

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

MARCH 20, 2007

PRESENT:

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

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

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

07-318 AGENDA

County Manager Katy Singlaub pointed out that item 24 concerning a consultant's contract for the Truckee River Flood Project was an addendum to the agenda.

In response to the call for public comment, Guy Felton remarked that statements printed on the agenda contained a threat against the sovereign people. He asked that the issue be agendized for open discussion.

Sam Dehne asked that new employees be introduced after the consent agenda and the appearance by the Economic Development Authority of Western Nevada (EDAWN) be agendized as an action item to allow public comment. He suggested that citizens should not be kept waiting while the Commission takes breaks during the meeting and that the public comment period should be increased to three minutes.

***2:13 p.m.** Commissioner Galloway arrived at the meeting.

***2:14 p.m.** Commissioner Sferrazza arrived at the meeting.

Patricia Axelrod requested that the items concerning sponsorship of the 2007 Fourth of July celebrations and the appointment of Jennifer Lunt as Alternate Public Defender be taken off the agenda.

Gary Schmidt placed notes concerning his comments on file with the Clerk. He objected to the order of placement in the printed agenda for the title "agenda",

adjournment, and approval of the agenda. Mr. Schmidt was opposed to the “threat preamble” included on the first page of the agenda, as well as the manner in which it was constructed and approved. He suggested to the new employees present that they watch the interaction between Chairman Larkin and Guy Felton at last week’s meeting.

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Larkin, which motion carried on a 4-0 vote with Commissioner Sferrazza abstaining, it was ordered that the agenda for the March 20, 2007 meeting be approved.

INTRODUCTION OF NEW WASHOE COUNTY EMPLOYEES

Chairman Larkin invited 23 new Washoe County employees to come forward and introduce themselves. The Commissioners welcomed the new employees.

07-319 PRESENTATION – EXCELLENCE IN PUBLIC SERVICE CERTIFICATES

County Manager Katy Singlaub recognized the following employees for their successful completion of Excellence in Public Service programs administered by the Human Resources Department:

Essentials of Personal Effectiveness

Elaine Anagnostou, Valerie Bahl, Dayna Berry, Jill Stevens-Combs, Julie Munoz, Sarah Reed, Daniel Ross, Dawn Spinola

Personal Effectiveness for Support Staff

Daniel Ross, Dawn Spinola

Management Development

Stephanie Elliot, Robert Flores, Bob Webb, Bill Whitney

07-320 RECOGNITION – 2007 WASHOE COUNTY EXCELLENCE IN TEAMWORK AWARD

County Manager Katy Singlaub presented the 2007 Washoe County Excellence in Teamwork Award to Andrea Tavener from the Library/Community Resource Center and Jaleh Ghassedi from the Incline Substation of the Sheriff’s office. She explained that the recipients had been nominated by their fellow employees and would each receive a scholarship to attend the Innovation Group’s 2007 Transforming Local Government Conference in Bellevue, Washington.

Ms. Singlaub presented Excellence in Teamwork recognition certificates to the following employees who were also nominated for the award: Dan Roehl, Adrienne Openlander, Doug Johnson, Dan Croarkin, Wendy Keller, Marilee Cavalli,

Kevin Moss, Mike Sullens, Luke Franklin, Steven Thalacker, Dwight Jamison, Chris Long, and Anne Connor.

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that Excellence in Teamwork recognition certificates be presented to each of the employees nominated by their peers and that Andrea Tavener and Jaleh Ghassedi be recognized as recipients of the 2007 Washoe County Excellence in Teamwork Award.

**07-321 ACCEPT DONATION – ROBERT Z. HAWKINS FOUNDATION –
SOUND EQUIPMENT – PARKS**

Commissioner Galloway presented a Resolution of Appreciation to Carolyn Bernard from the Board of the Robert Z. Hawkins Foundation, expressing gratitude on behalf of the Board for the \$25,000 donation to purchase additional sound equipment for the Robert Z. Hawkins Amphitheater at Bartley Ranch Regional Park.

Ms. Bernard indicated it had been the Foundation's pleasure to work with the Board in providing a wonderful resource to the community.

In response to the call for public comment, Sam Dehne spoke in favor of the donation and noted that the donations added up to nearly \$100,000 for sound equipment to the outdoor amphitheater over time. He thought his band should be hired by the County to play at the amphitheater.

On motion by Commissioner Galloway, seconded by Commissioner Larkin, which motion duly carried, it was ordered that the cash donation of \$25,000 be accepted from the Robert Z. Hawkins Foundation for the purchase of additional sound equipment per the quotation provided by StarSound Audio, Inc. for the Robert Z. Hawkins Amphitheater located within Bartley Ranch Regional Park and the Finance Department be directed to make the appropriate budget adjustments. It was further ordered that the following resolution be adopted:

**RESOLUTION OF APPRECIATION
ROBERT Z. HAWKINS FOUNDATION**

WHEREAS, The Robert Z. Hawkins Foundation is a generous and constant supporter of the arts in our community;

WHEREAS, In 1999 the Robert Z. Hawkins Foundation completed the construction of, and donated to Washoe County, a two million dollar outdoor amphitheater inside Bartley Ranch Regional Park; and

WHEREAS, The Robert Z. Hawkins Amphitheater has become a premier facility, hosting many of the community's and the nation's best performers; and

WHEREAS, The Robert Z. Hawkins Foundation has donated \$68,500 in sound and lighting equipment and improvements to the amphitheater over the past three years; now, therefore, be it

RESOLVED, That the Washoe County Board of Commissioners express their appreciation and respect to the Robert Z. Hawkins Foundation for their dedication and support of the arts in our community.

07-322 PUBLIC COMMENTS

Guy Felton requested that his concerns about the County Commission's actions and practices in a multitude of areas be agendaized for discussion.

Sam Dehne suggested that Chairman Larkin's warnings to members of the audience should be distributed equally. He reiterated his objection to having no public comment after the appearance of the Economic Development Authority of Western Nevada. Mr. Dehne took exception to the "mutilation of the community" by the Reno-Sparks Convention and Visitors Authority with a "barbecue operation" that tied up the southeast portion of the community.

Patricia Axelrod expressed her disapproval and gave her overview of the County's audit of verifiable paper trail printers, done to certify the reliability of voting machines after the last election.

Gary Schmidt agreed with Mr. Dehne's comments about the Chairman's warnings to the audience. Mr. Schmidt placed a public records request on file with the Clerk regarding the Board's approval for the construction of a water tank on a ridgeline in Sun Valley and their decision that the appeal against the water tank had no standing.

Bob LeGoy expressed his support for the passage of Senate Bill (SB) 79. SB 79 would give the Secretary of State authority to make and enforce rules for conducting a vote recount, if necessary, using existing printed voter verification records of electronic votes, as well as to make or modify procedures to conduct an election and any recount in a manner that makes both processes fair and workable.

MANAGER'S/COMMISSIONERS' ANNOUNCEMENTS

Commissioner Weber observed that the Citizen Committee to Draft a Nuisance Ordinance needed a larger meeting room and that alternates had not been allowed to speak at the last meeting. She asked for an agenda item to discuss the Committee's issues.

DISCUSSION – CONSENT AGENDA

Sam Dehne could not tell whether bids had been requested for the professional design services contract for the Hunter Creek Trailhead Facility. He was

against spending \$42,500 of the citizen's tax money for fireworks on the Fourth of July and \$25,000 for Artown. Mr. Dehne suggested the money could be dedicated to the homeless shelter or to an independent citizens' investigation of the voting system.

Guy Felton commented that the consent agenda was not open and transparent. He suggested the Board do away with it and discuss every item.

Patricia Axelrod suggested that money spent on the Fourth of July celebrations should be donated to a homeless shelter. She pointed out that \$200 for the prevention of teen pregnancy was not nearly enough. Ms. Axelrod objected to a \$3,947 decrease in the amount spent for the prevention of sexually transmitted diseases.

