chairman Larkin, Mr. Lenox stated he could not be specific on when the service would start. He explained the service was in 15 cities around the country and it was scheduled for installation in Los Angeles and Orange County, California this week and San Diego was next on the schedule. He indicated he was as anxious to have it available to customers here and it was being worked very aggressively, but he could not share the dates right now.

In response to Commissioner Galloway, Mr. Berkich explained paragraph 17.6 on page 25 referred to Incline Village/Crystal Bay and the legal description encompassed the entire Incline Village/Crystal Bay area. He confirmed it was a non-exclusive agreement.

Commissioner Galloway asked if there was any indication what would happen three years from now when this agreement expired if the proposed legislation passed and went into affect. Mr. Lenox replied the way the language was written, at the end of the three-year term of the agreement, it would automatically be converted over to a statewide franchise. He stated the 5 percent franchise fees would remain intact with no change.

In response to Commissioner Galloway, Mr. Lenox replied the advance was in the local agreement being considered today. He stated there were no advances in the statewide legislation.

Commissioner Weber said she heard at a Neighborhood Advisory Board (NAB) meeting that there were some issues with rights-of-way and easements with Sierra Pacific Power Company (SPPC). She wondered if accepting this agreement would set a precedent for anything else coming through with any other company. Mr. Berkich said staff was very careful to be sure this agreement mirrored all of the conditions and requirements that every utility had when using rights-of-way in the County. He said it was unique in that it was a rights-of-way agreement. He stated in exchange for the agreement, there was a 5 percent fee that would be collected and remitted back to the County. Commissioner Weber said it might be unique, but she was concerned the Board would be setting a precedent and there could be a problem. Mr. Berkich said there were existing agreements with the telephone service, SPPC, Southwest Gas, and so on.

Adrian Freund, Community Development Director, explained SPPC was seeking to narrow the rights-of-way required for transmission lines only within the Regional Utility Corridor Report of the Regional Plan because of a new electromagnetic field study they received. He said that was limited to the responsibility of the Regional Planning Commission within the Regional Utility Corridor Report.

Peter Simeoni, Deputy District Attorney, said staff was careful in this agreement to make certain all of the terms and conditions in the rights-of-way requirements the County imposed on any third party coming into the County and using its rights-of-way were strictly complied with. He said the County was protected adequately and to the fullest extent possible.

Commissioner Weber asked if approving this right-of-way agreement would be setting a precedent in relation to the case Mr. Freund described with SPPC. Mr. Simeoni replied he did not know enough about that situation, but the precedent was already set following the County Code and the requirements imposed on third parties that used the rights-of-way of the County.

In response to Commissioner Humke, Mr. Lenox said AT&T would need to string additional facilities into remote areas of the County to accomplish the build out, which was called "reinforcing the plant." He stated that was one of the reasons he could not make commitments on specific communities because each was unique in terms of what it would take to make this happen.

In response to Commissioner Sferrazza, Mr. Berkich replied Section 3.9.7 provided for the responsibility for street-cuts including restoration and inspection. Commissioner Sferrazza said normally there was a four times penalty for cutting the street. He explained the patch was paid for along with an extra amount to make up for the fact once the street was cut it was never as good as before.

Mr. Simeoni said he specifically incorporated any street-cut requirements that were included in the existing Washoe County Code. He understood the County hired the company to do the patch so it met the County's standards. Katy Singlaub, County Manager, said that was contained in section 3.7, which she read. Commissioner Sferrazza stated that met his requirement.

In response to the call for public comment, Gary Schmidt said the staff report indicated there was no fiscal impact. He felt the 5 percent fee had a fiscal impact and the agendizing of this was inappropriate. He stated the County's focus as stated in the staff report should also have included "and to allow for competition in the marketplace to facilitate the best services at the lowest price to the public." He felt this agreement did that, but it should have been identified as a focus. He hoped there would be additional companies applying to use these rights-of-ways to create competition in the marketplace and that should be encouraged.

Commissioner Galloway commented that utility easements on subdivision maps that were easements on private property were not included as County rights-of-way, but County streets were included as County rights-of-way. Mr. Simeoni said that was correct.

In response to Commissioner Galloway, Roger Moffitt, AT&T Nevada representative, replied the County did not own public utility easements and would not be covered by the provisions Commissioner Galloway was referring to in the agreement. He said those were a matter of real estate law. Commissioner Galloway asked if someone could construe this as a right to go across a County park. Mr. Moffitt believed they could apply for a permit. He said this was basically enacting the current system the County had with the telephone company and was not changing anything. Commissioner Galloway said when the Truckee Meadows Water Authority had to put some pipes in San Rafael Regional Park, they had to make a specific deal with the County and pay extra money to do that. He asked if that situation would still pertain. Mr. Moffitt said he had never seen that particular situation arise with his company, but the current State law was being matched. Mr. Simeoni stated no one could use the County's public rights-of-way in any way they chose.

Commissioner Galloway said he would approve the agreement based on what he heard today including the last questions. Chairman Larkin said he supported the agreement because anytime competition could be brought to the market was a good thing, and he was excited by the new technology. Commissioner Sferrazza agreed it increased competition and provided for a level playing field. Commissioner Humke agreed.

Commissioner Weber said she could not support approving the agreement because she was afraid it would set a precedent for other issues, and she felt she did not have enough information about it.

Upon recommendation of John Berkich, Assistant County Manager, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Weber voting "no," it was ordered the Rights-of-Way Agreement between Washoe County and the Nevada Bell Telephone Company, dba AT&T Nevada, concerning provision of Internet Protocol Video Service (IPTV), be approved and the Chairman be authorized to execute the Agreement. It was noted there was no fiscal impact.

**07-600 FEASIBILITY REPORT – UNDERGROUNDING UTILITIES IN
CRYSTAL BAY – AGREEMENT ENGINEERING DESIGN AND
CONSTRUCTION MANAGEMENT SERVICES – CRYSTAL BAY
UTILITY UNDERGROUNDING PROJECT – PUBLIC WORKS**

Chairman Larkin said he was fully committed to spending money on undergrounding, but he wanted to make sure the Board was serious about doing it. He felt this was a good project because, as Commissioner Galloway pointed out, it was a

gateway to both California and Nevada. Commissioner Galloway said the area being undergrounded in Crystal Bay currently looked like it was in a 1950's time warp.

Commissioner Galloway said there was other funding for the construction portion of the project and the County had been negotiating with the private property owners who would in some way benefit from the project. He stated pledge letters had been solicited.

Dan St. John, Public Works Director, commented the pledge letters could reach hundreds of thousands of dollars from some of the resorts and property owners in the project area.

