

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

JUNE 12, 2007

PRESENT:

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

ABSENT:

Robert Larkin, Chairman

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

07-616 AGENDA

Katy Singlaub, County Manager, indicated that item 14 had been removed from the agenda and there was a request to take item 6G(2) out of the consent agenda.

In response to the call for public comment, Sam Dehne objected to the length of the consent agenda and the two-minute public comment time. He suggested Chairman Larkin's identity be verified if he were to participate by telephone.

Gary Schmidt opposed approval of the agenda. He requested that each of the commissioners put their position on record concerning Chairman Larkin's "unwritten rule" about applause from the public.

At Vice Chairman Weber's request, Ms. Singlaub explained the size of the consent agenda was due to numerous items of business at the end of the fiscal year. She pointed out it was the Board's policy to place items with a fiscal impact of less than \$100,000 on the consent agenda in order to make the meetings more efficient.

Commissioner Sferrazza asked Vice Chairman Weber to formally recognize a Russian delegation that would be arriving at some point during the meeting.

Commissioner Sferrazza stated he did not support special rules for applause but acknowledged matters of decorum were delegated to the Chair by the Board. Commissioner Galloway agreed such matters were within the Chair's discretion.

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Larkin absent, it was ordered that the agenda for the June 12, 2007 meeting be approved with the changes noted by the County Manager.

PUBLIC COMMENTS

County Manager Katy Singlaub stated, "The Chairman and Board of County Commissioners intend that their proceedings should demonstrate the highest levels of decorum, civic responsibility, efficiency and mutual respect between citizens and their government. The Board respects the rights 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. Comment heard under public comment will be limited to two minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to two minutes per person. Comments are to be made to the Commission as a whole."

As recreational users of the non-motorized trails on Peavine Mountain, Michael Henderson, Jeff Fleming and Neil Crowley all spoke in favor of prohibiting the use of firearms in the area.

Jan Chastain talked about the Sequoia voting machines, stating there was a wide discrepancy between exit polls and the 2004 presidential election vote count in Nevada. She discussed a report summary from the General Accounting Office, which placed Nevada as one of three states on an "endangered American vote list".

Guy Felton demanded hand-counted paper ballots during elections. He reported that he had submitted a complaint to the Nevada Attorney General's Office regarding Chairman Larkin's limitation on applause during the meetings.

Sam Dehne agreed with Ms. Chastain's statements about the voting system and with Mr. Felton's statements about decorum.

Gary Schmidt read from the Nevada Open Meeting Law, NRS 241.010: "In enacting this Chapter, the Legislature finds and declares that all public bodies exist to aid in the conduct of the people's business." He quoted further from section 8.01 of the *Nevada Open Meeting Law Manual*: "The people, in delegating authority, do not give

their public servants the right to decide what is good for the people to know and what is not good for the people to know.”

MANAGER’S/COMMISSIONERS’ ANNOUNCEMENTS

Commissioner Galloway stated he would attend an upcoming meeting of the Criminal Justice Advisory Committee regarding the court facilities planning process, as well as a meeting of the Regional Transportation Commission (RTC).

Commissioner Sferrazza requested a future agenda item to discuss firearm controls on Peavine Mountain. He related an incident where a family had been cut off by gunfire and were temporarily unable to return to their home after a hike. Commissioner Sferrazza also requested that the agenda item include discussion of a map showing the one-mile radius around homes where Washoe County already prohibited the use of firearms, as well as discussion of funds to post the map, patrol the area, and/or close the area.

Vice Chairman Weber indicated she would also attend the RTC meeting. She noted that, although she was first alternate, she had not been contacted to appear but would attend on behalf of the North Valleys residents. Vice Chairman Weber requested an agenda item, within 30-45 days if possible, concerning the Peavine Community Room at the Peavine Volunteer Fire Department. She announced two community cleanups completed in Anderson Acres and Silver Knolls, as well as two upcoming cleanups scheduled in Lemmon Valley and Sun Valley. Vice Chairman Weber thanked Waste Management and all of those involved for making the community cleanups possible.

Commissioner Sferrazza stated that he would tour the Lockwood dumpsite on June 21, 2007 to discuss a proposed expansion and the precautions to be taken.

07-617 **EXPENDITURE – COUNTY COMMISSION DISTRICT 5**
SPECIAL FUNDING ACCOUNT – COMMUNITY CLEAN-UP
DAYS – MANAGER

2:42 p.m. Chairman Larkin participated in the following item via telephone.

Vice Chairman Weber mentioned Sam Dehne’s public request to verify Chairman Larkin’s identity. Vice Chairman Weber and Commissioner Humke authenticated Chairman Larkin’s voice. Commissioners Galloway and Sferrazza stated they were also satisfied the caller was Chairman Larkin.

In response to the call for public comment, Sam Dehne indicated he was in favor of the expenditure.

Upon recommendation of Rita Lencioni, Assistant to the County Manager, on motion by Commissioner Humke, seconded by Chairman Larkin, which motion duly carried, it was ordered that the expenditure of \$900 from County Commission District 5 Special Funding Account to Waste Management for community clean-up days be

approved. (May 19, 2007 – Black Springs – an additional \$300; June 9, 2007 – Silver Knolls – an additional \$300; June 9, 2007 – Anderson Acres – an additional \$300.)

2:46 p.m. Chairman Larkin left the meeting.

DISCUSSION – CONSENT AGENDA

Item 6G(2) concerning the Clerk/Recorder E-Marriage Application Project was removed from the consent agenda to be considered for a separate vote.

In response to the call for public comment, Sam Dehne suggested a public comment time of three minutes for every ten items on the consent agenda.

07-618 MINUTES

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the minutes of the regular meetings of March 27, April 17 and April 24, 2007 be approved.

07-619 INTERLOCAL AGREEMENT – MCGEE CENTER – WASHOE COUNTY SCHOOL DISTRICT – JUVENILE SERVICES

Upon recommendation of Elizabeth Florez, Program Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the Interlocal Agreement between the County of Washoe (Department of Juvenile Services and the Charles M. McGee Center) and the Washoe County School District (WCSD), concerning the use of office space at the McGee Center for the WCSD's Truancy Intervention Coordinator and one secretary, to assist early intervention services for truant offending children in Washoe County, be approved and the Chairman be authorized to execute the same.

07-620 AGREEMENT – NEVADA STATE DEPARTMENT OF EDUCATION – NATIONAL SCHOOL LUNCH AND SCHOOL BREAKFAST PROGRAM – JUVENILE SERVICES

Upon recommendation of Leslie Gruner, Division Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the National School Lunch and School Breakfast Program Agreement between the Nevada State Department of Education and the Washoe County Department of Juvenile Services for the term July 1, 2007 through June 30, 2008 be approved and the Chairman be authorized to execute the same.

07-621 ACCEPT DONATION – WAL-MART STORES, INC. – MCGEE CENTER – JUVENILE SERVICES

On behalf of the Board, Commissioner Galloway acknowledged the donation of \$1,000 and thanked Wal-Mart Stores, Inc.

Upon recommendation of Elizabeth Florez, Program Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the cash donation from Wal-Mart Stores, Inc. to the McGee Center be accepted in the amount of \$1,000 and the Finance Department be directed to make the following adjustments:

Account	Description	Amount of Increase
20008-484000	McGee Center Donations (Revenue)	\$1,000.00
20008-710300	McGee Center Operating Supplies (Expenditure)	\$1,000.00

07-622 AWARD PROPOSAL – PLANNING CONTRACT (PART ONE) – DOWNTOWN LIBRARY RENOVATION – PUBLIC WORKS

Upon recommendation of David Solaro, Capital Projects Division Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the Planning Contract (Part One) for the “Downtown Library Renovation” in the amount of \$73,600 be awarded to RNL of Nevada, the most qualified proposer for the requested scope of work, and the Chairman be authorized to execute the contract documents upon presentation.