Commissioner Sferrazza confirmed with Michelle Kling, Division Director for the District Health Department, that the decrease referred to by Ms. Axelrod was just an adjustment to bring the entire federal grant in line with the budgeted figures. He pointed out there was actually \$115,000 from the grant to be spent for the prevention of sexually transmitted diseases. Commissioner Humke clarified with Ms. Kling that the agenda items referred to by Ms. Axelrod did not decrease the funds going to the Maternal and Child Health Coalition or the Teen Pregnancy Committee.

**07-323 EXPENDITURE – COMMISSION DISTRICT 3 SPECIAL
FUNDING ACCOUNT – TOWN HALL MEETING –
MANAGEMENT SERVICES**

On recommendation by Julie Skow, Administrative Assistant, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the expenditure of no more than \$4,000 be approved from the County Commission District 3 Special Funding Account for the promotion and implementation of a 2007 Commissioner District 3 Town Hall meeting to encourage citizen participation and enhance effectiveness.

**07-324 AGREEMENT – SPONSORSHIP OF ARTOWN – MANAGEMENT
SERVICES**

Chairman Larkin clarified with County Manager Katy Singlaub that the request would be funded from the fiscal year 2006-07 budget.

On recommendation by Julie Skow, Administrative Assistant, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Agreement for Services between Washoe County and Artown be approved and the Chairman be authorized to execute the same. The Agreement concerns sponsorship of Artown in the amount of \$25,000 for costs associated with production of the July 2007 event.

**RESOLUTION/AGREEMENTS – SPONSORSHIP OF 2007
FOURTH OF JULY CELEBRATIONS – MANAGEMENT
SERVICES**

On recommendation by Julie Skow, Administrative Assistant, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that:

1. Sponsorship be approved in the amount of \$20,000 for the 2007 Reno Celebrates America event at Rancho San Rafael Regional Park and the Chairman be authorized to execute the Agreement for Services between Washoe County and Reno Celebrates America for the same.
2. Sponsorship be approved in the amount of \$7,500 for the 2007 Star Spangled Sparks activities at the Sparks Marina and the Chairman be authorized to execute the Agreement for Services between Washoe County and the Sparks Chamber of Commerce for the same.
3. Sponsorship be approved in the amount of \$15,000 for production of the 2007 Star Spangled Sparks by the City of Sparks, the following Resolution Authorizing the Grant of Public Money for a 2007 Fourth of July Celebration in Washoe County be adopted, and the Chairman be authorized to execute the same:

**RESOLUTION AUTHORIZING THE GRANT OF
PUBLIC MONEY FOR A 2007 FOURTH OF JULY
CELEBRATION IN WASHOE COUNTY**

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 City of Sparks on behalf of the Parks and Recreation Department - \$15,000 for costs associated with production of Star Spangled Sparks - 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 City of Sparks on behalf of the Parks and Recreation

Department - \$15,000 for costs associated with production of Star Spangled Sparks - a grant for Fiscal Year 2006-07 in the amount of \$15,000.

07-326 GRANT – NEVADA LAW FOUNDATION – SENIOR LAW PROJECT – SENIOR SERVICES

Commissioner Galloway asked whether the source of the grant was public or private funds. Marietta Bobba, Director of Senior Services, stated that the Nevada Law Foundation accepted donations from a variety of legal fees. Commissioner Galloway said it could be treated as a public source because the fees were involuntary.

On recommendation by Marietta Bobba, Director of Senior Services, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that acceptance of the grant award from the Nevada Law Foundation for the Senior Law Project be approved in the amount of \$25,000; \$12,500 retroactively for the period of January 1, 2007 through June 30, 2007 and \$12,500 for the period of July 1, 2007 through December 31, 2007 (no County match). It was further ordered that the Finance Department be directed to make the following budget adjustments:

Account	Description	Amount of Increase/(Decrease)
Increase fiscal year 2006-07 budget; Include in 2007-08 budget:		
20070-484195	NV Law Fndn – Non-Govt Grants	12,500
20070-701110	NV Law Fndn – Base Salaries	12,500

07-327 APPROPRIATION ADJUSTMENTS – FY 2006-07 – SALARY SAVINGS ALLOCATIONS – FINANCE

Chairman Larkin asked which departments were affected by reallocation. Budget Manager Melanie Purcell stated that the adjustment affected the County Manager, Alternative Sentencing, Purchasing, Registrar and Elections, Justice Court, Incline Constable, Sheriff’s Department, Coroner’s office and Treasurer’s office. Chairman Larkin clarified the adjustment was spread between departments and no one department would realize a substantial budget decrease.

On recommendation by Melanie Purcell, Budget Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that account adjustments for the fiscal year 2006-07 salary savings allocations be authorized and the Finance Department be directed to make the appropriate budget adjustments.

**07-328 APPROPRIATION ADJUSTMENTS – TRUCKEE RIVER FLOOD
MANAGEMENT OPERATING AND CAPITAL FUNDS –
FINANCE**

On recommendation by Anna Heenan, Senior Fiscal Analyst, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the report of appropriation adjustments within the Truckee River Flood Management Operating and Capital Funds budget be acknowledged.

**07-329 RESOLUTION – DONATE STIPEND – TEEN PREGNANCY
COMMITTEE – HEALTH**

On recommendation by Patsy Buxton, Fiscal Compliance Officer, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following Resolution to grant a \$200 stipend received by Health Department staff to the Maternal and Child Health Coalition for its Teen Pregnancy Committee be adopted and the Chairman be authorized to execute the same:

RESOLUTION

WHEREAS, Staff from the District Health Department participated in an Infant Adoption Training grant funded by the United States Department of Health and Human Services; and

WHEREAS, Staff received a \$200 stipend for their attendance; and

WHEREAS, On January 25, 2007, the Washoe County District Board of Health, at the request of staff, took action to request the Washoe County Board of County Commissioners donate the stipend to the Maternal and Child Health Coalition; and

WHEREAS, The Maternal and Child Health Coalition is a nonprofit organization organized to review, assess and improve perinatal, maternal and child health services in Nevada by working to improve equal access to health care, interagency networking, public awareness and education, and promotion of substance abuse education and treatment programs; and

WHEREAS, The Maternal and Child Health Coalition has a Teen Pregnancy Committee which conducts outreach and data collection activities in an effort to increase the effectiveness of teen pregnancy prevention services; and

WHEREAS, Pursuant to NRS 244.1505, the Board of County Commissioners may grant money to a nonprofit organization created for religious, charitable or educational purpose to be used for any purpose which will provide a substantial benefit to the inhabitants of the county; and

WHEREAS, Washoe County finds that the services of the Maternal and Child Health Coalition’s Teen Pregnancy Committee provide a substantial benefit to the inhabitants of the County; now, therefore, be it

RESOLVED, That the Washoe County Board of Commissioners hereby grants the \$200 stipend received by Health Department staff to the Maternal and Child Health Coalition for its Teen Pregnancy Committee.

07-330 BUDGET AMENDMENTS – FY 2006-07 – SEXUALLY TRANSMITTED DISEASE GRANT PROGRAM – HEALTH

On recommendation by Patsy Buxton, Fiscal Compliance Officer, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that amendments totaling a decrease of \$3,947 in both revenue and expenses to the adopted fiscal year 2006-07 Sexually Transmitted Disease Grant Program, IO 10014, to bring the fiscal year 2006-07 adopted budget into alignment with the grant be approved and the Finance Department be directed to make the following adjustments:

Account	Description	Amount of Increase/(Decrease)
2002-IO-10014-431100	Federal Revenue	(\$ 3,947)
2002-IO-10014-701110	Salaries	(\$ 2,745)
-705210	Retirement	(542)
-705230	Medicare	(40)
-710721	Outpatient	(620)
	Total Expenditures	(\$ 3,947)

07-331 BUDGET AMENDMENTS – FY 2006-07 – PUBLIC HEALTH PREPAREDNESS GRANT PROGRAM – HEALTH

Chairman Larkin asked what impact this would have on the program. Dr. Randall Todd from the District Health Department stated there would really be no impact, that this was a bookkeeping change.