Upon recommendation by Kimble Corbridge, Senior Licensed Engineer, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the Feasibility Report for Undergrounding Utilities in Crystal Bay prepared by K. B. Foster Civil Engineering, Inc. be accepted. It was further ordered that the Agreement for Engineering Design and Construction Management Services with K. B. Foster Civil Engineering, Inc. for the Crystal Bay Utility Undergrounding Project in an amount not to exceed \$236,400, based on the Board's selection of services, be approved and the Chairman be authorized to execute the agreement on presentation.

07-601 AWARD OF BID – JANITORIAL SERVICES – 75 COURT STREET – BID NO. 2597-07 – PURCHASING

This was the time to consider award of the bid for janitorial services for the Court House at 75 Court Street for the Purchasing Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on March 26, 2007. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

Qual-Econ U.S.A. Inc.
Best Janitorial Services, Inc.

Upon recommendation of Darlene Penny, Buyer, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Bid No. 2597-07 for janitorial services for the Court House at 75 Court Street be awarded to Qual-Econ U.S.A., the lowest, responsive, responsible bidder, meeting specifications, terms and conditions in the estimated amount of \$11,550.00 per month and the Purchasing and Contracts Administrator be authorized to execute a two year agreement with one single-year renewal option. It was noted the estimated annual value of this contact was \$138,600.

**07-602 RENEWAL – TECHNOLOGY MAINTENANCE AND SERVICE
CONTRACTS – PURCHASING**

Upon recommendation of Mike Sullens, Senior Buyer, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the renewal of the technology maintenance and service contracts above \$50,000 be approved as a group and the Purchasing and Contracts Administrator be authorized to execute the contract renewals as they come due with approval from the District Attorney, Budget Office and Risk Management. It was noted the estimated total value of technology maintenance and service contracts is \$2,217,000.

**07-603 SOLE-SOURCE CONTRACT – URS ENGINEERING CORP.–
DOWNTOWN RENO CLEARSPAN BRIDGES – U.S. ARMY CORP
OF ENGINEERS NATIONAL ECONOMIC DEVELOPMENT
PLAN – TRUCKEE RIVER FLOOD MANAGEMENT PROJECT**

In response to Commissioner Sferrazza, Paul Urban, Project Manager, replied the sole-source justification was because this was identified by the U.S. Army Corp of Engineers (Corp) as a task needed to develop the general re-evaluation report leading into the Environmental Impact Statement for the flood project. He said because the Corp used URS Engineering Corp. in similar types of projects, even preliminary work on the Truckee River Flood Project a year ago, it made sense to continue using them with their expertise and ability to follow Corp format and processes in the most timely manner possible so this work could be done and the project could stay on schedule.

Commissioner Sferrazza asked if there was any reason why a Request for Proposal (RFP) could not be done. Naomi Duerr, Truckee River Flood Management Project Director, reiterated the issue was URS had been doing bridge costing for the Corp and had already worked on these bridges. She stated the County was becoming the contracting agency for the Corp and it was the decision of the Flood Project Coordinating Committee to move forward with this firm to accelerate the project. She explained if the County waited for the Corp to get its money or to go through an additional Request for Qualifications (RFQ) contracting process, either one would add six months to the schedule. Commissioner Sferrazza said that answered his question, but that information was not provided in the staff report.

Commissioner Galloway asked if the entire cost for the design and replacement of the Virginia Street Bridge was going to the flood project, when it was obvious the bridge had to be replaced anyway. Mr. Urban explained the URS contract was for all the bridges in the NED development project, not just the Virginia Street Bridge.

Commissioner Galloway said the way the utility company worked was if a line was cut someone had to pay for cutting up that line because it had useful life left, so it was like a cost sharing allocation. He said in this situation there are different bridges with different remaining useful lives. He understood the flood project should pay for all

of the bridge if its useful life was high and it was being changed for the flood project. He said if the remaining life was small, he did not see that the flood project should have to pay the complete cost of the bridge. Mr. Urban clarified the work being done now was to identify project costs for the purpose of feasibility compared to benefits, which then goes into the General Re-evaluation Report. He said that report would be sent to Congress for authorization and funding. He explained the remaining life of the bridges was not part of this contract. He stated the Corp identified benefits in their cost/benefit calculation for the type of early replacements Commissioner Galloway just talked about. He said how that would relate into cost sharing was not known at this time. He explained that would be resolved by Congress when the project was authorized and a cooperation agreement was negotiated.

Commissioner Galloway asked if it was too early to talk about this right now. Mr. Urban said it was okay to talk about it, but it was not the topic of this contract. Chairman Larkin felt Commissioner Galloway brought up a good point that at some time the County would need to weigh in on local cost sharing. Commissioner Galloway suggested if it were a secondary Nevada Department of Transportation (NDOT) road or a Regional Transportation Commission (RTC) road, it could be an RTC cost share.

Chairman Larkin commented Ms. Duerr was working on cost sharing right now and it was not too early to start discussions. He said this contract would not affect local cost sharing. He clarified the study was to meet Corp requirements. Mr. Orphan said it was to get specific design cost information.

Ms. Duerr said the Project Cooperation Agreement was the official document showing the breakdown of cost sharing, which would be formally signed about February 2009. She said a model cooperation agreement was being worked with that laid out a standard distribution of costs. She stated that was being evaluated so when it was actually time to sign on the dotted line, those cost distribution issues would have been well reviewed and vetted. Ms. Duerr said bridges in particular were in a basket of costs called Land, Easements, Rights-of-Way, Relocation, Disposal Sites (LERRDS). She said bridges would fall under a local cost share if they were being replaced instead of brand new. She said the only reason the whole of downtown Reno was brought into the flood project was because of the early replacement of the Virginia Street Bridge.

In response to Commissioner Galloway, Ms. Duerr said the attitude and approach was taken that the flood project would pay for the overall flood project costs. She explained revenue was being sought from many other sources to meet the local share. Commissioner Galloway asked if Ms. Duerr was stating the flood project would pay the full cost of the bridge, which would need to be replaced anyway. Ms. Duerr said she might be going further than Commissioner Galloway's specific question. She stated she was trying to explain the Virginia Street Bridge was a very important component of the flood project; and, in the Corp's world of cost/benefit analysis, it was what made the whole project go forward. Commissioner Galloway asked if the local cost sharing on the bridge replacement would be determined by 2009. Ms. Duerr said she expected to get a lot of the details worked out before 2009.