07-623 ACCEPT DONATIONS – VARIOUS CITIZENS – REGIONAL ANIMAL SERVICES

On behalf of the Board, Commissioner Galloway acknowledged the donations totaling \$1,006.88 and thanked the various individuals who contributed.

On recommendation of Jean Ely, General Services Division Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that monetary donations from citizens in the community to Washoe County Regional Animal Services be accepted in the amount of \$1,006.88 for the care and treatment of animals and that the Board of County Commissioners express their appreciation for these thoughtful contributions. It was further ordered that a budget amendment acknowledging these donations be approved and the Finance Department be directed to make the following adjustments:

Account	Description	Amount of Increase
205-CC-500000-484000	Donation Revenue	\$1,006.88
205-CC-500200-710500	Shelter–Other Expense	\$1,006.88

07-624 **INTERIM FINANCIAL REPORT – WASHOE COUNTY
GOVERNMENTAL FUNDS – COMPTROLLER**

Upon recommendation of Trish Gonzales, Comptroller, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the unaudited Interim Financial Report for Washoe County Governmental Funds for the ten months ended April 30, 2007 be accepted.

07-625 **EXPENDITURE – MEALS FOR BOARD OF COUNTY
COMMISSION MEETINGS – MANAGER**

In response to the call for public comment, Sam Dehne thought that food should only be provided to Board members and not to staff members.

Upon recommendation of Rita Lencioni, Assistant to the County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the expenditure of up to \$12,000 be approved at the existing per diem rate for meals provided to the Commission, staff and other public board members for fiscal year 2007-08 for Board of County Commission regular, special and joint meetings, workshops and retreats.

07-626 **GRANT ACCEPTANCE – 2008 STATE EMERGENCY RESPONSE
COMMISSION GRANT – LOCAL EMERGENCY PLANNING
COMMITTEE – EMERGENCY MANAGEMENT**

On recommendation of Cathy Ludwig, Grants Coordinator, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the 2008 State Emergency Response Commission (SERC) Grant be accepted in the amount of \$33,862 and the Chairman be authorized to execute the following Resolution to subgrant funds to other governments and nonprofits which make up the Local Emergency Planning Committee (LEPC):

RESOLUTION

WHEREAS, Washoe County is a member of the Local Emergency Planning Committee (LEPC) and is a subgrantee of the State Emergency Response Commission (SERC) consisting of the SERC Grant Program award in the amount of \$33,862.00; and

WHEREAS, for the grant listed above, Washoe County is either the recipient of grant funds for individual items for use of Washoe County, or is fiscal agent for other government entities or nonprofit organizations that are also members of LEPC; and

WHEREAS, NRS 244.1505 allows the Board of County Commissioners

of Washoe County to make a grant of public money for any purpose which will provide a substantial benefit to the inhabitants of Washoe County; and

WHEREAS, Washoe County, as fiscal agent for the other government entities or nonprofit organizations that are members of LEPC, desires to pass through funds and grant assurances from the State grants as described on the grant award administrative grid that was placed on file with the Clerk for the uses herein and therein described; therefore, be it

RESOLVED, that the Washoe County Board of Commissioners hereby grants to the government entities (other than Washoe County agencies for which the Board has accepted funds from the awards) and nonprofit organizations as listed on the grant award administrative grid that was placed on file with the Clerk, as a pass through of the amounts shown and for the uses shown thereon, finding that said amounts and uses will provide a substantial benefit to the inhabitants of Washoe County; and the Board authorizes the County Manager, or her designee, to sign subgrants with the entities listed on the grant award administrative grid that was placed on file with the Clerk, which subgrants, herein incorporated by reference, will set forth the maximum amount to be expended under the subgrants, the use and purposes of the subgrants, and the conditions, limitations and the grant assurances of the subgrants.

It was further ordered that the County Manager, or her designee, be authorized to sign contracts and/or memorandums of understanding with local LEPC members and the Finance Department be directed to make the following budget adjustments for fiscal year 2007-08:

Account	Description	Amount
Increase Revenue:		
105910-431100	Federal Grant Revenue	\$33,862.00
	Total Revenue	\$33,862.00
Increase Expenditure:		
10591-710100	Professional Services	\$1,000.00
10591-710350	Office Supplies	\$3,000.00
10591-710119	Sub-Recipient Payment	\$26,799.00
10591-711504	Equipment less than \$10,000	\$3,063.00
	Total Expenditure	\$33,862.00

07-627 BUDGETS/SPECIAL ASSESSMENTS/TAX RATES –
GROUNDWATER BASINS – FINANCE

Upon recommendation of Anna Heenan, Senior Fiscal Analyst, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that:

1. The following budgets be approved as requested by the State of Nevada Department of Conservation and Natural Resources:

Description	Cost Center	Amount
Pleasant Valley Groundwater Basin	663000	\$1,500.00
Cold Springs Valley Groundwater Basin	663000	\$3,000.00
Honey Lake Valley Groundwater Basin	663000	\$1,485.47
Washoe Valley Groundwater Basin	663000	\$1,666.74
Warm Springs Valley Groundwater Basin	663000	\$5,034.29
Lemmon Valley Groundwater Basin	Fund 7012; Cost Center 990012	\$11,000.00 (And a tax rate of \$0.0012)
Truckee Meadows/Sun Valley Groundwater Basin		\$30,000.00 (And a tax rate of \$0.0004)

2. The County Clerk be directed to attest the appropriate certificates and submit them to the State Engineer with copies to the Treasurer's Office, Assessor's Office, Comptroller's Office and the Budget Division;
3. The County Assessor be directed to enter the amount of the charge or charges on the assessment roll against the claimants and the property or acreage served;
4. The Treasurer be directed to bill and collect the special tax rates and/or assessments requested by the State Engineer;
5. The Comptroller be directed to pay the approved amount of \$11,000 to the Department of Conservation and Natural Resources for Lemmon Valley from the Lemmon Valley U.W. B. Fund (7012); and
6. The Comptroller be directed to pay the approved amounts to the Department of Conservation and Natural Resources for Pleasant Valley Groundwater Basin (\$1,500), Cold Springs Groundwater Basin (\$3,000), Honey Lake Valley Groundwater Basin (\$1,485.47), Washoe Valley Groundwater Basin (\$1,666.74), and Warm Springs Valley Groundwater Basin (\$5,034.29) from Water Resources Fund Regional Water Planning account 663000-710200.

07-628 AGREEMENT – INCLINE VILLAGE COMMUNITY HOSPITAL – EMERGENCY USE OF 800-MHZ RADIO INVENTORY – HEALTH

Upon recommendation of Lori Cooke, Fiscal Compliance Officer, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion

duly carried with Chairman Larkin absent, it was ordered that the Letter of Agreement with Washoe County, the Washoe County Health District and Incline Village Community Hospital be approved to allow Incline Village Community Hospital to use a portion of the Washoe County 800MHz existing radio inventory and participate on a dedicated Washoe County Health District talk group to communicate with the Health Department and other hospitals during an emergency when other forms of communication fail. It was further ordered that the Chairman be authorized to execute the same.