On recommendation by Patsy Buxton, Fiscal Compliance Officer, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that amendments totaling a decrease of \$29,510 in both revenue and expenses to the Public Health Preparedness Grant Program, IO 10534, to bring the fiscal year 2006-07 adopted budget into alignment with the grant be approved and the Finance Department be directed to make the following budget adjustments:

Account	Description	Amount of Increase/(Decrease)
2002-IO-10534-431100	Federal Revenue	(\$ 29,510)
2002-IO-10534-701110	Base Salaries	(15,351)

Account	Description	Amount of Increase/(Decrease)
-705210	Retirement	(3,032)
-705230	Medicare	(223)
-710100	Professional Services	29,614
-710200	Service Contract	(4,800)
-710300	Operating Supplies	6,000
-710334	Copy Machine Expense	(1,000)
-710350	Office Supplies	(579)
-710355	Books and Subscriptions	397
-710361	Postage	(2,980)
-710500	Other Expense	(35,000)
-710502	Printing	(1,008)
-710508	Telephone	(825)
-710509	Seminars and Meetings	2,100
-710512	Auto Expense	(1,618)
-710529	Dues	1,200
-711115	Equipment Svcs Motor Pool	(100)
-711210	Travel	(1,766)
-711504	Equipment NonCapital	(3,835)
-781004	Equipment Capital	3,296
	Total Expenditures	(\$ 29,510)

07-332

AWARD CONTRACT – HUNTER CREEK TRAILHEAD FACILITY – PARKS

Commissioner Galloway asked about the agreement for the Trailhead, recalling that it was part of a larger project and there was some commitment for a contractor to build the project if the County designed it. Doug Doolittle, Director of Regional Parks and Open Space, stated that the determination to use Jeff Codega Planning and Design made good fiscal sense because he had already done a significant amount of work in association with developing the project. Commissioner Galloway asked if that would result in some donation of time and materials from one of the contractors. Mr. Doolittle stated that there was some written commitment for that on the project.

On recommendation by Carolyn Poissant, Park Planner, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the professional design services contract in the amount of \$48,450 be awarded to Jeff Codega Planning and Design (JCPD) for the Hunter Creek Trailhead Facility and the Chairman be authorized to execute the contract documents upon presentation.

07-333 AGREEMENT – CELTIC CELEBRATION – PARKS

On recommendation by Colleen Wallace Barnum, District Ranger, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Agreement between Washoe County and Celtic Celebration, Inc. to hold a special event, Celtic Celebration, at Bartley Ranch Regional Park on October 6 and October 7, 2007 be approved and the Chairman be authorized to execute the same.

07-334 APPEARANCE – ECONOMIC DEVELOPMENT AUTHORITY OF WESTERN NEVADA (EDAWN)

Chuck Alvey, CEO and President of the Economic Development Authority of Western Nevada (EDAWN), presented an updated report about the Target 2010 project. He reminded the Board that the concept behind Target 2010 was to recruit new companies and expand existing companies in northern Nevada. Mr. Alvey emphasized that the companies targeted were those that produced the highest paying jobs, provided employee benefits, contributed by giving back to the community, and had a low environmental impact.

Mr. Alvey indicated that EDAWN was working with lead generators to attract new companies, including five lead generators who were specialists in their fields at the University of Nevada, Reno, and Truckee Meadows Community College. He discussed initiatives to recruit/create/retain/support talented young professionals, generate venture capital and entrepreneurship, and recruit workers with specialized skill sets that were not available in the community. Mr. Alvey stated that a new regional brand would be unveiled soon to market northern Nevada as a business place and position the area for strong economic development, diversification and growth.

Chairman Larkin asked about the progress in attracting key industries. Mr. Alvey responded that the industries had been identified and EDAWN was currently working on approximately 300 leads. He commented that the Business Builders Program worked to expand existing companies. EDAWN was also working with the Small Business Development Center to get an inventory of specific industries and with lead generators to get lists of companies in other markets. Mr. Alvey discussed activities focused on advisory groups, trade shows, public relations, and trade missions.

3:14 p.m. Commissioner Galloway temporarily left the meeting.

The Board took no action on this item.

07-335 APPEARANCE – WASHOE COUNTY SCHOOL DISTRICT CAPITAL PROJECTS AND PLANNING

Mark Stanton, Capital Projects and Planning Administrator for the Washoe County School District, provided an update on the District's available school

construction funding compared to its needs, anticipating a \$500,000,000 shortfall over the next five years. He distributed a handout, which was placed on file with the Clerk, illustrating construction needs from 2007 to 2012, available funding, challenges faced by the escalation of construction costs, sources of revenue, and contact information for members of the State Legislature. In order to get action from the Legislature, Mr. Stanton emphasized that the community must support Senate Bill 141 to change statutes and allow the Washoe County School District access to additional revenue sources.

3:20 p.m. Commissioner Galloway returned.

Commissioner Sferrazza wondered what was being done to improve school buildings in the older parts of the community. Mr. Stanton stated that \$28,000,000 had just been allocated to bring older schools up to standard with newer schools and approximately \$5,000,000 of that was dedicated to high schools.

Commissioner Galloway commented that the District made a compelling case. He asked that the real estate transfer tax not be increased or, if it was, that there be some exemption for older residents downsizing an existing home within the community. Chairman Larkin asked if legislative approval would increase the real estate transfer tax and Mr. Stanton stated it would increase by \$0.60 per \$500 of value. In response to a question by Commissioner Humke, Mr. Stanton clarified that the transfer tax did not apply to refinancing, only to property sales.

Commissioner Humke commented that something personal written by a taxpayer to a legislator carried more weight than repetitive messages that were obviously generated by a group.

3:38 p.m. Chairman Larkin temporarily left the meeting.

Commissioner Sferrazza asked what the basis was for using the real estate transfer tax to generate the money and what year had been used to project future sales revenues. Mr. Stanton stated only 60 percent of the previous sales were used in bond projections, although 80 percent had been used during high sales years. He pointed out that the brochure had been done about six months ago and 2004 values were used for projection purposes.

3:41 p.m. Commissioner Galloway temporarily left the meeting.

At the request of Commissioner Weber, County Manager Katy Singlaub verified that the current real property transfer tax was \$2.05 per \$500 of valuation. She pointed out that the School District's proposal would take it to \$2.65 per \$500 of valuation, higher than the transfer tax of \$2.55 per \$500 of valuation in Clark County.

The Board took no action on this item.

07-336

**BUDGET AMENDMENTS – FY 2006-07 – PANDEMIC
INFLUENZA GRANT, PHASE II PROGRAM – HEALTH**

3:42 p.m. Chairman Larkin returned to the meeting.

3:44 p.m. Chairman Galloway returned to the meeting.

In response to the call for public comment, Patricia Axelrod asked the Board not to approve the grant and stated that the pandemic was a hoax of the Bush Administration. She felt that the money should be spent on people with HIV and AIDS.

Commissioner Galloway commented that urban population centers were conducive to pandemics and long-term preparedness was important. He agreed that it was important to spend money on HIV and AIDS, but that did not mean money should not be spent on influenza preparedness. Commissioner Sferrazza agreed with those comments.

Chairman Larkin commented that he attended the Governor's pandemic conference last year, where he was shocked to discover how much of the population died during the last influenza pandemic at the turn of the century.

Commissioner Humke was impressed by the multi-agency approach to prevention and stated it was money wisely spent.

On recommendation by Patsy Buxton, Fiscal Compliance Officer, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the amendments totaling an increase of \$274,161 in both revenue and expenses to the Pandemic Influenza Grant, Phase II Program, IO 10544, to bring the fiscal year 2006-07 budget into alignment with the grant be approved and the Finance Department be directed to make the following budget adjustments:

Account	Description	Amount of Increase/(Decrease)
2002-IO-10544-431100	Federal Revenue	\$ 274,161
2002-IO-10544-701110	Base Salaries	41,744
-701200	Incentive	138
-705110	Group Insurance	3,152
-705210	Retirement	8,271
-705230	Medicare	607
-705320	Workman's Comp	158
-705330	Unemployment	30
-701150	Contractual Wages	65,000
-710100	Professional Services	114,061
-710500	Other Expense	15,000
-710577	Uniforms and Special Clothing	5,000

Account	Description	Amount of Increase/(Decrease)
-711504	Equipment, NonCapital	1,000
-781004	Equipment, Capital	20,000
	Total Expenditures	\$ 274,161

**07-337 ISSUANCE OF \$3,000,000 IN MEDIUM-TERM DEBT – RENO-
SPARKS CONVENTION AND VISITORS AUTHORITY –
FINANCE**

In response to the call for public comment, Sam Dehne opposed the expenditure of \$3,000,000 by the Reno-Sparks Convention and Visitors Authority (RSCVA) to fund the purchase of the Liberty Bell property.