Upon recommendation of Paul Urban, Project Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the sole-source contract with URS Engineering Corp to conduct feasibility level design plans and a qualitative assessment of alternative designs, determine bridge construction quantities, and provide cost estimates for the U.S. Army Corp of Engineers National Economic Development Plan (NED) clearspan bridges in downtown Reno at Virginia, Sierra and Lake Streets in an amount not to exceed \$150,000, with expenses to be charged to the Truckee River Flood Management Project Account No. 211000, be approved. It was further ordered that the Chairman be authorized to execute the contract upon presentation.

Commissioner Galloway noted for the record that this would go to the flood project, but he specifically disclaimed any intent that set a precedent for actual future construction costs and that be left as an open question, which was why he supported this item.

**07-604 RESOLUTION – PURCHASE 155 NORTH EDISON WAY –
EARLY LAND ACQUISITION – TRUCKEE RIVER FLOOD
MANAGEMENT PROJECT**

Commissioner Sferrazza said he asked for the Washoe County Assessor's Office appraisals so he could compare them to the appraisals the Commissioners received. He stated he wanted to know what and how recent the comparable sales were and what the purchase price was based on because land values had been coming down since 2005. He felt most of the value was in the land because the buildings did not appear to have great value.

Naomi Duerr, Truckee River Flood Management Project Director, indicated she sent the full appraisal to all of the Commissioners a week and a half ago as a separate item. She provided Commissioner Sferrazza with a copy of what she sent.

After reviewing the appraisals, Commissioner Sferrazza said he did not see the County appraisals. Ms. Duerr replied the information from the County Assessor's Office was not included. Commissioner Sferrazza said he wanted that information so he could do a comparison.

Bob Schiffmacher, Appriaser, Warrann & Schiffmacher, LLC, said the Assessor's Office estimated the property at 185 North Edison Ways' taxable value at \$537,700 compared to his estimated market value of \$1,130,000. He stated the Assessor's Office estimated 155 North Edison Ways' taxable value at \$537,700 compared to his estimated market value of \$1,250,000. He stated the taxable value was for the land and the buildings.

In response to Commissioner Sferrazza, Mr. Schiffmacher said the law that governed how the property was assessed only had a tenuous tie to market value. He explained the underlying land value was based on market and the buildings were based

on reproduction cost less 1.5 percent per year depreciation. He said the buildings were constructed in the early 1970's and the impact of the statutory depreciation was profound. He stated the buildings had considerable value.

Commissioner Galloway felt there was an opportunity on early acquisitions of land to see if the federal government would credit the County's lost taxes as part of the County's contribution in addition to what was paid for the land. Ms. Duerr replied she would have to research that with them. She indicated one of the benefits of early land acquisition was if the County bought a building for \$1 million and the value appreciated between now and the 2009 signing of the Project Cooperation Agreement, there would be credit for that increase in value.

Upon recommendation of Naomi Duerr, Truckee River Flood Management Project Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following resolution to approve the purchase of the property located at 155 North Edison Way for \$1,250,000 by assignment from the Nevada Land Conservancy be approved and the Chairman be authorized to execute the same:

**TRUCKEE RIVER FLOOD MANAGEMENT PROJECT
EARLY LAND ACQUISITION
RESOLUTION NO. 2007-604**

(155 North Edison Way - Acquisition of Land)

WHEREAS, On March 11, 2003 the Board of County Commissioners (BCC) approved the "Land Acquisition and Early Project Implementation Plan" for the Truckee River Flood Management Project; and

WHEREAS, On September 23, 2003 the BCC approved the "Early Land Acquisition Plan – Real Property List," dated September 5, 2003, for the Truckee River Flood Management Project; and

WHEREAS, On September 23, 2003 the BCC approved an agreement with The Nevada Land Conservancy (NVLC) to purchase certain properties to implement the Early Land Acquisition Plan; and

WHEREAS, On September 14, 2004 the BCC approved a resolution approving the use of a list of appraisers for appraising land to be purchased by NVLC and assigned to Washoe County for use in the Truckee River Flood Management Project; and

WHEREAS, On November 8, 2005 the BCC approved the latest revision to the "Early Land Acquisition Plan – Real Property List" now being referred to as the "Flood Control Parcel List" and the parcel at 155 North Edison Way (APN 012-272-06) is on this list; and

WHEREAS, Under their agreement with Washoe County to Implement the Early Land Acquisition Plan NVLC has negotiated a purchase agreement with the owners of the parcel at 155 North Edison Way, comprised of approximately one acre of land and an industrial building approximately 19,758 square feet in size that was constructed in 1973; and

WHEREAS, as part of the implementation of the Early Land Acquisition Plan, NVLC desires to assign the purchase of the parcel at 155 North Edison Way to Washoe County before the transaction closes;

NOW, THEREFORE, be it resolved that Naomi Duerr, the Director of the Truckee River Flood Management Department, is hereby authorized to execute and deliver any and all instruments and funds, including without limitation, contracts, agreements, notices, escrow instructions, deeds, leases, checks, and warrants as may be necessary or appropriate to accomplish the acquisition of the parcel at 155 North Edison Way in the name of and on behalf of Washoe County.

**07-605 RESOLUTION – PURCHASE 185 NORTH EDISON WAY –
EARLY LAND ACQUISITION – TRUCKEE RIVER FLOOD
MANAGEMENT PROJECT**

See the questions by Commissioner Sferrazza and the subsequent discussion in item 07-604.

Upon recommendation of Naomi Duerr, Truckee River Flood Management Project Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following resolution to approve the purchase of the property located at 185 North Edison Way for \$1,130,000 by assignment from the Nevada Land Conservancy be approved and the Chairman be authorized to execute the same:

**TRUCKEE RIVER FLOOD MANAGEMENT PROJECT
EARLY LAND ACQUISITION
RESOLUTION NO. 2007-605
(185 North Edison Way - Acquisition of Land)**

WHEREAS, On March 11, 2003 the Board of County Commissioners (BCC) approved the “Land Acquisition and Early Project Implementation Plan” for the Truckee River Flood Management Project; and

WHEREAS, On September 23, 2003 the BCC approved the “Early Land Acquisition Plan – Real Property List,” dated September 5, 2003, for the Truckee River Flood Management Project; and

WHEREAS, On September 23, 2003 the BCC approved an agreement with The Nevada Land Conservancy (NVLC) to purchase certain properties to implement the Early Land Acquisition Plan; and

WHEREAS, On September 14, 2004 the BCC approved a resolution approving the sue of a list of appraisers for appraising land to be purchased by NVLC and assigned to Washoe County for use in the Truckee River Flood Management Project; and