07-629 BUDGET AMENDMENTS – FY 2006-07 – TOBACCO PREVENTION AND EDUCATION PROGRAM – HEALTH

Upon recommendation of Lori Cooke, Fiscal Compliance Officer, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that amendments totaling an increase of \$10,000 in both revenue and expenses to the adopted fiscal year 2006/07 Tobacco Prevention and Education Program budget, (IN 10010), be approved and the Finance Department be directed to make the following budget adjustments:

Account	Description	Amount of Increase
2002-IN-10010-431100	Federal Revenue	\$10,000.00
2002-IN-10010-710300	Operating Supplies	\$10,000.00
	Total Expenditures	\$10,000.00

07-630 DISINTERMENT OF HUMAN REMAINS – HEALTH

Upon recommendation of Lori Cooke, Fiscal Compliance Officer, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the request from Robert B. Redmond to disinter and remove the remains of Wilena R. Redmond, his wife, who died on October 5, 2003, be approved as allowed under NRS 451.050, Subsection 2. It was noted that the death certificate indicates the death was not due to a communicable disease.

07-631 BUDGET AMENDMENTS – FY 2006-07 – PANDEMIC INFLUENZA GRANT PROGRAM – HEALTH

Upon recommendation of Patsy Buxton, Fiscal Compliance Officer, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that amendments totaling an increase of \$22,683 in both revenue and expenses to the Public Health Preparedness – Pandemic Influenza Grant Program, IO 10544, 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
2002-IO-10544-431100	Federal Revenue	\$22,683
2002-IO-10544-711504	Equipment, Non-Capital	\$18,500
2002-IO-10544-781004	Equipment, Capital	\$4,183
	Total Expenditures	\$22,683

07-632 INTERLOCAL AGREEMENT – CITY OF RENO – RADIO PROGRAMMING FOR THE ELDERLY – DISTRICT ATTORNEY

In response to the call for public comment, Sam Dehne expressed concern that the senior citizens’ radio station could be used as a propaganda platform.

Upon recommendation of Melanie Foster, Assistant District Attorney, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the Interlocal Agreement between Washoe County and the City of Reno regarding Funding Radio Programming for the Elderly be approved and the Chairman be authorized to execute the same. It was further ordered that the Finance Department be directed to make the following adjustments:

Account	Description	Amount
Increase Revenue		
IO-TBD-460190	Interlocal Contributions	\$15,000
Increase Expenditures		
IO-TBD-710100	Professional Services	\$15,000

07-633 INTERLOCAL AGREEMENT – TRUCKEE MEADOWS WATER AUTHORITY – 2007 WATER USAGE REVIEW PROGRAM – REGIONAL WATER PLANNING COMMISSION

Upon recommendation of Jim Smitherman, Water Resources Program Manager, and Jeanne Ruefer, Water Resources Planning Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the expenditure of \$43,000 from the Regional Water Management Fund be approved. It was further ordered that an Interlocal Agreement with the Truckee Meadows Water Authority for the 2007 Water Usage Review Program be approved and the Chairman be authorized to execute the same upon receipt.

07-634 BUDGET AMENDMENT – TRAVEL AND TRAINING – WATER RESOURCES FUND – WATER RESOURCES

Upon recommendation of Wendy Bennett, Accountant II, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the reallocation of \$19,500 in budget funds be approved to accommodate travel and training expenditures in the Water Resources fund and the Finance Department be directed to make the following budget adjustments:

Account	Description	Amount of Increase/(Decrease)
664100-710500	Other Expenses	(\$ 7,500)
664100-710546	Advertising	(\$12,500)
669200-711210	Travel	\$19,500

07-635 AGREEMENT – U.S. GEOLOGICAL SURVEY JOINT FUNDING – GAGES ON WASHOE LAKE, STEAMBOAT CREEK AND SMOKE CREEK – WATER RESOURCES

Upon recommendation of Jeanne Ruefer, Water Resources Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the U.S. Department of the Interior U.S. Geological Survey Joint Funding Agreement for Water Resources Investigations for the continued operation and maintenance of stream and stage gages on Washoe Lake, Steamboat Creek and Smoke Creek, with Washoe County funding for the period July 1, 2007 to June 30, 2009 (two years), in the amount of \$55,640, be approved and the Chairman be authorized to execute the same.

07-636 AGREEMENT – SECURITY FOR 2007 RENO-TAHOE OPEN GOLF TOURNAMENT – SHERIFF

Upon recommendation of Dean Spurr, Sergeant, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the Security Agreement between the County of Washoe and the Reno-Tahoe Open Foundation to provide uniformed deputy sheriffs for security (estimated security costs will be \$40,000) during the 2007 Reno-Tahoe Open Golf Tournament, July 30, 2007 through August 5, 2007, be approved and the Chairman be authorized to execute the same.

07-637 AGREEMENT – FEDERAL BUREAU OF INVESTIGATION – INNOCENCE LOST TASK FORCE – SHERIFF

Upon recommendation of Marshall Emerson, Captain, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the Cost Reimbursement Agreement

between Washoe County, on behalf of the Washoe County Sheriff's Office (WCSO), and the Federal Bureau of Investigation (FBI), to include the WCSO in the multi-jurisdictional *Innocence Lost Task Force*, be approved and the Chairman be authorized to execute the same. It was noted the Agreement authorizes the FBI to reimburse the WCSO for overtime costs resulting from investigations performed by WCSO deputies when investigating child prostitution and cases related to the *Innocence Lost Task Force*.

**07-638 DONATION – RICH BUENTING/RHB CONSTRUCTION –
UNDERCOVER VEHICLE – SHERIFF**

On behalf of the Board, Commissioner Galloway acknowledged the donation of one undercover vehicle and thanked Rich Buenting, the owner of RHB Construction. He also thanked Fred Amadin, Carl Chemor and Tom Whittaker of Budget Motors for their roles in repairing the vehicle free of charge.

Upon recommendation of Marshall Emerson, Captain, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the donation of one undercover vehicle valued at approximately \$6,000 be accepted from Rich Buenting, Owner of RHB Construction.

**07-639 DONATIONS – SCOTT KABRIN AND LEONARD GALLEGOS –
CITIZENS' HOMELAND SECURITY COUNCIL PROGRAM –
SHERIFF**

On behalf of the Board, Commissioner Galloway acknowledged the donations of \$546 and \$26 and thanked Scott Kabrin and Leonard Gallegos respectively.

Upon recommendation of Craig Callahan, Chief Deputy, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the donations of \$546 from Scott Kabrin and \$26 from Leonard Gallegos to support the Citizens' Homeland Security Council Program be accepted and the Finance Department be directed to make the following budget adjustments:

Account	Description	Amount
Increase Revenues:		
20044-484000	Citizens' Homeland Security – Donations	\$572.00
Increase Expenditures:		
20044-710300	Citizens' Homeland Security – Operating Supplies	\$572.00

07-640

MEMORANDUM OF UNDERSTANDING – U.S. SECRET SERVICE – MULTI-JURISDICTIONAL ELECTRONIC CRIMES AND IDENTITY THEFT TASK FORCE – SHERIFF

Upon recommendation of Marshall Emerson, Captain, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the Memorandum of Understanding (MOU) between Washoe County, on behalf of the Washoe County Sheriff's Office (WCSO), and the United States Secret Service, to include the WCSO in a multi-jurisdictional Electronic Crimes and Identity Theft Task Force, be approved and the Chairman be authorized to execute the same. It was noted the MOU authorizes the United States Secret Service to reimburse the WCSO for overtime costs (approximately \$13,000) and other expenses resulting from investigations performed by WCSO deputies when engaged in task force activities. Such reimbursements come through the Department of Treasury Forfeiture Fund.