Patricia Axelrod thought it was preposterous to spend \$3,000,000 to promote tourism and fuel the casino industry when there was insufficient money allocated to support AIDS programs.

Gary Schmidt stated that he generally supported the RSCVA and this item. He suggested that additional funds be allocated to paint historic panoramas on the Convention Center building.

County Manager Katy Singlaub clarified that the agenda item did not involve the County giving any money to the RSCVA. She explained that the RSCVA had previously set aside stabilization funds to ensure their ability to meet old debt obligations. The stabilization fund had grown significantly because there had been no shortfalls requiring the use of that money. Ms. Singlaub stated that the RSCVA received a very attractive interest rate on the money in their stabilization fund and was asking for permission to borrow money for the purchase of the Liberty Bell rather than using their stabilization fund for the purchase.

Commissioner Sferrazza commented that he served on the RSCVA Board and confirmed that no money was being given to the RSCVA for this transaction. He pointed out that the Liberty Bell property had already been acquired after the restaurant went out of business and the owners offered it for sale.

Commissioner Galloway asked whether the owners of the Liberty Bell had already been paid through operating revenues and if this request was to replace those operating revenues. Tim Smith, Chief Financial Officer of the RSCVA, confirmed that the Liberty Bell was purchased for approximately \$1,000,000 from operating funds. He explained that the 2000 renovation of the Convention Center included plans for extending the plaza through the Liberty Bell site but the RSCVA had been unable to negotiate purchase of the Liberty Bell at that time. The owners of the Liberty Bell offered it for sale to the RSCVA a little over one year ago and the RSCVA intended to complete the project as originally planned in 2000. Commissioner Galloway commented that an additional \$2,000,000 seemed like a lot of money for extending the plaza. Mr. Smith

stated the current request was to borrow *up to* \$3,000,000 but the bid amounts had not yet been received.

Commissioner Galloway wondered if it could be made a condition of the motion that any authority previously given by the Board of County Commissioners to use the stabilization fund be withdrawn. Mr. Smith stated that would be up to the RSCVA Board of Directors and emphasized that they were not asking to use stabilization funds. Commissioner Galloway pointed out there had been a previous agreement to allow the fund to be reduced for acquisition and improvement of the Liberty Bell site and he thought the ability to invade the fund would still be there. Mr. Smith took offense to the use of the term “invade”. He pointed out that the financial section in the Interlocal Agreement between the County and the RSCVA could only be changed by mutual agreement and reiterated that the RSCVA was not asking to use stabilization funds. Commissioner Galloway clarified he wanted an agreement that the previous authorization to use the stabilization fund would no longer be in effect. Mr. Smith thought the staff report adequately addressed the issue. Commissioner Galloway asked if the previous authorization was no longer in place and Mr. Smith stated it was not.

Commissioner Humke mentioned a bill pending in the Legislature to take Washoe County out of processes involving the purchase and sale of any RSCVA real property. If that bill were to pass, the Commission would renegotiate its relationship with the RSCVA and perhaps direct them to refinance their bonds, which would allow the County to avoid future guarantees of the RSCVA’s creditworthiness.

Commissioner Galloway moved to approve the issuance of the \$3,000,000 medium-term debt by the RSCVA for the stated purpose described in the staff report on the basis that the prior authorization for using \$2,600,000 in revenue stabilization funds for the same purpose was no longer in effect.

Chairman Larkin clarified with Assistant District Attorney Melanie Foster that the agenda was not worded to allow the Board to address the revenue stabilization funds. Commissioner Galloway withdrew the motion. He commented that the issue of the revenue stabilization fund was directly discussed in the staff report and was directly related to the item as it was agendized. Commissioner Galloway thought Ms. Foster was using undue influence to curtail the actions of the Board.

Commissioner Sferrazza disagreed. He understood that the money was not being taken from the revenue stabilization fund and any request to do that would come back before the Board.

Commissioner Humke suggested that the motion to approve replicate the wording of the staff report’s recommendation.

Commissioner Sferrazza moved to approve the recommendation by staff. Commissioner Humke seconded the motion.

Commissioner Galloway stated he could not support Commissioner Sferrazza's motion unless wording about the revenue stabilization fund was included.

Commissioner Sferrazza clarified with Mr. Smith that the RSCVA had not used any money from the revenue stabilization fund.

Commissioner Galloway asked legal counsel if it was possible for the RSCVA to use the previously authorized \$2,600,000 without coming back to the Board of County Commissioners. Ms. Foster stated that, since the approval for using the fund had been conditioned upon purchase of the Liberty Bell, the RSCVA would have to come back before the County Commission before using the fund for another purpose. Mr. Smith clarified that the revenue stabilization fund was overfunded by \$2,600,000. He offered to carry Commissioner Galloway's concerns back to his Board of Directors.

On recommendation by John Sherman, Finance Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion passed on a 4-1 vote with Commissioner Galloway voting "no", it was ordered that, pursuant to the Cooperative Agreement with the Reno-Sparks Convention and Visitors Authority, the Board of County Commissioners approve the issuance of \$3,000,000 in medium-term debt by the Reno-Sparks Convention and Visitors Authority.

07-338 GRANT – NEVADA CONSERVATION AND RESOURCE PROTECTION GRANT PROGRAM – WASHOE CANYON-STONE PROPERTY – PARKS

There was no response to the call for public comment

On recommendation by Kristine Bunnell, Park Planner, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that:

1. A grant be accepted in the amount of \$128,000 from the Nevada Division of State Lands, Conservation and Resource Protection Grant Program, to acquire the Washoe Canyon-Stone property;
2. Approximately \$128,000 be reallocated from the 2000 Regional Parks, Open Space and Trails Bond-Open Space category, for acquisition of a "Washoe Canyon Trail/Land" project, with bond funding to be leveraged as match for the grant;
3. The Regional Parks and Open Space Director be authorized to execute all grant-related documents, including the funding agreement; and
4. The Finance Department be directed to make all the necessary budget adjustments.

**APPOINTMENT – ALTERNATE PUBLIC DEFENDER –
MANAGER**

Commissioner Sferrazza recalled that the Board's direction to the candidate review committee had been to bring back the names of three candidates. He had no problem with the committee's recommendation but asked for clarification from staff. Human Resources Director Joanne Ray stated that Commissioner Sferrazza was correct; the Board directed a committee to be set up with representatives from the Nevada State Bar, the Federal Public Defender and the Clark County Public Defender. She explained that the committee reviewed its roles and responsibilities at their first meeting on February 20, 2007 and felt they would not be fulfilling their role unless they interviewed the top group and came back to the Board with a recommendation. Ms. Ray stated that had been the committee's direction to staff. County Manager Katy Singlaub added that one of the three final candidates withdrew, leaving two remaining finalists for the position. She pointed out that the committee unanimously recommended Jennifer Lunt as the top candidate. Commissioner Sferrazza had hoped that an outside committee would not put the Board in the position where they were faced with only one applicant. He clarified that he supported Ms. Lunt for the position and his comments were a criticism of the committee, not the applicant.

Commissioner Galloway agreed that the committee had not been directed to conduct the interview process. He wondered about the future implications of allowing that to pass without comment.

Commissioner Humke referenced a statement by Ms. Ray that "the committee directed our staff" to come forward with one name. He pointed out that the Board of County Commissioners had delegated their duty to the staff to do the winnowing, selection, interviews, and to come back to the Board with three names, not to change the set of rules. Commissioner Humke had little doubt that Ms. Lunt would be selected but was in favor of delaying the decision so that the Commissioners could conduct interviews of three top candidates.