WHEREAS, On November 8, 2005 the BCC approved the latest revision to the “Early Land Acquisition Plan – Real Property List” now being referred to as the “Flood Control Parcel List” and the parcel at 185 North Edison Way (APN 012-272-07) is on this list; and

WHEREAS, Under their agreement with Washoe County to Implement the Early Land Acquisition Plan NVLC has negotiated a purchase agreement with the owners of the parcel at 185 North Edison Way, comprised of approximately one acre of land and an industrial building approximately 18,512 square feet in size that was constructed in 1972; and

WHEREAS, as part of the implementation of the Early Land Acquisition Plan, NVLC desires to assign the purchase of the parcel at 185 North Edison Way to Washoe County before the transaction closes;

NOW, THEREFORE, be it resolved that Naomi Duerr, the Director of the Truckee River Flood Management Project, is hereby authorized to execute and deliver any and all instruments and funds, including without limitation, contracts, agreements, notices, escrow instructions, deeds, leases, checks, and warrants as may be necessary or appropriate to accomplish the acquisition of the parcel at 185 North Edison Way in the name of and on behalf of Washoe County.

**07-606 LEASE PORTION SENIOR CENTER – RADIO BROADCAST
ACTIVITY – PUBLIC WORKS**

Upon recommendation of Roger Van Alyne, Deputy Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the lease of a portion of the Senior Center located at 1155 E. 9th Street, Reno, Nevada, for the purpose of radio broadcast activity, be approved. It was further ordered that staff be directed to order two appraisals of the facility as required by NRS. It was noted the fiscal impact to perform the two appraisals and the advertising expenses were estimated at \$5,600 with funding available in Public Works Property Program cost center 161510-710546.

07-607

DEDICATION AGREEMENT – SEWER FACILITIES – VERDI MEADOWS UTILITY COMPANY INC. – WATER RESOURCES

Upon recommendation of Rosemary Menard, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Dedication Agreement by and between Washoe County and the Verdi Meadows Utility Company Inc. transferring certain sewer facilities in the Verdi area to Washoe County be approved; the Chairman be authorized to execute the Dedication Agreement; the customers of Verdi Meadows Utility Company Inc. be transferred to the Washoe County Department of Water Resources as wastewater utility customers at an estimated cost not to exceed \$50,000; the Department of Water Resources be authorized to make the permanent connection to the Lawton-Verdi Interceptor and to pay the wastewater connection fee of \$790,956 to the City of Reno; and the Water Resources Director be authorized to take all actions necessary to implement the purpose of the Dedication Agreement and alleviate any immediate potential public health threat to the Truckee River until a permanent connection to the Lawton-Verdi Sewer Interceptor is made.

5:28 p.m. The Board convened as the Board of Trustees for the South Truckee Meadows General Improvement District.

5:33 p.m. The Board took a brief recess.

6:25 p.m. The Board reconvened as the Board of County Commissioners with all members present.

07-608

AMEND AGREEMENT – CONSULTING ENGINEERING SERVICES FOR CENTRAL TRUCKEE MEADOWS REMEDIATION DISTRICT PROGRAM – WATER RESOURCES

Upon recommendation of Chris Benedict, Remediation District Program Manager, and Jeanne Ruefer, Manager of the Water Resources Planning Division, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Amendment to the Agreement dated February 25, 2003 for Consulting Engineering and Other Services for the Central Truckee Meadows Remediation District Program between Hydro Geo Chem, Inc. and Washoe County be approved in the amount of \$306,919.17 and the Chairman be authorized to execute the same.

07-609

BILL NO. 1510 – AMENDING WCC CHAPTER 110 – ACCESSORY USES AND STRUCTURES – COMMUNITY DEVELOPMENT

Commissioner Galloway asked for clarification about why he should support the amendment to the Development Code. Adrian Freund, Director of

Community Development, stated that only those customary appurtenances that would be part of a dwelling, such as a garage, would be allowed as a detached accessory structure. He explained the amendment arose because it was unclear how the rules would apply in a case where an individual was constructing an energy-efficient detached accessory dwelling and had a rather large space attributed to solar hot water equipment as part of the construction. Mr. Freund commented the amendment was to clarify that it was the intent to provide up to 1,200 square feet or not more than 50 percent of the area of the main structure, whichever was more restrictive, as “livable area”.

Bill No. 1510, entitled, “**AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, ARTICLE 306, ACCESSORY USES AND STRUCTURES, BY CLARIFYING THE DEFINITION OF FLOOR AREA WITHIN A DETACHED ACCESSORY DWELLING TO REPRESENT THE ‘LIVABLE AREA’ ONLY, AND OTHER MATTERS PROPERLY RELATING THERETO**” was introduced by Commissioner Galloway, the title read to the Board, and legal notice for final action of adoption directed. Commissioner Galloway requested that alternate language be drafted before final adoption indicating that a detached accessory structure must contain those things normally appurtenant thereto and must be proportional to the area of the main dwelling.

07-610 APPEAL – BOARD OF ADJUSTMENT CASE NO. AX07-007 – COMMUNITY DEVELOPMENT

Chairman Larkin opened the public hearing.

Appellant Shane Chesney requested that his appeal be continued to either the second or fourth meeting of June 2007. Adrian Freund, Director of Community Development, commented that the appellant’s request was within Code.

There being no response to the call for public comment, Chairman Larkin closed the public hearing.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the appeal of Case No. AX07-007 be continued to the regular meeting on the fourth Tuesday of June 2007.

07-611 COMPREHENSIVE PLAN AMENDMENT CASE NO. CP05-004 – SOUTH VALLEYS 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* on May 11, 2007 to consider Comprehensive Plan Amendment Case No. CP05-004 to consider an amendment to the South Valleys Area Plan that provides a wholesale update of the South Valleys Area Plan, establishing updated goals and policies relating to Land Use, Transportation, Scenic, Recreational and Cultural Resources, Natural Resources (Air, Land and Water), establishing minimum architectural and site

design standards, and establishing specific findings, criteria and thresholds for future amendments; amending the Land Use Plan map to reflect certain land use changes within proposed character management areas; and establishing an updated map series to include a Land Use Plan map, Character Management Plan map, Recreational Opportunities Plan map, Public Services and Facilities Plan map, Streets and Highway Systems Plan map, and Development Suitability map. The South Valleys Planning Area is comprised generally of the unincorporated areas of Steamboat Valley, Pleasant Valley and Washoe Valley.

Chairman Larkin opened the public hearing.