07-641

ACCEPT GRANT – TITLE IV B, SUBPART 2 – INCREASE PRIMARY CASEWORKER VISITS – SOCIAL SERVICES

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the Director of Social Services be authorized to accept a \$53,325 Title IV B, Subpart 2 grant designated to increase primary caseworker visits, which includes a \$13,331 County match, to increase the amount of overtime available to workers from June 12, 2007 through September 30, 2008. It was further ordered that the Finance Department be directed to make the necessary budget adjustments.

07-642

AWARD OF PROPOSAL – REGIONAL EMERGENCY OPERATIONS PLANS – RFP NO. 2590-07 – PURCHASING

This was the time to consider award of the proposal for the development of Regional Emergency Operations Plans.

Proposals were received from the following:

Ecology and Environment, Inc.
Lucien G. Canton, CEM
Emergency Management Services, Inc.
ESRI
Tectonic
The O'Brien's Group
Versar

Upon recommendation of Mike Sullens, Senior Buyer, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that RFP No. 2590-07 to assist Washoe

County and its regional partners, including the Cities of Reno and Sparks, the University of Nevada, Reno, and the Washoe County School District, with the development of Regional Emergency Operations Plans be awarded to Ecology and Environment, Inc. in the amount of \$64,660.00. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute an agreement for the same.

**07-643 AWARD OF BID – CAMERA/INTRUSION SYSTEM FOR
REGIONAL ANIMAL SERVICES CENTER – BID NO. 2588-07 –
PURCHASING**

This was the time to consider award of the bid for a camera/intrusion system for the Regional Animal Services Center.

Bids were received from the following vendors:

PowerComm Solutions, Inc.
RFI Communication and Security Systems

Upon recommendation of Michael Sullens, Senior Buyer, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that:

1. Bid No. 2588-07 for a camera/intrusion system for the Regional Animal Services Center be awarded to PowerComm Solutions, Inc., the lowest responsive, responsible bidder, in the amount of \$56,115;
2. The Purchasing and Contracts Administrator be authorized to execute an agreement for the same: and
3. Bids are to be rejected for item 2 (card access system), item 3 (optional graphical interface), and item 4 (optional independent monitoring station). These items may be subject to change and can be contracted for separately in fiscal year 2007-08.

**07-644 AGREEMENT – NEVADA DIVISION OF WELFARE AND
SUPPORT SERVICES – SENIOR ENERGY ASSISTANCE
PROGRAM APPLICATIONS – SENIOR SERVICES**

Upon recommendation of Marietta Bobba, Senior Services Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the fiscal year 2007/08 agreement with the State of Nevada Division of Welfare and Support Services to reimburse the Department of Senior Services for assisting seniors with completing Energy Assistance Program applications for the period of July 1, 2007 through June 30, 2008 be approved and the Chairman be authorized to execute the same.

07-645 **ACCEPT GRANT – HUMAN SERVICES CONSORTIUM/ST. MARY’S FOUNDATION – CASE MANAGEMENT – SENIOR SERVICES**

Upon recommendation of Marietta Bobba, Senior Services Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the grant award in the amount of \$25,000 (with no County match) be accepted from the Human Services Consortium, passed through St. Mary’s Foundation, for the period of July 1, 2007 through June 30, 2008 to support Senior Social Services Case Management, Advocacy and/or Representative Payee programs for low-income seniors.

07-646 **INTERLOCAL AGREEMENT – INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT – AMERICORPS PROGRAM – SENIOR SERVICES**

Upon recommendation of Marietta Bobba, Senior Services Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the Interlocal Agreement between Washoe County and the Incline Village General Improvement District for the purpose of providing a site fee for the 2006/07 AmeriCorps program volunteers to assist in developing senior services in the Incline area and for maintenance funding for the Nevada Department of Transportation (NDOT) ADA Senior Transportation Vehicle, in the amount of \$9,000 retroactively from July 1, 2006 through June 30, 2007, be approved.

07-647 **REAPPOINTMENT/APPOINTMENT – VERDI TOWNSHIP CITIZEN ADVISORY BOARD - COMMUNITY DEVELOPMENT**

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that Bonnie Myers and H. Barry Spraggins be reappointed and Kim Toulouse be appointed as At-Large members of the Verdi Township Citizen Advisory Board, with terms beginning July 1, 2007 and ending June 30, 2009.

07-648 **REAPPOINTMENTS/APPOINTMENTS – CENTRAL CITIZEN ADVISORY BOARD – COMMUNITY DEVELOPMENT**

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that:

1. Scott Kelley be appointed to fill a newly created position as At-Large alternate to the Central Citizen Advisory Board, with a term to expire June 30, 2008;

2. Christopher Campos, Robert Challender, Jan Chastain and Roberta Jantz be reappointed to the Central Citizen Advisory Board, with terms beginning July 1, 2007 and expiring June 30, 2009; and
3. Harvey Lee be appointed as an At-Large alternate to the Central Citizen Advisory Board, with a term beginning July 1, 2007 and expiring June 30, 2009.

**07-649 REAPPOINTMENT/APPOINTMENTS – NORTH VALLEYS
CITIZEN ADVISORY BOARD – COMMUNITY DEVELOPMENT**

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that Francine Donshick be appointed to a newly created position as At-Large secondary alternate (District 3) to the North Valleys Citizen Advisory Board with a term expiring June 30, 2008 and Pat McAlinden be reappointed as an At-Large member (District 3) to the North Valleys Citizen Advisory Board with a term beginning July 1, 2007 and expiring June 30, 2009.

**07-650 REAPPOINTMENTS/APPOINTMENTS – GERLACH/EMPIRE
CITIZEN ADVISORY BOARD – COMMISSION DISTRICT 5 –
COMMISSIONER WEBER**

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that:

1. Matthew Ebert be reappointed as an At-Large member of the Gerlach/Empire Citizen Advisory Board, with a term beginning July 1, 2007 and expiring June 30, 2009;
2. Sylvia Fascio be moved from her current At-Large position into the Senior Citizen member position of the Gerlach/Empire Citizen Advisory Board, with a term beginning July 1, 2007 and expiring June 30, 2008; and
3. Donna Stammers be appointed as an At-Large member of the Gerlach/Empire Citizen Advisory Board, with a term beginning July 1, 2007 and expiring June 30, 2009.

**07-651 LIQUOR LICENSE – ENCORE BEVERAGE – COMMUNITY
DEVELOPMENT**

Upon recommendation of Bob Webb, Planning Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the Importer and Wholesale Intoxicating Liquor (Wine, Liquor and Beer) License for Mark H. Baldwin and Debora L.

Baldwin, dba Encore Beverage, be approved and each Commissioner be authorized to sign the original copy of the State of Nevada's *Application for License for Importer and Wholesale Dealer of Wine, Liquor, and Beer*.

07-652 LIQUOR LICENSE – CÉPAGE, LLC – COMMUNITY DEVELOPMENT

Upon recommendation of Bob Webb, Planning Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the Importer and Wholesale Intoxicating Liquor (Wine) License for Devlon G. Moore, dba Cépage, LLC, be approved and each Commissioner be authorized to sign the original copy of the State of Nevada's *Application for License for Importer and Wholesale Dealer of Wine, Liquor, and Beer*.