Ms. Ray commented that it was awkward for her to speak for the committee and she had asked if any committee members could be present. She related that the committee had a very lengthy discussion about their roles and responsibilities and she had provided the committee with minutes from the Board of County Commissioners' discussion about the committee's selection and role. The committee had six applications and felt that three of those clearly met or exceeded the qualifications. Given their qualifications, the committee felt that the Commissioners would want to make sure they were thorough and they had been uncomfortable with not doing interviews. Upon interviewing, the committee felt it was their duty to come back with a recommendation of the candidate they felt was most qualified for the position.

Commissioner Galloway asked Ms. Ray who she took direction from, the Board of County Commissioners or the committee. Ms. Ray acknowledged she did not have the authority to bring the Board only one name but respectfully provided the Board

with an agenda item that would allow the Commissioners to take action as necessary while still responding to the committee's wishes. She emphasized that she was not disregarding the Board's direction. Ms. Singlaub clarified that Ms. Ray had not taken direction from the committee, that the committee provided a list of three top candidates as well as their preferred recommendation for the top candidate. She took responsibility for recommending that the committee bring forward one candidate and indicated her belief that was consistent with past appointments involving an assessment panel.

4:23 p.m. Chairman Larkin declared a brief recess.

4:33 p.m. The Board reconvened with all members present.

In response to the call for public comment, Patricia Axelrod expressed her opposition to the appointment of Ms. Lunt.

Ms. Singlaub stated that one of the three top candidates put forward by the committee had withdrawn their candidacy and there was some information to show that a second top candidate, Shelly O'Neill, was no longer interested in the position. She offered to have all applicants still interested in the job come back before the Board for interviews. Ms. Singlaub emphasized the importance of moving quickly because it was necessary to establish a new office and hire attorneys.

Commissioner Weber thanked Ms. Lunt for enduring the process. She believed that Ms. Lunt was the perfect candidate based on her interview with the Board for a previous position. Commissioner Weber was willing to move forward with the appointment.

Chairman Larkin expressed appreciation to Ms. Lunt as well. In reading the staff report, Chairman Larkin stated that the committee had done their task as directed.

Public Defender Jeremy Bosler indicated he had spoken with Ms. O'Neill immediately after the committee's selection process. It was his understanding that Ms. O'Neill thought she would learn something from the interview process but believed that Ms. Lunt was the best candidate. Mr. Bosler indicated that time was of the essence because there was a new office to be created and several issues to be resolved before the end of June. He recommended that the Board proceed with a decision.

Commissioner Galloway asked Mr. Bosler if Ms. O'Neill had formally withdrawn her application. Mr. Bosler stated she had not. Commissioner Galloway and Mr. Bosler further discussed the manner in which the committee had completed its task.

Commissioner Sferrazza recalled specific discussion that Mr. Bosler was not supposed to be involved in the selection process. He suggested the decision be delayed so that other candidates could be contacted and interviewed by the Board.

Commissioner Weber moved to appoint Jennifer Lunt and the motion was seconded by Chairman Larkin.

Commissioner Humke acknowledged that the committee had done more than it was directed to do. He did not feel it was inappropriate for the committee to rank the final three candidates. Commissioner Humke referred to the end of the staff report containing 26 questions asked during the interview, which were reflective of those asked by Commissioners during their selection of the Public Defender. He thought it would be appropriate to require a formal withdrawal of Ms. O'Neill's application, but supported Commissioner Weber's motion based on the interview questions in the staff report and an examination of the resumes.

Commissioner Galloway stated that this decision affected future directions made by the Board and pointed out that there had been no ranking of candidates. He did not believe the damage could be undone and indicated the Board could only make the best of what happened. Commissioner Galloway gave his support for the motion although he was unhappy that the committee had put forward only one name and the County Manager had placed the item on the agenda in the same manner.

Commissioner Sferrazza stated he was uncomfortable with today's events. He commented that it was inappropriate for Mr. Bosler, who was supposed to have no influence over the selection of the Alternate Public Defender, to have given a speech urging the appointment of Ms. Lunt and to have represented the withdrawal of one of the applicants with no confirmation from the applicant herself. Commissioner Sferrazza stated that he could not go forward in supporting the motion and believed that Mr. Bosler's actions tainted the process.

Commissioner Humke noted that the Board had injected Mr. Bosler into the process, inappropriately so. He believed the Board was sophisticated enough to disregard Mr. Bosler's statements. With the exception of Mr. Bosler's comments at this meeting, Commissioner Humke was satisfied that Mr. Bosler had not been involved in the selection process. Commissioner Humke commented that Mr. Bosler was an interested party and had a right to be present at the Board's proceedings.

Based on Commissioner Humke's comments, Commissioner Sferrazza stated he believed Ms. Lunt was probably the best qualified candidate and should not be held responsible for Mr. Bosler's inappropriate intervention.

Commissioner Galloway believed that Ms. Lunt undoubtedly had the qualifications. He pointed out that she would be competing with Mr. Bosler in the course of her job as Alternate Public Defender. Commissioner Galloway asked Ms. Lunt to give Mr. Bosler no quarter in future court cases.

On motion by Commissioner Weber, seconded by Chairman Larkin, which motion duly carried, it was ordered that Jennifer Lunt be appointed as the Alternate Public Defender with an annual salary of \$125,236.80.

Ms. Lunt commended the Board for funding the Alternate Public Defender's office and thanked them for their support. She assured the Commissioners that she would be hard working, dedicated and ethical to the end, and would give Mr. Bosler no quarter.

07-340 CRITERIA FOR SELECTION – UNDERGROUND UTILITY PROJECTS – COMMUNITY DEVELOPMENT

Michael Harper, Planning Manager, asked the Board to either approve the criteria provided on page two of the staff report or make changes to it. He explained that criteria number 4 and its ranking of "high" had been added by the Planning Commission and all other criteria in the matrix were the result of a national search undertaken by Community Development staff. Mr. Harper indicated that, based on the Board's decision, staff would come back at a later date with recommendations for a process by which solicitation and selection of eligible projects would occur.

Commissioner Galloway asked about the wording for criteria number 7 with respect to funding. Mr. Harper agreed to clarify the wording, which was intended to mean participatory funding or funding from other sources.

Commissioner Galloway asked whether the rankings would be numbered to prioritize them for presentation to the Board. Chairman Larkin suggested it might be better to just list what criteria were met, as well as identifying the immediate needs for each project. Commissioner Galloway agreed the Board could use its own judgment about relative priorities. Mr. Harper explained that most communities used a ranking system but suggested staff could evaluate the criteria on a yes/no basis and bring forward factual information for the Board's decision based on availability of funding. Commissioner Galloway and Chairman Larkin agreed that criteria should be provided without priority ranking.

Commissioner Sferrazza asked who had created the franchise surcharge. Mr. Harper responded that the Board had created the surcharge. Commissioner Galloway indicated the County had not been levying the franchise fee and staff had identified it as a source of income. He explained that the Board directed 40 percent of the franchise revenues from utility customers go directly into a fund for undergrounding utilities in Washoe County. Commissioner Sferrazza asked about the actual amount of money available. Mr. Harper stated there was approximately \$2,000,000 currently in the undergrounding fund.

Commissioner Sferrazza asked if 345 kV utility lines were excluded. Mr. Harper stated there was no intent to exclude any overhead utilities of any particular size from any particular provider.

On recommendation by Michael Harper, Planning Manager, on motion by Commissioner Galloway, seconded by Chairman Larkin, which motion duly carried, it

was ordered that the criteria for the selection of utility projects to be considered for undergrounding be approved according to page two of the staff report with the following amendments:

1. The language regarding funding in criteria 7 was to be clarified to mean participatory funding or funding from other sources.
2. No priority ranking system would be used.

It was further ordered that the Community Development staff present a specific process, for later adoption by the Board, for soliciting, costing and approving utility undergrounding projects pursuant to the approved criteria.