Adrian Freund, Director of Community Development, indicated that few area plans generated the level of interest expressed by the citizens of the South Valleys. He thanked everyone for getting involved in the process, which had been ongoing for approximately three years. Mr. Freund reviewed some key points about the South Valleys Area Plan and its proposed amendments. He emphasized the 35,700 acres of designated open space in the Planning Area, much of it publicly acquired, and stated that nothing would be done to undermine the County's leadership role in the acquisition of open space. Mr. Freund pointed out there were only very limited opportunities for new development within the proposed Plan. He compared the development potential of approximately 1,140 new dwelling units for the East and West Washoe Valley Citizen Advisory Board (CAB) areas within the existing Plan to about 1,340 new dwelling units for the proposed Plan. Mr. Freund explained that the development potential included a cap of about 140 units within a designated Specific Plan for the Weston/Lowden and Sierra Vista properties, as well as 50 new dwelling units on Washoe Valley parcels that generally had the right to pull building permits. He added that the Plan Amendment would increase some protected categories. For example, there would be an increase in the amount of land zoned as General Rural (one unit per 40 acres).

Mr. Freund stated, although they were fully compliant with zoning when they were established, there were about 1,333 existing Washoe Valley parcels under 1.25 acres and 1,990 parcels under 5 acres that would not comply with modern rules under the Amended Plan nor with current rules established under the 2002 Regional Plan. With minor exceptions, he indicated that new parcels of less than 5 acres could not be served with an on-site sewer or water system.

Mr. Freund talked about the area around Old Washoe City, which had been zoned General Commercial for a number of years. He noted the Proposed Plan would downzone the area from General Commercial to Neighborhood Commercial, allowing lower intensity uses that would service the neighborhood such as convenience stores or professional offices. Mr. Freund pointed out that Neighborhood Commercial zoning allowed the potential for some limited intensity multifamily structures, although on-site systems must be approved by the Health Department and a professional practice of some sort must be established in conjunction with the attached living units. He referred to the requirement as the so-called "live/work" concept, intended to enhance the vitality of retail areas, to lessen trips, and to provide neighborhood professional services.

Mr. Freund emphasized that this was largely a protective plan. He mentioned there were a few individual property owners who were awaiting the Area Plan update rather than filing for their own comprehensive plan amendments or proceeding with applications to become part of the City of Reno Truckee Meadows Services Area (TMSA).

Commissioner Galloway clarified that the proposed Neighborhood Commercial designation would convert only those parcels currently zoned General Commercial. Mr. Freund said that the existing General Commercial zoning already allowed some multifamily structures. Commissioner Galloway asked if there would be any new multifamily properties allowed. Mr. Freund replied that, without the availability of municipal utilities, the scale of multifamily would be limited to a few units associated with a business practice of some sort.

Commissioner Sferrazza reported he met earlier with some representatives opposed to the Plan Amendment, who pointed out that the Plan distributed with the agenda packets was not the version approved by the Planning Commission. Mr. Freund acknowledged that a mistake had been made and an earlier version of the Proposed Plan distributed. Commissioner Sferrazza wondered how the Commission could act when the version of the Plan before them was not the document approved by the Planning Commission. Assistant District Attorney Melanie Foster clarified that any action taken would be based upon the document approved by the Planning Commission. She stated that the Board would have to weigh whether or not the available materials were sufficient to clarify differences in Plan versions before deciding whether or not to take action. Commissioner Sferrazza believed the two versions of the Plan to be materially different from each other and indicated he did not have the correct version in front of him. He questioned whether the Board would have time to adequately review any differences between the versions.

Commissioner Humke referred to previous discussions of an “enhanced” commercial zone in Old Washoe City where there had been some intent to approve certain types of uses such as those that might be seen on the main commercial street in Truckee, California. He asked if commercial approvals could be restricted to certain types such as coffee shops or t-shirt shops. Mr. Freund replied that it was difficult to restrict commercial types unless there was a clear public health or safety reason to do so. He clarified that restrictions in the Proposed Plan would require some type of professional practice to be associated with the commercial use, probably less intense than what would be seen on Truckee’s main street and focused on providing conveniences to those coming into Washoe Valley and the nearby State Parks.

Commissioner Humke asked if any assumptions had been made based on the eventual opening of Interstate 580. Mr. Freund responded that was very much an unknown but it could be assumed that U.S. Highway 395 would still carry a sizeable volume of traffic. He identified setbacks, line of sight and ingress/egress for businesses along the highway as the major issues.

Commissioner Galloway remarked that he could not make a decision at this meeting unless staff had prepared a point-by-point comparison of the differences between the planning document provided in the agenda packet and the one approved by the Planning Commission. He wondered if there was a statutory time for the Board to act on the Plan Amendment. Ms. Foster stated that the Commissioners did not have a duty to act until a certified copy of the Plan Amendment had been received from the Planning Commission. She commented that, although there were some public notice requirements, there was no obligation to act within a specified time frame. Commissioner Galloway made it clear that he would be in favor of a continuance, although members of the public would of course be given an opportunity to speak.

Commissioner Sferrazza indicated he was certainly interested in listening to any members of the public who wished to speak. He suggested either a remand of the Plan back to the Planning Commission or a continuance for the Board's further consideration.

Commissioner Humke stated he had come to the meeting prepared to remand the Area Plan Amendment back to the Planning Commission along with a list of items for staff to work on.

Ms. Foster observed that any further amendments to the Plan would have to be sent back to the Planning Commission, which must have at least 40 days to act before the Board of County Commissioners could take action. Commissioner Humke and Mr. Freund suggested reconsideration at the last County Commission meeting in June 2007, unless the Planning Commission requested a longer period of time.

Chairman Larkin explained the time limits and guidelines for public comment.

Jane Countryman, representing the West Washoe Valley CAB, voiced three major concerns on behalf of the group. (1) She pointed out that the Special Plan, commonly referred to as the Weston/Lowden properties, granted a precedent-setting blanket authorization to the developer of a specific set of parcels and raised concerns about the questionable water supply and means of sewer disposal. The West Washoe Valley CAB requested that the Special Plan be removed from the South Valleys Area Plan Amendment. (2) Ms. Countryman suggested that Commissioners compare commercial zoning in the area west of Little Washoe Lake on the previous land use plan with the current draft. She expressed the CAB's opinion that commercial zoning should not be expanded and was not acceptable as proposed in an area directly across from the Wildlife Management Area. (3) Ms. Countryman commented that the mixed use zoning in certain areas of Washoe Valley would, in effect, allow multifamily housing with a density of up to 14 dwellings per acre. She discussed the CAB's position that such a density was completely incompatible in an area generally requiring one dwelling per five acres and should be removed from the plan.