07-653 AGREEMENT – NATIONAL CENTER FOR STATE COURTS – COURT CASE MANAGEMENT NEEDS ASSESSMENT – RENO AND SPARKS JUSTICE COURTS

Upon recommendation of Darin Conforti, Reno Justice Court Administrator, and Janine Baker, Sparks Justice Court Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the Professional Services Agreement for Court Case Management System Needs Assessment between Washoe County, the Reno Justice Court, the Sparks Justice Court and the National Center for State Courts, to conduct an organizational needs assessment for a court case management system at the Reno Justice Court and Sparks Justice Court, be approved in an amount not to exceed \$93,686 and the Chairman be authorized to execute the same.

07-654 BUDGET AMENDMENT – FY 2006-07 – SPECIALTY COURT PROGRAM – RENO JUSTICE COURT

Upon recommendation of Pam Sizemore, Accounting Supervisor, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that a budget augmentation totaling an increase of \$11,000 in revenue and expenditure budget authority to the adopted fiscal year 2006/07 Reno Justice Court Budget, IN 20266, be approved and the Finance Department be directed to make the necessary budget adjustments to reflect an increase in the Administrative Office of the Courts (AOC) award to fund the operation of the Specialty Court Program.

07-655 QUITCLAIM DEEDS OF DEDICATION – SHADOW RIDGE DEVELOPMENT (DONOVAN RANCH) – PARKS

Upon recommendation of Carolyn Poissant, Planner, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that two Quitclaim Deeds of Dedication for

trail and open space parcels within the Shadow Ridge Development (formerly Donovan Ranch) in Spanish Springs; Assessor's Parcel Nos. 534-450-05 (11.391 acres), 534-461-07 (0.49 acre), 534-521-01 (152.239 acres), and 076-401-50 (6.7 acres); be accepted for a total of 170.82 acres. It was further ordered that the Chairman be authorized to execute the appropriate documents and recordation of the deeds be authorized.

**07-656 GENERAL FUND TRANSFER – COUNTY CLERK'S OFFICE –
CLERK/RECORDER'S E-MARRIAGE APPLICATION PROJECT
– FINANCE**

County Manager Katy Singlaub noted a correction to the account number listed in the body of the staff report. The correct account number should be 781004.

Finance Director John Sherman pointed out that the application project started in 2002 and was now close to completion. Commissioner Galloway confirmed with Mr. John Sherman that the fund transfer was a one-time expense. Mr. Sherman noted the current system was in failure mode and the County could no longer obtain updates for the existing software application.

There was no response to the call for public comment.

Upon recommendation of Kim Carlson, Senior Fiscal Analyst, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Chairman Larkin absent, it was ordered that a transfer of \$50,000 be approved from the General Fund Contingency account to the County Clerk's Office to fund a portion of the Clerk/Recorder's E-Marriage Application Project and the Finance Department be directed to make the necessary budget adjustments.

DISCUSSION BLOCK VOTE

Agenda items 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 20, 21, 22, 28 and 29 (minute items 07-657 through 07-671) were combined for a block vote.

In response to the call for public comment, Sam Dehne objected to moving agenda items into a block vote, stating it made it difficult for those making public comment to keep track of them.

Gary Schmidt requested to speak on each of the items in the block vote and suggested that combining items violated the spirit of the Open Meeting Law. After being granted additional comment time and being warned by Vice Chairman Weber to limit his comments to the items under consideration, Mr. Schmidt stated that the roll change requests in agenda items 8, 9 and 10 could not be given proper attention because they were consolidated into a group of other items. He added that the items in the block vote had not been treated openly and fairly.

With respect to Mr. Schmidt's comments, Commissioner Galloway noted that every item in the block vote had been read by the County Manager and published in

the agenda. He pointed out that the Board had discussed problem areas and heard from the public. Commissioner Galloway indicated this was the only practical way for the Board to conduct business. Commissioner Sferrazza added that he had not heard any reason articulated by the public as to why any of the specific items in the block vote should not be approved.

07-657 REPORT – FY 2007-08 – PROJECTED EXPENDITURES FOR THE ASSESSOR’S TECHNOLOGY FUND – ASSESSOR

Upon recommendation of Joshua Wilson, Assessor, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Larkin absent, it was ordered that the Annual Report of Projected Expenditures for the Assessor’s Technology Fund for fiscal year 2007-08 be accepted.

07-658 ROLL CHANGE REQUEST – CORRECTION OF CLERICAL ERROR – ASSESSOR

Upon recommendation of Ivy Diezel, Systems Support Analyst, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Larkin absent, it was ordered that, pursuant to NRS 361.765, the roll change request correcting the clerical error discovered for the 2005/06 secured tax roll for Assessor's Parcel Number 160-250-11, 9650 Gateway Drive, Reno, as outlined in the staff report and placed on file with the Clerk, be approved in the increased amount of \$8,333.82 and the Chairman be authorized to execute the Order contained in the staff report directing the Washoe County Treasurer to correct the error.

07-659 ROLL CHANGE REQUEST – CORRECTION OF CLERICAL ERROR - ASSESSOR

Upon recommendation of Ivy Diezel, Systems Support Analyst, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Larkin absent, it was ordered that, pursuant to NRS 361.765, the roll change request correcting the clerical error discovered for the 2006/07 secured tax roll for Assessor's Parcel Number 034-132-13, 1055 East Gregg Street, Ralston Foods, Inc., as outlined in the staff report and placed on file with the Clerk, be approved in the increased amount of \$6,235.58 and the Chairman be authorized to execute the Order contained in the staff report directing the Washoe County Treasurer to correct the error.

07-660 ROLL CHANGE REQUEST – CORRECTION OF FACTUAL AND CLERICAL ERRORS - ASSESSOR

Commissioner Sferrazza asked for some recommendations as to what could be done to avoid input errors in the future. Mark Stafford, Supervisor of the Assessor’s Personal Property Division, stated that most of the corrections were attributable to duplicate accounts, closed businesses, or personal property such as mobile homes or aircraft that were no longer in the County as of the lien date. He explained that

taxpayers were given an opportunity to correct their declarations and some of the corrections described as “input errors” were errors on the part of the taxpayer. Mr. Stafford noted that most of the corrections were from the 2005 tax year, when a lot of account clean up took place. Commissioner Sferrazza questioned whether a taxpayer error should be classified as a “reporting error” rather than an “input error”. Mr. Stafford indicated that input errors would include misclassification of assets in the wrong year or something of that nature. He reiterated that most of the errors represented double assessments or companies that were no longer in existence.

Upon recommendation of Ivy Diezel, Systems Support Analyst, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Larkin absent, it was ordered that, pursuant to NRS 361.768 and NRS 361.765, the roll change requests correcting the factual and clerical errors discovered for the 2004/05, 2005/06 and 2006/07 personal property tax rolls as outlined in Exhibits A, B, C, D-1, D-2, E-1, E-2 and F and placed on file with the Clerk, be approved in the reduced cumulative amount of \$508,757.03 and the Chairman be authorized to execute the Order contained in the Exhibits directing the Washoe County Treasurer to correct the errors.