**07-341 DISCUSSION/DIRECTION – REMOVAL OF UNLAWFUL OFF-
PREMISE SIGN FRAME – COMMUNITY DEVELOPMENT**

Ken McKenna, attorney for the appellant, indicated that several contracts had been referenced in the brief filed with the County but copies of the contracts themselves had been omitted due to clerical error. He placed the contracts on file with the Clerk, who distributed them to the Board.

Mr. McKenna discussed the concept of abandonment. He reviewed the highlights of several advertising contracts dating back to 1988, between the billboard's owners and various display companies, to illustrate his assertion that the landowner had always attempted to put the billboard to commercial use. Mr. McKenna stated that it was the County's resistance to permit signage on the billboard that led to his client's inability to fulfill the last three contracts for advertising. He reiterated that the sign was never abandoned and the circumstances did not reach the level of the abandonment statute that County staff was relying upon for their decision.

Commissioner Humke asked for permission to speak with Mr. McKenna's clients. Mr. McKenna stated that Mr. Yarborough, the owner of the billboard, could not attend due to the recent death of his wife, but Robin Reeves with Sierra Display was present in the audience. Commissioner Humke asked whether Mr. McKenna, Mr. Reeves or anyone else had a copy of the 1965 billboard permit or had ever seen it. Mr. McKenna indicated that no one asked for a permit in the "old days" and the County had been unable to locate one as of 1997. Commissioner Humke agreed the permit would not have become important until NRS Chapter 110 was changed and disclosed that he had voted on that legislation.

In response to further questioning by Commissioner Humke, Mr. McKenna was not sure what the Yarboroughs had originally paid for the land. He thought they purchased a larger parcel that was subsequently divided to leave a small unusable strip. Mr. McKenna could not guess the current value of the approximately one-quarter acre lot. He pointed out it might have some value if a contiguous owner was interested in purchasing it but otherwise had no value without income from the billboard.

Chairman Larkin asked about the use period in question. Mr. McKenna stated the documented failure to use allegation covered the period from July 2002 through October 2003, during which time the sign was contracted to Minor Advertising and Sierra Display. Chairman Larkin noted that the only document pertinent to the nonuse allegation was the Sierra Display contract beginning in May 2003. Mr. McKenna stated the contract with Minor Advertising also overlapped briefly with the period in question. Mr. McKenna reiterated that no copy appeared on the sign due to permitting problems until Sierra Display took the initiative to put copy up and force the issue.

Commissioner Galloway asked if Mr. McKenna had any interest in Sierra Display. Mr. McKenna said that he represented Sierra Display and purchased billboard advertising from them but had no interest in the company.

Commissioner Galloway asked Planning Manager Bob Webb if anyone had applied for a permit between May 2003 and October 2003. Mr. Webb referred to the chain of events in the staff report. He stated that Development Code at the time designated all the existing billboards in Washoe County as nonconforming and placed restrictions on rebuilding them. There was no requirement for a permit to use the billboard, but there was a requirement to submit plans to build it to safe standards and ensure it would not blow down in the wind. Mr. Webb indicated that Robin Reeves of Sierra Display met with the County's building official to discuss the requirements prior to the case being heard by the Board of Adjustment in 2004. Commissioner Galloway verified with Mr. Webb that no one applied for a building permit during the period of nonuse.

Commissioner Sferrazza asked if there was something in the ordinance that stated the use of a sign was abandoned if no face was placed on it for 12 months. Mr. Webb clarified that the Code did not use the term "abandoned". He explained that the nonconforming article in Development Code 904 referred to a sign being "not in use" for a period of more than 12 months. Commissioner Sferrazza indicated his previous vote to uphold the Board of Adjustment had been on the basis that there was noncompliance with the Code, specifically that failure to apply for the permit for 12 months constituted lack of use. He asked Mr. McKenna why his clients had not applied for a permit after they were notified that one was required. Mr. McKenna stated that there was just a lot of misunderstanding about the structure because it was so unique. Commissioner Sferrazza asked if the structure would safely accommodate a sign today and Mr. McKenna responded that it would. Mr. McKenna indicated that the sign had been incorrectly categorized as a broken shabby billboard, which it never was. He commented that the reference to Mr. Reeves' discussions with the County building official demonstrated that contacts were made in attempts to put the sign to use.

Responding to an earlier question by Commissioner Humke, Mr. Webb explained that the Yarboroughs purchased the property in 1983 for the sum of \$5,000 and the property was a 0.03-acre lot. He identified the current 2007-08 taxable land value for the property as \$586, making its assessed land value \$205. Mr. Webb stated that the

owner had never paid secured personal property tax, which was normally how billboards were taxed. He clarified that no permit was required by the Development Code for placing copy on any sign in Washoe County.

Commissioner Humke stated he read the transcript submitted by Mr. McKenna from the County Commission meeting in June 2004. He believed the original permit from 1965 was not an issue because County regulation was modified by State Legislative action. Commissioner Humke observed that the regulatory issue was whether the structure could stand up or was in need of repair. His interpretation was that the nonconforming use was lost if the condition of the sign was bad.

Commissioner Humke referred to the fiscal impact of \$3,378 listed on page three of the staff report, which would include any future abatement action. He asked about the true fiscal impact in terms of time spent on this issue by Community Development, the Manager's office, the District Attorney's office, the County Commissioners, and other staff, dating back to 2003. Mr. Webb stated he had no idea, but hundreds of hours of time had been invested.

Commissioner Weber asked for additional comments from Planning Manager Mike Harper. Mr. Harper explained that the sign code did not come into effect until 1977, so any permit from 1965 would have been a building permit for the erection of the sign. He emphasized that Washoe County had never required permits to place copy on signs and the permit requested was to make sure the billboard would stand up once copy was placed on it. Mr. Harper stated there had not been any action by the County to prevent anyone from placing copy on the sign during the period of nonuse.

Commissioner Galloway asked Mr. Webb to review the chain of events for this issue. Mr. Webb stated the Board of Adjustment denied the property owners' appeal to overturn the Community Development Director's decision that the billboard was no longer a nonconforming use in May 2004. The County Commission upheld that decision. A lawsuit was filed and dismissed at the District Court, and the Nevada Supreme Court upheld that dismissal. Staff requested permission from the Board of County Commissioners in January 2007 to initiate abatement if the sign was not voluntarily removed. The Board considered that and granted an additional 30 days for Mr. McKenna to submit more documentation. Commissioner Galloway pointed out that it had already been determined the sign was not in use for at least one year. Mr. Webb stated he could only substantiate July 2002 to October 2003.

Commissioner Sferrazza asked if "use of a sign" was defined somewhere. Mr. Webb stated he was not aware of any definition in the Development Code. He indicated that it was the Director's decision based on staff's interpretation of the Code that use meant having advertising copy on the billboard. Commissioner Sferrazza asked what the permit was required for. Mr. Webb stated the permit was a building permit to make sure the billboard would withstand wind loads and also that it had not been enlarged beyond its original size. Mr. Harper stated the Building Department was charged with making sure the structure was safe. He pointed out that the appellants had

been instructed to request a permit to determine the structural integrity of the sign but as far as he knew no such permit had been requested.

Commissioner Humke asked if improvements had been made to the sign recently, whether a structure was added to strengthen the billboard when political signs were put up last summer, and, if so, was that done with the benefit of a building permit. Mr. McKenna stated that the political sign initially had some attachments to the existing billboard in order to secure it. The appellants were notified that could be considered some sort of an improvement and the political sign was detached to stand on its own. Mr. McKenna emphasized that the billboard, as built, was a safe and secure structure capable of having advertising display on it. When attempts were made to get display on the billboard, the appellants ran into difficulties with the County. He indicated that every time he appeared before the Board he heard a different spin on why the sign was a nonconforming use. He reiterated that the use of the structure was demonstrated by the advertising contracts.

Commissioner Sferrazza asked Mr. McKenna if it was his position today that a building permit had not been required because the sign was structurally sound. It was Mr. McKenna's understanding that a building permit was only necessary if his clients wished to alter the sign.