Gary Houk, representing the East Washoe Valley CAB, indicated that dozens of volunteers had spent over a thousand hours working on the Area Plan. He related there had been a unanimous vote of the CAB to limit the expansion of commercial uses, allowed uses and municipal services in the South Valleys Area Plan Amendment. Mr. Houk questioned why the Plan did not mirror the majority consensus of the population that would have to live with it.

Thomas Hall, President of the West Washoe Valley Homeowners' Association, described how passionate the residents were about living in Washoe Valley. He commented that a letter had been delivered to the Commission voicing the Association's principle objections to the Area Plan Amendment. Mr. Hall stated that the prime objection was the incorporation of a Special Plan area for individual property owners. He emphasized that the Association saw no reason why special dispensation should be given to particular individuals and noted that it was in violation of the Truckee Meadows Regional Plan. Mr. Hall pointed out that the Weston land had previously been determined by County staff to be unsuitable for septic systems. He observed that comments could not be made to the public body until an application was filled out identifying the specific uses, densities, water source and sewer source, which probably made the Special Plan an illegal act. Mr. Hall asked on behalf of his Association that the Board remand to the Planning Commission for elimination of the Special Plan in section SV.6.1.

Bob Rusk, CAB Liaison, remarked that he had worked on all of the South Valleys Area Plan Updates for the past 24 years and had never before seen a specific plan as part of an area plan update. He pointed out that the comprehensive plan amendment process, which had been used for subdividing land in Washoe Valley for the past several years, should be maintained as the status quo. Mr. Rusk stated that, if the land could bring the required dedication of water rights and pass Health Department requirements for septic systems and leach lines, then the Weston/Lowden property owners had a viable proposal with concurrency as the standard. He indicated the proposal should be denied if it required municipal sewer and water to be piped into Washoe Valley through the TMSA. Mr. Rusk urged the Board to protect the character of Washoe Valley and refer the Plan Amendment back to the Planning Commission.

Ginger Pierce spoke about City versus County codes concerning livestock and animals. She concluded by saying, "...a chicken in every pot, I say a rooster on every lot!"

Marnie Brennan opposed development in Washoe Valley and the covenants, conditions and restrictions (CC&R's) that could follow.

Louis Test identified himself as a representative of Steamboat Trailers. He said his client was anxiously awaiting approval of the Area Plan so the business could sell ATV's as well as trailers. Mr. Test observed that Neighborhood Commercial zoning would resolve problems with his client's special use permit and nonconforming use of the

property. He urged the Board to approve the Steamboat and Pleasant Valley portions of the Plan Amendment.

Bill Naylor placed a copy of a 2005 petition on file with the Clerk, containing over 900 signatures in support of keeping Washoe Valley rural.

Marilyn Naylor referred to a booklet from *Scenic Nevada* and pointed out that Washoe Valley had been designated as a last chance scenic place. She urged the Board to protect the ridgelines in Washoe Valley by adding citizens' photographs to the Area Plan.

Nancy Samon and Ann York placed written comments on file with the Clerk. Ms. York traced the process and timeline thus far for updating the Area Plan. She indicated that promises made by staff to the East Washoe Valley CAB had not been kept.

Susan Jutten pointed out an Internet advertisement for the Sierra Vista properties and commented that the owners obviously thought their development was a done deal. Ms. Jutten respectfully disagreed with Mr. Freund's statement that open space designation would save the land from development and stated that a federal lands bill would supercede such a designation.

Greta Anderson identified Washoe Valley as one of the most beautiful natural preserves in the world. She noted that attempts by developers to squeeze as many homes as possible onto the remaining open spaces placed a stranglehold on already strained natural resources.

Richard Williamson identified himself as an attorney representing John Serpa, a property owner in Washoe Valley. He alleged that specific language in paragraph SV.23.8 of the proposed Area Plan exceeded the County's authority by attempting to regulate water use. Mr. Williamson requested that the language be eliminated from the final draft.

Scott Sommer objected to the density of 14 units per acre in the mixed-use district that would change the quality of life for he and his family and was inappropriate for the area.

Sandy Hamilton-McElfrish was a proponent of the three R's: Reduce, Reuse and Recycle. She advocated a general feeling of responsibility for all involved.

Jeff Lowden pointed out that he and Mr. Weston had been working with the community for the past three years, were proud to be residents, and were not trying to change the rural lifestyle in Washoe Valley.

Marty Allison commented that she and a partner owned Anchor Storage in Steamboat. She said their property had gone through multiple zoning changes over the past 40 years and they were looking for a Plan that would allow them to operate their

business. Ms. Allison complimented the staff on their efforts and hoped that a Plan could be approved as quickly as possible.

Timothy Farrell talked about the commercial corridor where his business, Anchor Storage, had been located for many years. He emphasized the extensive zoning changes it had undergone in that time and said the businesses along that corridor were looking for a direction by which they could maintain commerce and still remain within the law. He pointed out the problems associated with trying to rebuild under a special use permit should a fire or flood occur.

William Simons shared that his family had owned the property just north of Mountain Family RV for the past 56 years. The property had been zoned as commercial up until just a few years ago, when it was changed to rural residential. He believed that commercial zoning was the best use for the property. Mr. Simons stated it was impractical and dangerous to build a single-family home adjacent to that section of the highway. He urged approval of the Steamboat and Pleasant Valley portions of the Plan Amendment.

Tom Callicrate expressed agreement with the first four public speakers, as well as the gentleman who opposed multifamily housing at 14 units per acre. He said it was important to maintain the public land behind east Washoe Valley under Bureau of Land Management ownership.

As a former resident of the Virginia Foothills, Danielle Osier-Tatar noted that the Planning Commission let her down once before. She moved further south to Washoe Valley in order to maintain her lifestyle and did not want to go through that again.

Mandy McNitt questioned whether the Weston/Lowden developers actually possessed sufficient water rights for their acreage and wondered why they should be allowed to avoid the comprehensive plan amendment process.

Johanna Strongfield-Leresch emphasized the incredible alternative energy potential in Washoe Valley.

Al McNitt observed that Washoe Valley was located in a national flyway zone and suggested that some of the proposals might not be compatible with federal requirements associated with that. He advocated responsibility for protecting the history of the area, as well as the multiple species of birds and wildlife there.

Monika Frank stated the Plan would expand the existing commercial district to some residential parcels on Washoe Hill to Eastlake Boulevard. She placed a handout and map on file with the Clerk. Ms. Frank observed there had already been a comprehensive plan amendment two to three years ago approving some five-acre residential parcels, which the Plan Amendment would rezone to Neighborhood Commercial. She emphasized these parcels were inappropriate for commercial zoning.