**07-661 EXPENDITURE – FY 2007-08 – EMERGENCY PAYMENT OF
FOOD AND SUPPORT SERVICES TO BENEFIT CHILDREN AND
FAMILIES – SOCIAL SERVICES**

In response to Commissioner Galloway, Mike Capello, Director of Social Services, clarified that the expenditure was not an emergency agenda item but was for consideration of emergency assistance funds. He stated that the Board annually authorized a certain amount for payments to be directed to vendors for the cost of items needed to maintain families. Commissioner Sferrazza asked about the process for requesting payments. Mr. Capello indicated the caseworker involved with a family would submit requests to a supervisor, who could authorize amounts up to \$300. He added that payments were monitored to make sure they were actually going to vendors. Commissioner Sferrazza questioned payments to foster parents who were already receiving funds. Mr. Capello explained it was a longstanding practice of Social Services to recognize foster children at Christmas and on their birthdays in addition to the room and board payments provided to their foster parents.

Upon recommendation of Mr. Capello, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Larkin absent, it was ordered that the Department of Social Services be authorized to expend up to \$351,000 in fiscal year 2007/08 from Children’s Services Account 710714, Referral Services, for emergency payment of food and support services to benefit children and families in order to promote keeping families intact.

07-662 **INTRASTATE INTERLOCAL AGREEMENT – DIVISION OF WELFARE AND SUPPORTIVE SERVICES/DIVISION OF HEALTH CARE FINANCING AND POLICY – LONG-TERM CARE ASSISTANCE – SOCIAL SERVICES**

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Larkin absent, it was ordered that the Intrastate Interlocal Agreement between the Department of Health and Human Services Division of Welfare and Supportive Services, the Division of Health Care Financing and Policy, and the Washoe County Department of Social Services to maintain the County match program under Title XIX of the Social Security Act, to provide assistance to individuals in long-term care facilities from the date of approval until June 30, 2011, be approved and the Chairman be authorized to execute the same. It was noted the projected County match program cost for fiscal year 2007 is \$4.5 million.

07-663 **INTRASTATE INTERLOCAL AGREEMENT – DIVISION OF WELFARE AND SUPPORTIVE SERVICES – TEMPORARY ASSISTANCE TO NEEDY FAMILIES – SOCIAL SERVICES**

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Larkin absent, it was ordered that the Intrastate Interlocal Agreement with the Department of Health and Human Services, Division of Welfare and Supportive Services, and Washoe County Department of Social Services to maintain the Temporary Assistance to Needy Families (TANF) funding at \$1,756,344 annually for fiscal years 2007/08 and 2008/09 be approved and the Chairman be authorized to execute the same.

07-664 **INTRASTATE INTERLOCAL CONTRACT – DIVISION OF CHILD AND FAMILY SERVICES – INTENSIVE SUPERVISION PROGRAM – JUVENILE SERVICES**

In response to Commissioner Galloway, Carol Galantuomini, Juvenile Services Division Director, explained the County was not under any legal obligation to maintain the two probation officer positions funded by the grant in the event the grant was discontinued.

Upon recommendation of Ms. Galantuomini, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Larkin absent, it was ordered that the Intrastate Interlocal Contract between the Department of Health and Human Services, Division of Child and Family Services, and Washoe County Department of Juvenile Services to provide funding in the amount of \$262,942.08 over a two-year period, July 1, 2007 to June 30, 2009, be approved and the Chairman be authorized to execute the same. It was noted that this amount funds the salaries and benefits of two (2) probation officers assigned to the Intensive Supervision

Program for juvenile offenders and these monies are provided through Community Corrections Partnership Block Grant funding.

**07-665 BUDGET AMENDMENTS – FY 2006-07 – PUBLIC HEALTH
PREPAREDNESS GRANT PROGRAM – HEALTH**

Upon recommendation of Patsy Buxton, Fiscal Compliance Officer, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Larkin absent, it was ordered that the budget amendments totaling an increase of \$115,287 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 Revenues	\$115,287
2002-IO-10534-710100	Professional Services	30,000
2002-IO-10534-710300	Operating Supplies	(1,500)
2002-IO-10534-711504	Equipment, Non-Capital	4,500
2002-IO-10534-781004	Equipment, Capital	82,287
	Total Expenditures	\$115,287

**07-666 AGREEMENT – SUN MESA PARK DESIGN AND
CONSTRUCTION – PARKS**

Upon recommendation of Jennifer Budge, Park Planner, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Larkin absent, it was ordered that the Sun Mesa Park Design and Construction Agreement between Washoe County and Sun Mesa, LLC, not to exceed \$207,000, be approved and the Chairman be authorized to execute the necessary documents upon presentation.

**07-667 AGREEMENT – CITY OF SPARKS – TRAFFIC SIGNAL
MAINTENANCE – PUBLIC WORKS**

Upon recommendation of Clara Lawson, Licensed Engineer, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Larkin absent, it was ordered that the Traffic Signal Maintenance Agreement with the City of Sparks for maintenance and response to emergency calls concerning County traffic signals, emergency flashers, and school zone flashers, in the amount of \$118,632.00, be approved and the Chairman be authorized to execute the same upon presentation.

07-668

**GENERAL FUND TRANSFER/AWARD OF BID – PUBLIC
WORKS CONSTRUCTION FUND – COMMISSION CHAMBER
REMODEL, PHASE 3 – PUBLIC WORKS**

Upon recommendation of David Solaro, Capital Projects Division Director, and Anna Heenan, Senior Fiscal Analyst, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Larkin absent, it was ordered that:

1. The transfer of \$108,817.00 from General Fund Contingency Account 189000-820000 to Public Works Construction Fund project PW920283-781004 be approved;
2. The Budget Division of the Finance Department be directed to make the necessary budget adjustments;
3. The bid for the Commission Chamber Remodel Project (Phase 3, Television Broadcast Equipment Purchase and Installation) be awarded to General Communications, the lowest responsive and responsible bidder, in the amount of \$306,445; and
4. The Chairman be authorized to execute the contract documents upon presentation.

07-669

**AGREEMENT – U.S. GEOLOGICAL SURVEY JOINT FUNDING –
GAGES THAT SUPPORT THE FLOOD EARLY WARNING
SYSTEM – WATER RESOURCES**

Commissioner Galloway wondered how the County could know if the amount billed by the U.S. Geological Survey was reasonable. Jeanne Ruefer, Planning Manager for Water Resources, stated the County had supported maintenance of the gages for approximately seven years and it was extremely important to maintain the continuity of data, particularly for the flood early warning system. Commissioner Galloway clarified he did not question the importance of the program and asked Ms. Ruefer to provide a report in the future, comparing the cost for Washoe County to independently maintain the gages.

Upon recommendation of Ms. Ruefer, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Larkin absent, it was ordered that the U.S. Department of the Interior U.S. Geological Survey Joint Funding Agreement for Water Resources Investigations for continued operation and maintenance of stream and precipitation gages that support the Flood Early Warning System, with Washoe County funding in the amount of \$190,350 for the period July 1, 2007 to June 30, 2009 (two years), be approved and the Chairman be authorized to execute the same.

07-670

**AWARD CONTRACT – PROFESSIONAL LEGAL SERVICES
FOR CONFLICT CASES – MANAGER**

This was the time to consider proposals received in response to a Request for Proposal for professional legal services in conflict criminal/family court/juvenile cases.

One proposal was received from Robert C. Bell, Esq.