In response to the call for public comment, Gary Schmidt related his prior experience with going to the Building Department and getting different answers every time a question was asked. He agreed with Mr. McKenna that there was no abandonment of the sign. Mr. Schmidt pointed out that taking away the use of the property constituted statutory condemnation, which the taxpayers would have to pay for.

Chairman Larkin disclosed that he had received a substantial campaign donation from Sierra Display and asked legal counsel for her opinion. Ms. Foster indicated that the political donation did not rise to the level of a gift and therefore did not create an ethics problem. Unless the action here would have a big financial impact on Chairman Larkin or Sierra Display, she did not believe there was any need for Chairman Larkin to abstain from voting on the issue. Chairman Larkin also disclosed that he had received advertising space from Sierra Display within the City of Sparks.

Chairman Larkin pointed out that Mr. McKenna had not produced copies of any contracts or leases until today. Ms. Foster confirmed that, although Mr. McKenna had talked about the contracts, the documents had never previously been submitted. She observed that the contracts did make a difference in the factual record and, based on that, the Commissioners could choose to send the appeal back to the Board of Adjustment. Chairman Larkin recalled that the appellants had been given 30 days from the January 9, 2007 Commission meeting to submit any and all additional information.

Commissioner Humke moved to proceed with abatement proceedings per the recommendation in the staff report. Commissioner Galloway seconded the motion.

Commissioner Sferrazza did not support the motion. He did not agree with the interpretation that failure to post copy on a sign constituted nonuse. His previous vote had been based on an assumption that the sign had been destroyed and the appellants needed a permit to rebuild the sign but today he was not convinced that was the case.

Commissioner Galloway stated he seconded the motion because he did not believe the documents submitted today made a difference. He asked legal counsel whether a civil injunction was necessary to abate the billboard. Ms. Foster stated that staff would like to have the flexibility to take action through abatement or civil injunction as necessary.

Commissioner Humke commended Mr. McKenna for submitting a full transcript of the Board's previous discussion in 2004. He found it very instructive and believed the legal counsel representing the Commission at that time dealt very thoroughly with the issue of abandonment, which was difficult to measure and was not the appropriate standard. Commissioner Humke reasoned that left the Board with the concept of use. He stated the staff had been correct to ask for assurances that the sign was safe and in good repair because of its age. Commissioner Humke pointed out that the appellants had not requested a building permit when the County asked them to do so.

Chairman Larkin indicated that the advertising contracts had been submitted after the 30-day deadline and were therefore not really a part of the record. Mr. McKenna asked if one of the Board members would be willing to formally accept the contracts into the record. Chairman Larkin explained to Mr. McKenna that a motion was on the table and the Board was already in deliberations. An argument ensued and Chairman Larkin warned Mr. McKenna that he would be removed if he continued to interrupt the proceedings. Mr. McKenna left the meeting.

6:08 p.m. Chairman Larkin declared a brief recess.

6:12 p.m. The Board reconvened with all members present.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion carried on a 4-1 vote with Commissioner Sferrazza voting "no", it was ordered that the staff be directed to initiate any necessary legal abatement proceedings and, if required, file a civil injunction suit to remove the unlawful billboard frame located on Assessor's Parcel Number 050-170-04. The abatement proceedings and/or filing of civil injunction suit would commence if the billboard frame was not voluntarily removed by April 20, 2007.

07-342 EXPENDITURE – PC REFRESH PROGRAM – PURCHASING

In response to the call for public comment, Patricia Axelrod requested that the County use some of these funds to replace the projector in the Chambers.

On recommendation by Mike Sullens, Senior Buyer, on motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Purchase Authorization be approved at a cost of \$895,134 for the purchase of various personal computers, peripherals and software licenses for the Washoe County PC Refresh Program for the purpose of upgrading the departmental hardware and software for Washoe County, as well as filling stock replenishment needs.

07-343 LEGISLATIVE UPDATE – GOVERNMENT AFFAIRS

John Slaughter, Management Services Director, updated the Board on some statistics from the Legislature. He highlighted the following items for discussion:

- **Senate Bill (SB) 79:** Requires the use of the permanent paper record produced by a mechanical voting system for the recount of ballots cast at an election.
- **Assembly Bill (AB) 246:** Increases the number of district judges in the Second and Eighth Judicial Districts.
- **AB 160:** Revises provisions relating to annexation by cities in certain counties.
- **AB 287:** Revises provisions relating to the annexation of certain territory by certain cities.

SB 79: Recounting Ballots

Chairman Galloway referred to his written comments urging support for SB 79, which had been placed on file with the Clerk. He asked that the Board indicate whether or not they supported SB 79 in concept.

Chairman Larkin stated he still had significant questions and was not yet ready to take a position. Commissioner Weber expressed her support for Commissioner Galloway's position after looking it over and discussing it with others. She believed SB 79 was badly needed for every county. Commissioner Humke thought the voters deserved a good retrievable record, which could help to turn down the noise on the issue. Commissioner Sferrazza observed that Registrar of Voters Dan Burk opposed SB 79. He wondered if there was some way to alleviate Mr. Burk's concerns about vote recounts being unreasonably time consuming and expensive. Commissioner Sferrazza said that he supported the concept of a paper record being the official record of the vote.

Commissioner Galloway pointed out that supporting in concept would still allow details to be ironed out. He observed that, in the worst situation, a recount would leave the County no worse off than if ballots had to be recounted under the old system. Under SB 79, the Secretary of State had the ability to write regulations and could allow voter registrars to do precisely what Dan Burk did in the last election, which was to run ballots through a scanner and do a statistical sampling of the scanned votes. He emphasized that the scanners and tabulators used in that process were totally independent of the electronic voting machine software.

Commissioner Weber saw no harm in the Board lending their support for purposes of discussion with the Senate. Chairman Larkin stated he had a problem with making the printed voter verified record (VVR) the official record because the County used an electronic system. Commissioner Galloway observed that the VVR was the official record for purposes of a recount. He trusted that the Legislative Counsel Bureau would come up with appropriate language that was lawful. Commissioner Galloway asked the Commissioners to think about the problems that would arise if the VVR were to find that an election had been tampered with. It would be an open question what would happen without SB 79 and it likely would end up in a court, which could result in the ordering of a recount or even a new election while offices remained vacant.

Chairman Larkin did not have a problem giving the Secretary of State additional authority to make and enforce rules for conducting a recount but he did have a problem with endorsing the concept that the VVR would be the official record in a recount.

In response to the call for public comment, Patricia Axelrod discussed the canvass of the last election results in Washoe County. She urged support for SB 79.

Commissioner Galloway clarified that SB 79 and the Board's support were in no way a criticism of Mr. Burk or the procedures used during the last election.

Commissioner Sferrazza asked Mr. Burk to respond. Mr. Burk stated, in regard to the post election audit during the last election, that he did not choose the machines selected for audit. He explained that 2 percent of the machines were audited according to requirements from the Secretary of State and there was a citizen board in place to direct the verification process. At Commissioner Galloway's suggestion, the Election Certification Board had performed an additional visual verification of approximately every 50 ballots, checking the printed ballot against the electronic record.

Chairman Larkin stated he would not support the motion as long as SB 79 specified voter verified records as the official recount records.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which passed on a 4-1 vote with Chairman Larkin voting "no", it was ordered that the Board of County Commissioners support Senate Bill 79 in concept.

AB 246: District Judges

District Court Administrator Ron Longtin presented a letter to the Commissioners from Frances Doherty, Presiding Judge in the Family Division of the Second Judicial District Court, urging support for two additional family court judges that would be provided by AB 246. The letter was placed on file with the Clerk. He pointed out a correction on page six, which should have contained seven-digit figures on the fiscal impact worksheet. Mr. Longtin noted that workload for the four current judges

averaged about 2,785 family court cases per judge. He explained the national workload norm was anywhere from 1,500 to 984 cases per judge. Mr. Longtin stated that two additional judges would probably place the workload at about 1,900 cases per judge, similar to what it had been in 2002. He noted that a judicial workload assessment for the District was expected to be complete by about the third week in April 2007.