Carol Christensen referenced an email sent by Community Development, which she believed was intended to discredit a letter she wrote as a supporter and cofounder of the Scripps Wildlife Management Area. She observed that the five-page letter was included in the Commission's agenda packet and called attention to the list of references it contained. Ms. Christensen asked the Commissioners to take a look at the letter and the sources documented within it.

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

Commissioners Humke and Galloway listed several topics they wished to send back to staff and to the Planning Commission.

Commissioner Sferrazza remarked that the Weston/Lowden Special Plan was clearly a major problem and he agreed that it should be addressed.

Chairman Larkin asked about the impact of a 60-day delay on the affected businesses. Mr. Test, representing Steamboat Trailers, stated that his client had been tied up since November 2006 and, although it was the prime season, there were ATV's sitting in a warehouse that his client could not sell until the Neighborhood Commercial zoning was adopted. Commissioner Galloway wondered why Mr. Test's client did not just apply for a special use permit. Mr. Test replied that the application fee was about \$5,000 and the process would still take 60 days or more. Mr. Freund pointed out there was also an outstanding code violation in this case but indicated his department would be patient in addressing that until the Area Plan issues could be resolved.

Commissioner Humke asked that the remarks of the first four speakers be specifically incorporated into a motion for consideration by staff and the Planning Commission.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that Comprehensive Plan Amendment Case No. CP05-004, an update to the South Valleys Area Plan, be remanded to the Washoe County Planning Commission for its further consideration within 60 days, taking into consideration the following items:

1. Citizen objections to special treatment for the Weston/Lowden properties in the Specific Plan;
2. Citizen objections to municipal sewer and water systems coming into Washoe Valley through the TMSA line;
3. Citizen objections to expansion of commercial zoning "across from a wildlife protection area" and bordering Eastlake Boulevard;
4. Citizen objections to multifamily dwellings at 14 units per acre within the Neighborhood Commercial zoning;

5. Citizen requests that no fixed number of units be approved under the Area Plan;
 6. Citizen requests that densities be computed using land that was not development constrained;
 7. Citizen requests for minimum one-acre lots before approving any development (i.e., Weston/Lowden);
 8. Citizen requests for permanent protection of all development constrained land;
 9. Investigation of allegations that the language in SV.23.8 was unlawful with respect to the County's authority and restriction of water usage;
 10. Investigation of whether the Area Plan must be consistent with a national flyway zone in Washoe Valley;
 11. Investigation of options for commercial businesses under special use permit and/or legally nonconforming use versus Neighborhood Commercial (NC) zoning; specifically, the ability to rebuild after fire or flood versus how to limit multifamily housing if NC zoning is applied; and
12. The following public comments are provided for reference:

Jane Countryman, representing the West Washoe Valley CAB, voiced three major concerns on behalf of the group. (1) She pointed out that the Special Plan, commonly referred to as the Weston/Lowden properties, granted a precedent-setting blanket authorization to the developer of a specific set of parcels and raised concerns about the questionable water supply and means of sewer disposal. The West Washoe Valley CAB requested that the Special Plan be removed from the South Valleys Area Plan Amendment. (2) Ms. Countryman suggested that Commissioners compare commercial zoning in the area west of Little Washoe Lake on the previous land use plan with the current draft. She expressed the CAB's opinion that commercial zoning should not be expanded and was not acceptable as proposed in an area directly across from the Wildlife Management Area. (3) Ms. Countryman commented that the mixed use zoning in certain areas of Washoe Valley would, in effect, allow multifamily housing with a density of up to 14 dwellings per acre. She discussed the CAB's position that such a density was completely incompatible in an area generally requiring one dwelling per five acres and should be removed from the plan.

Gary Houk, representing the East Washoe Valley CAB, indicated that dozens of volunteers had spent over a thousand hours working on the Area Plan. He related there had been a

unanimous vote of the CAB to limit the expansion of commercial uses, allowed uses and municipal services in the South Valleys Area Plan Amendment. Mr. Houk questioned why the Plan did not mirror the majority consensus of the population that would have to live with it.

Thomas Hall, President of the West Washoe Valley Homeowners' Association, described how passionate the residents were about living in Washoe Valley. He commented that a letter had been delivered to the Commission voicing the Association's principle objections to the Area Plan Amendment. Mr. Hall stated that the prime objection was the incorporation of a Special Plan area for individual property owners. He emphasized that the Association saw no reason why special dispensation should be given to particular individuals and noted that it was in violation of the Truckee Meadows Regional Plan. Mr. Hall pointed out that the Weston land had previously been determined by County staff to be unsuitable for septic systems. He observed that comments could not be made to the public body until an application was filled out identifying the specific uses, densities, water source and sewer source, which probably made the Special Plan an illegal act. Mr. Hall asked on behalf of his Association that the Board remand to the Planning Commission for elimination of the Special Plan in section SV.6.1.

Bob Rusk, CAB Liaison, remarked that he had worked on all of the South Valleys Area Plan Updates for the past 24 years and had never before seen a specific plan as part of an area plan update. He pointed out that the comprehensive plan amendment process, which had been used for subdividing land in Washoe Valley for the past several years, should be maintained as the status quo. Mr. Rusk stated that, if the land could bring the required dedication of water rights and pass Health Department requirements for septic systems and leach lines, then the Weston/Lowden property owners had a viable proposal with concurrency as the standard. He indicated the proposal should be denied if it required municipal sewer and water to be piped into Washoe Valley through the TMSA. Mr. Rusk urged the Board to protect the character of Washoe Valley and refer the Plan Amendment back to the Planning Commission.

8:23 p.m. The Chairman declared a brief recess.

8:41 p.m. The Board reconvened with Commissioner Sferrazza absent.

07-612 LEGISLATIVE UPDATE

County Manager Katy Singlaub noted that Assembly Bill (AB) 246, concerning two additional family court judges for Washoe County, had passed out of the Assembly and into the Senate with an amendment to make the legislation effective on July 1, 2008. She estimated the impact to Washoe County to be an additional cost of \$1.2 million.

Commissioner Galloway asked if the bill would allow the judges to be declared night court judges. Ms. Singlaub stated it did not specify that level of detail but separation of powers arguments had been made that the bench would decide when and how to implement the additional seats. Commissioner Galloway inquired if the bench could or would declare the additional judges' seats to be night court judges. Ms. Singlaub indicated there had been discussions with the Chief Judge about giving the County Commission an opportunity, not to make any decisions, but to have public discussions. She noted there had not been full support on the bench for that provision.

Commissioner Humke related that he had recently spoken to Judge Weller, who portrayed an attitude of complete openness for sharing of facilities. He suggested terminology that provided for the sharing of facilities rather than designation of specific night court judges.