Commissioner Sferrazza commented that the contract did not explain how the attorney would be compensated but assigned a flat payment for all cases not covered by conflict counsel, nor did it break out amounts for investigation costs, interpreter fees or expert witnesses. Additionally, he stated the contract did not indicate whether Mr. Bell was qualified for death cases. Assistant County Manager John Berkich clarified that Mr. Bell had agreed to accept all cases except those for murder, capital murder, felony punishable by death or imprisonment for life without the possibility of parole, and appeals. He stated there was a cap of 300 cases for the contracted amount and the contract would be reevaluated in one year when there was more experience with the newly created Alternate Public Defender's office. Assistant District Attorney Melanie Foster pointed out that the agreement contained in the staff report was not the final version that would be signed. She noted there would be a clause inserted regarding a fund created for experts, interpreters and investigation expenses, as well as statutory maximums to be included in the compensation section. Commissioner Sferrazza requested that the contract come back before the Board for approval when it was available in its final form. Commissioner Galloway concurred with Commissioner Sferrazza's comments.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Larkin absent, it was ordered that consideration of the contract award be continued to the regular Board of County Commissioner's meeting on June 26, 2007.

07-671

**EMPLOYMENT AGREEMENT – CHIEF MEDICAL EXAMINER
AND CORONER – MANAGER**

Upon recommendation of John Berkich, Assistant County Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Larkin absent, it was ordered that the Employment Agreement between Washoe County and Dr. Ellen Clark to serve as the Chief Medical Examiner and Coroner effective July 1, 2007 at a starting annual salary of \$190,000 with a \$12,800 payment for services rendered during the transition be approved. It was further ordered that medical insurance benefits be approved upon appointment for Dr. Kathy Raven, Assistant Medical Examiner.

**RESOLUTION – SALE OF 0.23 ACRES OF SKY RANCH PARK
TO THE REGIONAL TRANSPORTATION COMMISSION –
PARKS**

Commissioner Sferrazza expressed reluctance to sell parklands in order to build a road and requested that proceeds from the sale be designated for additional park acquisition. Jennifer Budge, Park Planner, clarified that the resolution under consideration satisfied statutory requirements to identify the County’s intent to sell that section of public property. She stated there would be an Interlocal Agreement and Purchase and Sale Agreement brought back before the Board at a subsequent meeting, at which time the Board could designate proceeds from the sale. Melanie Foster, Assistant District Attorney, indicated that the future agenda item on June 26, 2007 would be written to allow the Board to give direction regarding proceeds of the sale. Commissioner Galloway supported the idea that proceeds should be designated and was satisfied that legal counsel would address the issue at a future Board meeting. Commissioner Sferrazza stated he would support the resolution but would vote against the future agenda item if proceeds were not designated for park acquisition.

Upon recommendation of Ms. Budge, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the following Resolution, authorizing the sale of 0.23 acres of Sky Ranch Park to the Regional Transportation Commission (RTC), be adopted pursuant to NRS 277.050 in the amount of \$102,180 and the Chairman be authorized to execute the same:

**RESOLUTION AUTHORIZING THE SALE
OF 0.23 ACRES OF SKY RANCH PARK TO THE
REGIONAL TRANSPORTATION COMMISSION (RTC)**

WHEREAS, Washoe County, a political subdivision of the State of Nevada, owns a parcel of real property situated in the County of Washoe, APN 53-409-101, commonly known as Sky Ranch Park; and

WHEREAS, RTC, a special purpose unit of Government of the State of Nevada, is undertaking a project which includes improvements to the intersection of State Route 445 (Pyramid Lake Highway) at La Posada Drive (the “Project”); and

WHEREAS, a certain portion of the Sky Ranch Park (APN 53-409-101) is located within the Project’s limits; and

WHEREAS, the RTC desires to purchase from Washoe County for the purposes of the Project and Washoe County desires to sell to RTC for purposes of the Project a portion of the Sky Ranch Park property (0.23 acres), more particularly described in Exhibit A (the “Property”) placed on file with the Clerk, which is essential to completing the Project; and

WHEREAS, the County and the RTC are public agencies authorized under NRS 277.050 to enter into agreements exempt from the requirements of the public bidding process for the sale, lease or exchange of real property as described herein; and

WHEREAS, the Washoe County Department of Regional Parks and Open Space is recommending that it is in the best interests of the County and the public that the Property described in Exhibit A be sold at the Board of County Commissioners' meeting to be held on June 26, 2007, at 5:30 PM, pursuant to NRS 277.050 for a price as determined by a certified appraisal; and

WHEREAS, the purchase price shall be the appraised value of the Property as determined by a Real Estate Appraisal performed by Johnson-Perkins and Associates on November 8, 2006, which placed the appraised value of the Property at \$10 per square foot for a total purchase price in the amount of \$102,180; now, therefore,

BE IT RESOLVED, that the Board of Washoe County Commissioners supports the needs of the RTC to construct a roadway for a public benefit and purpose and, thus, hereby declares its intent to sell the subject Property to the RTC for the certified appraised value in the amount of \$102,180.00 at a public meeting of the Board of County Commissioners on June 26, 2007, at 5:30 PM.

BE IT FURTHER RESOLVED, that the Property described in Exhibit A shall be sold "AS IS, WHERE IS" to the RTC and that the Chairman shall, upon the affirmative vote of the Board, be authorized to execute a Purchase and Sale Agreement and Quit Claim Deed conveying title of the Property to the RTC.

**07-673 RESOLUTION – AUGMENT EQUIPMENT SERVICES FUND –
FUEL PRICE INCREASES – PUBLIC WORKS**

Commissioner Galloway commented that the amount being augmented seemed disproportionate to the amount of time funds would be used. General Services Director Jean Ely explained there were some bills missing as a result of a new computerized system being incorporated by the County's vendor, Western Energetics, and estimates were consequently on the high side. She added that both consumption and pricing had increased. Ms. Ely clarified that moneys would come from the Equipment Services Fund and the transfer did not affect the General Fund. Commissioner Galloway suggested it would be appropriate to have a program to consolidate trips and identify unnecessary miles.

Commissioner Sferrazza asked how the reduced rate was calculated in the contract with Western Energetics and wondered what steps were being taken to correct the billing problems. He requested some means of independent verification that the amounts billed were correct. Ms. Ely stated the County was receiving a reduced rate but the vendor's electronic billing system had not been activated so accurate numbers were unavailable. Commissioner Galloway suggested checks between miles driven and gallons pumped be done on a sampling basis. County Manager Katy Singlaub asked staff

to create a simple process and provide recommendations in response to Commissioner Sferrazza's request.

In response to the call for public comment, Gary Schmidt pointed out there was nothing in the staff report or agenda item regarding discussion of a failed billing system or failure to bill properly.

In response to Commissioner Galloway, Assistant District Attorney Melanie Foster clarified that the Board was able to take action as described in the agenda item. She stated she was not uncomfortable with the additional conversation regarding all of the factors that entered into the inability to predict the cost of gasoline. Ms. Foster noted that a separate item on a future agenda would be required in order to put additional verification processes into place or to amend the agreement with Western Energetics.

Commissioner Galloway requested a follow-up agenda item to discuss methods of dealing with future increased fuel costs, regardless of their cause. Vice Chairman Weber asked for the agenda item to also include discussion of the Western Energetics billing issues. Ms. Ely clarified further that billings were current through the end of April 2007, when the new system had been put into place.