Commissioner Sferrazza asked for clarification of costs for judges' salaries and benefits. Mr. Longtin explained the costs for judicial compensation were all at the State level and would not be assumed by the County. Commissioner Sferrazza asked Mr. Longtin to summarize the fiscal impact of additional judges. Mr. Longtin indicated there was still ongoing discussion about fiscal impact but it was the opinion of Judge Doherty and the family court judges that staffing would not be needed at the service level described in the fiscal impact statement attached to her letter. Commissioner Sferrazza indicated he had previously talked with Judge Weller, who thought the courtroom space could be better utilized to save some costs. He asked about the estimated \$1,600,000 for two courtrooms given in the fiscal impact statement. Mr. Longtin stated that the figures had been provided by Public Works.

County Manager Katy Singlaub added that there was ongoing discussion about the needs of the Public Defender's office and the District Attorney's office. She commented that the District Attorney had been quite vocal about his staff being most qualified to determine the fiscal impacts on his office, with estimates ranging from \$2,000,000 to \$4,000,000 million for the first year. Ms. Singlaub pointed out that staff wanted to look at any alternatives to building two additional courtrooms, such as courtroom scheduling. She stated there might be additional capacity in the general jurisdiction court where caseload numbers were not trending as high as the family courts.

Commissioner Galloway asked about the possibility of evening court sessions. He expressed concern about lending support before there was agreement about whether operation and funding for additional judges would work. Mr. Longtin stated that several alternatives could be examined. He indicated some studies had shown that evening court started off successfully in some jurisdictions and then lost steam.

Commissioner Galloway questioned the weighting of caseloads in addition to the number of filings. Ms. Singlaub remarked that a caseload weighting study had been commissioned but the results would not be available until after AB 246 had to be forwarded out of the Assembly. She indicated that staff was remaining neutral until those results were received and suggested the Board could take a firm position when more information was available.

Commissioner Galloway pointed out this was the first time a representative of the judges was here for discussion. He wondered if it would be fair to meet in the middle by recommending one additional judge. Mr. Longtin agreed that more would be known when the weighting study was complete. He observed that courtroom utilization would surely be discussed by the County as part of the master planning process for the entire court complex.

Commissioner Galloway wanted some assurance as to utilization of facilities. He suggested a pay-as-you-go fund that banked savings in efficiencies for future court expansion.

Commissioner Humke asked how the Second and the Eighth Judicial Districts compared on their utilization of judges versus court masters. Mr. Longtin stated the Eighth District had greater involvement of senior judges and the Second District had court masters working out of the family court. He pointed out that many of the judges worked an average of ten hours per day. Mr. Longtin described the family court as a therapeutic court, which had more intensive cases than some of the courts handling civil matters.

Commissioner Sferrazza pointed out that additional judges would not increase the caseload and therefore should not require more district attorneys and public defenders. He asked if there was a breakdown on the number of civil versus criminal cases. Mr. Longtin stated he could not speak on behalf of the district attorney but it was Judge Doherty's contention that there were a relatively small number of cases requiring representation, usually those involving court masters' objections, termination of parental rights or adult guardianships. For example, there were three cases involving court masters' objections in 2006. Commissioner Sferrazza talked about an increase in pro se (self represented) cases, which also would not increase the required number of district attorneys or public defenders. Mr. Longtin indicated that pro se cases were extremely time consuming. Assistant District Attorney Melanie Foster stated, for the deputies under her supervision, it was not a caseload issue but involved the ability to have someone present in the courtroom for cases that had to be heard within specific time limits. She observed this was particularly true for cases involving involuntary commitments and termination of parental rights.

Commissioner Humke estimated that it would take approximately two months for AB 246 to make its way through the various steps in the Legislature, possibly giving the Board time to receive the National Center for State Courts weighting study before taking a position.

Based on a previous meeting, Management Services Director John Slaughter indicated that the Chairman of the Judiciary Committee would be comfortable with the idea that the County would take a neutral position but would like to see the Bill continue to move forward.

In response to the call for public comment, Patricia Axelrod remarked that judges should not be asked to work harder and urged support for AB 246.

Commissioner Sferrazza supported the addition of two judges but questioned how much money would be required to support them. He had no problem remaining neutral until more finely tuned information was available.

Commissioner Galloway asked that court masters be factored into the equation when additional information was provided. He wondered if masters required the same degree of staff support and whether they could be assigned to evening court. Mr. Longtin explained that the statistics provided at this point were based only on the number of judges.

Commissioner Humke pointed out that it was important for Mr. Slaughter to portray the issues discussed by the Board to the Legislative Committee, including one versus two additional judges and the mix of court masters to judges. He reminded the Commissioners that masters' orders generally had to be countersigned by a district court judge. Commissioner Humke observed that money for the Self Help Center, which was money well spent was also a part of the mix.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Board of County Commissioners would respectfully take a neutral position on Assembly Bill 246 at this time.

AB 160 and AB 287: Annexation

John Slaughter, Management Services Director, explained that AB 160 would revise the membership of the City Annexation Commission, transfer the duties of the City Annexation Commission to the Regional Planning Commission, and provide that persons who own property in the unincorporated area and a distance outside of a proposed annexation area would have the right to be noticed and to protest the proposed annexation. He pointed out that AB 287 was a bill sponsored by Washoe County regarding noncontiguous annexation. Mr. Slaughter commented that Legislators had been told the Board was currently neutral on both AB 160 and AB 287, but expected a great deal of public comment. He remarked that these two bills were generating the most communications among the Legislators.

Commissioner Sferrazza asked if support for AB 160 would conflict with the Settlement Agreement. Assistant District Attorney Melanie Foster stated that the Commissioners had agreed with the Cities of Reno and Sparks to jointly submit language clarifying that noncontiguous annexations were allowed under current law. In effect, AB 160 would add a new condition to voluntary noncontiguous annexations that conflicted with the Settlement Agreement.

General Legislative Issues:

Commissioner Weber asked for an update about a bill concerning the Verdi Justice Court. Management Services Director John Slaughter stated the bill had been heard and passed out of the Natural Resources Committee. It had also been heard by the Ways and Means Committee but still resided there. Commissioner Weber asked Mr. Slaughter to let her know the bill number, thinking the Verdi citizens might want to respond.

07-344 **CONSULTANT’S CONTRACT – TRUCKEE RIVER FLOOD PROJECT**

On recommendation by Naomi Duerr, Director of the Truckee River Flood Management Project, on motion by Commissioner Humke, seconded by Chairman Larkin, which motion duly carried, it was ordered that the sole-source contract with David Ford Consulting Engineering, not to exceed \$150,000, to perform external peer review of selected portions of the Corps’ of Engineers Truckee River Flood Project be approved and the Chairman be authorized to execute the Contract upon receipt.

REPORTS/UPDATES

Commissioner Galloway commented that the Debt Management Commission voted to approve the latest bond issue for the Washoe County School District.

Chairman Larkin mentioned that the Regional Plan Governing Board subcommittee on legislation met last week and took a position opposing AB 160. The subcommittee was composed of Chairman Larkin, Sparks City Mayor Geno Martini and Reno City Councilmember Dwight Dortch.

COMMUNICATIONS AND REPORTS

The following communications and reports were received, duly noted, and ordered placed on file with the Clerk:

COMMUNICATIONS:

- 07-345** Letter of resignation from Mary Harcinske for the North Valleys Citizen Advisory Board effective February 16, 2007.

- 07-346** Intermountain Water Project Utility Environmental Protection Act Revised Permit Volume I, II, and III, dated February 2007.

REPORT – MONTHLY (JANUARY 2007):

- 07-347** Clerk of the Court

REPORT – QUARTERLY (DECEMBER 2006):

- 07-348** Washoe County School District

REPORTS - COMPREHENSIVE ANNUAL FINANCIAL:

07-349 Regional Transportation Commission

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7:15 p.m. There being no further business to come before the Board, the meeting was adjourned.

ROBERT M. LARKIN, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Lisa McNeill
Deputy County Clerk*