8:45 p.m. Commissioner Sferrazza returned to the meeting.

Ms. Singlaub talked about Senate Concurrent Resolution (SCR) 42, which called for an interim study of the entire State tax structure and the tax system for funding State and local governments. She stated that the Cities of Reno and Sparks introduced a proposed amendment specifying only a study of consolidated taxes in Washoe County. Many of those testifying thought it was inappropriate to look at only one revenue source in only one location. Ms. Singlaub noted that no action had yet been taken.

**07-613 ORDINANCE NO. 1329 – BILL NO. 1508 – AMENDING WCC
CHAPTER 100 – BUILDING PERMIT VALUATIONS – BUILDING
& SAFETY**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on May 11, 2007 to consider second reading and adoption of Bill No. 1508. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing.

Commissioner Galloway expressed concern that the fee increases might discourage people from pursuing solar energy options. Don Jeppson, Director of Building and Safety, indicated that the fee for solar collectors was currently \$8 for up to 1,000 square feet and \$7 between 1,000 and 2,000 square feet. He stated those fees

would increase to \$8 and \$12 respectively, with an increase from \$20 to \$45 for a permit issuance fee.

There being no response to the call for public comment, the Chairman closed the public hearing.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that Ordinance No. 1329, Bill No. 1508, entitled, "**AN ORDINANCE AMENDING CHAPTER 100 OF THE WASHOE COUNTY CODE BY ADDING THERETO A PROVISION THAT CREATES BUILDING PERMIT VALUATIONS UNDER THE INTERNATIONAL RESIDENTIAL CODE, BY INCREASING FEES FOR BUILDING, GRADING, SOLAR AND POOL PERMITS, INCREASING FEES FOR RELATED INSPECTIONS AND LICENSES, ADDING PLAN REVIEW FEES, MODIFYING BUILDING VALUATION DATA, AND RESTRICTING BUILDING PERMIT RENEWALS, AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO,**" be approved, adopted and published in accordance with NRS 244.100.

07-614A PUBLIC COMMENTS ON PROPOSED AMENDMENT AND ORDINANCES – GROUNDWATER REMEDIATION DISTRICT – WATER RESOURCES

5:30 p.m. This was the time set in a Notice of Public Hearing to consider all comments concerning a proposed amendment to the boundaries of the Groundwater Remediation District (Central Truckee Meadows Remediation District) and concerning a proposed ordinance imposing a fee on parcels of land in District No. 24 to pay the costs of developing and carrying out a plan for remediation.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against the proposed amendments and ordinances. There being no response, the hearing was closed.

07-614B BILL NO. 1511 – CHANGE BOUNDARIES OF DISTRICT NO. 24 (GROUNDWATER REMEDIATION) – WATER RESOURCES

Bill No. 1511, entitled, "**AN ORDINANCE AMENDING ORDINANCE NO. 1000 IN ORDER TO CHANGE THE BOUNDARIES OF DISTRICT NO. 24 (GROUNDWATER REMEDIATION); AND PROVIDING OTHER MATTERS RELATING THERETO,**" was introduced by Commissioner Humke, the title read to the Board, and legal notice for final action of adoption directed.

07-614C **BILL NO. 1512 – IMPOSE FEE IN DISTRICT NO. 24**
(GROUNDWATER REMEDIATION) – WATER RESOURCES

Bill No. 1512, entitled, “AN ORDINANCE IMPOSING A FEE ON THE PARCELS OF LAND IN WASHOE COUNTY, NEVADA DISTRICT NO. 24 (GROUNDWATER REMEDIATION) TO PAY THE COSTS OF DEVELOPING AND CARRYING OUT A PLAN FOR REMEDIATION; AND PRESCRIBING OTHER MATTERS RELATING THERETO,” was introduced by Commissioner Galloway, the title read to the Board, and legal notice for final action of adoption directed.

07-615 **COMPREHENSIVE PLAN AMENDMENT CASE NO. CP04-015 –**
LAND USE AND TRANSPORTATION ELEMENT –
COMMUNITY DEVELOPMENT

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on May 11, 2007 to consider Comprehensive Plan Amendment Case No. CP04-015 to amend the Washoe County Comprehensive Plan by replacing the existing Land Use and Transportation Element with a new Land Use and Transportation Element that facilitates suburban and rural development patterns in the unincorporated portion of the County, promotes village centers that provide localized commercial services, and identifies appropriate levels of transportation support services for desired community design, and other matters properly related thereto.

Chairman Larkin opened the public hearing.

Commissioner Galloway noted that the update of the South Valleys Area Plan, which the Board had just remanded to the Planning Commission, was referenced in the Land Use and Transportation Element. Adrian Freund, Director of Community Development, suggested that language be incorporated into the motion that the South Valleys Area Plan, as referred to in Appendix B, had not yet been adopted but the provisions of the Plan would take effect at such time as it was adopted.

There being no response to the call for public comment, Chairman Larkin closed the public hearing.

Upon recommendation of Planning Manager Michael Harper and Planner Don Morehouse, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Land Use and Transportation Element of the Washoe County Comprehensive Plan, as adopted by the Washoe County Planning Commission on May 15, 2007, be adopted by the Board of County Commissioners and the Chairman be authorized to execute a resolution for the same after a finding of conformance with the Truckee Meadows Regional Plan by the Regional Planning Commission. It was further ordered that the Land Use and Transportation Element would incorporate provisions as necessary to make it consistent with the South Valleys Area Plan referenced in Appendix B and, at such time as amendments to the

South Valleys Area Plan are adopted, those amendments would automatically be incorporated by reference.

REPORTS AND UPDATES FROM COUNTY COMMISSION MEMBERS

Commissioner Humke mentioned a recent meeting of the Regional Transportation Commission where impact fees for new development had been decreased. He added that the Reno-Sparks Convention and Visitors Authority met last week and took action to resolve a controversial bid protest.

Commissioner Weber stated that she and Commissioner Sferrazza were scheduled to meet with a representative of the National Association of Counties regarding the National Conference to be held in Reno in 2010. She announced there would be an ice cream social sponsored by the Nevada Association of Counties to thank State Legislators and staff for a job well done.

Chairman Larkin indicated that Vice Chairman Weber would be chairing the regular Commission meeting on June 12, 2007. He stated he would be on vacation but would call in for discussion of a few items.

Commissioner Sferrazza invited Commissioners to attend the breakfast meeting with a representative of the National Association of Counties.

* * * * *

9:04 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 Lisa McNeill
Deputy County Clerks*