Upon recommendation of Ms. Ely, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the following Resolution to Augment the Equipment Services Fund (6069) in the amount of \$600,000 to cover unanticipated price increases in the cost of automotive/equipment fuel be adopted and that the Finance Department be directed to make the appropriate budget adjustments:

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

WHEREAS, the Equipment Services Division uses a variety of different fuel types in its fleet vehicles and equipment; and

WHEREAS, the Equipment Services Division developed its 2006-07 fiscal year funding projections for vehicle and equipment fuel nearly eighteen months ago; and

WHEREAS, the Equipment Services Division, similar to retail markets, has experienced unstable and unpredictable vehicle/equipment fuel pricing from week to week when comparing pricing of its weekly average volume discounted rate; and

WHEREAS, the Equipment Services Division, as of May 1, 2007, already expended 97.56 percent of its fuel budget allocation as the result of unstable volatility in fuel pricing while only 83 percent of the fiscal year had lapsed; and

WHEREAS, the Equipment Services Fund (6069) has sufficient resources

available from retained earnings to allow for appropriation authority adjustments necessary to fund fuel expenditures through fiscal year end; now, therefore,

BE IT RESOLVED, that the Washoe County Board of Commissioners requests the Equipment Services Fund be augmented as follows:

Section 1.

Decrease Retained Earnings

6069-320099	Unrestricted	\$600,000
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Increase Capital

690300-711060	Diesel	\$ 48,000
690300-711065	Regular Unleaded Gasoline	\$210,000
690300-711070	Reformulated Gasoline	\$342,000

Section 2. This Resolution shall be effective on passage and approval by the Board of County Commissioners.

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

07-674 **CHANGE ORDER NO. 2 – NORTH SPANISH SPRINGS
FLOODPLAIN DETENTION FACILITY – WATER RESOURCES**

Commissioner Sferrazza questioned why the County paid more for compacting the soil. Jeanne Ruefer, Planning Manager, explained there was an agreement for the property owner to deed the land to the County in exchange for the County moving the dirt to a location of the property owner's choosing within a one-hour hauling distance. She noted that moving the material to an adjacent parcel and compacting it enough to allow the movement of equipment on the site resulted in a significant cost savings to the County. Commissioner Sferrazza suggested the Board should review the contract from the original bid award. Ms. Ruefer pointed out that the original contract had been approved by the Board without the inclusion of a bid alternate for the excavation and hauling of material to another site and the staff report at that time indicated there would have to be a change order to move the material at a later date.

In response to the call for public comment, Gary Schmidt supported Commissioner Sferrazza's challenge and suggested the item should be continued until more information was available.

Commissioner Galloway pointed out that the issues raised by Commissioner Sferrazza were related to Change Order No. 1, which had already been completed by staff under the 5 percent cap as allowed by County Purchasing procedures.

He saw no reason to hold off on Change Order No. 2.

County Manager Katy Singlaub agreed with Commissioner Galloway and noted the Commissioners were previously provided with an internal audit of the bid.

Commissioner Humke commented that the bid had been awarded and the County could not violate its contract with the successful bidder.

Commissioner Sferrazza expressed dissatisfaction with staff being authorized to make changes beneath a 5 percent cap. He requested a future agenda item to review that process.

Upon recommendation of Ms. Ruefer, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza voting “no” and Chairman Larkin absent, it was ordered that Change Order No. 2 (\$257,153) for the North Spanish Springs Floodplain Detention Facility be approved, increasing the contract amount to \$7,853,385.60, and the Department of Water Resources be authorized to execute the same.

WELCOME TO VISITING RUSSIAN DELEGATION

A visiting delegation of Russian leaders was introduced by Commissioner Sferrazza through an interpreter and welcomed by Vice Chairman Weber on behalf of the Board. The delegation was hosted by the Northern Nevada International Center, an affiliate of the University of Nevada Reno, as part of an exchange program designed to bring young leaders from Russia and other Eurasian countries to experience American democracy and civil society firsthand.

07-675 AMENDMENT TO AGREEMENT – TEC 1 CONSULTING SERVICES – WATER RIGHTS TITLE RESEARCH – WATER RESOURCES

4:48 p.m. Commissioner Humke temporarily left the meeting.

Commissioner Galloway expressed concern about the long-term cost of the contract and wondered why the amount was so far above the original agreement. Vahid Behmaram, Water Rights Manager, pointed out that the original contract amount had been the best estimate of costs available at the time and this amount represented the second year of a three-year contract. Commissioner Galloway asked why the entire three-year job had not been contracted at the outset. Mr. Behmaram stated there had been uncertainties in the nature of the work and the contract was based on time and material rather than a set amount for one final product. Commissioner Galloway wondered about the cost if the job were to take longer than three years to complete. Jeanne Ruefer, Planning Manager, indicated the contract had been structured so that staff would come back before the Board each year with an estimate based on progress up to that point. She commented that the County had an obligation to accumulate water rights in advance of the Truckee River Operating Agreement going into effect. Commissioner Galloway

requested follow-up information to extrapolate the progress so far and estimate how long the project might take to complete. Dave Childs, Assistant County Manager, added that the cost so far was running approximately \$700 to \$800 per acre-foot to document water rights versus a far higher cost for acquiring new water rights on the open market.

Commissioner Sferrazza suggested that the remainder of the project was likely to cost far more because the part of the project completed so far (approximately 10 percent) involved some of the less complex work. Mr. Behmaram noted there was no way to predict the complexity of work involved with researching each water right deed. He stated that some were quite simple and some would require filing for quiet title. He clarified that the consultant's approach had been to do some of the less complex work in the first year of the contract in order to yield as many acre feet of water rights as quickly as possible.

5:00 p.m. Commissioner Humke returned to the meeting.

In response to the call for public comment, Gary Schmidt objected to the expense for proving water rights under paved streets and highways, noting that the pavement was a detriment to replenishing groundwater. He questioned why the County would want to eliminate market competition for the acquisition of new water rights.

Commissioner Sferrazza indicated his support for the project and pointed out that the County would only drive up the price to itself by competing in the marketplace to acquire water rights. He explained that the purpose of the project was not to physically obtain groundwater out of the streets but to prove title to the water rights that existed when the streets were dedicated to the cities and/or the County. He asked staff to report back on the total cost of the project.

Commissioner Galloway indicated he had not done a total review of the contract but understood it had a termination clause. He was concerned that someone was tasked with evaluating whether or not the County was receiving a reasonable return for its money and ensuring that the work product and supporting documentation was the property of Washoe County should the contract ever be terminated. Mr. Behmaram noted that monthly reports were received that included summaries of the chain of title and what had been filed with the Office of the State Water Engineer. Commissioner Galloway suggested that Section 11 of the existing contract might require an amendment to protect the County's interests with respect to ownership of the work product. He wanted to clarify Section 11 of the contract so that the County had the right, if not satisfied with the consultant at some future time, to get all the work product and do whatever was necessary to finish the task of proving ownership of water rights for the Truckee River Operating Agreement (TROA). Commissioner Galloway added that work product should include, not just filings with the State Water Engineer, but all supporting notes and every piece of data.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Larkin absent, it was ordered that

consideration of Amendment No. 1 to the Agreement for Consulting Services between TEC 1, Inc. and Washoe County dated November 28, 2006, for services relating to title research for water rights associated with street rights-of-way, be continued to the last meeting of June 2007.

5:15 p.m. The Board convened as the Board of Directors of the Sierra Fire Protection District with Chairman Larkin absent.

5:35 p.m. The Board recessed.

6:22 p.m. The Board reconvened as the Board of County Commissioners with Chairman Larkin absent.

07-676 **RESOLUTION - BUILDING PERMIT APPLICATIONS -
DETACHED ACCESSORY STRUCTURES - COMMUNITY
DEVELOPMENT**

Eric Young, Planner, explained the proposed resolution would begin an automatic 90-day moratorium on the approval of building permits for accessory structures in excess of 1,000 square feet. He said in some residential zones large buildings were approved, permitted and constructed, but out of character with the community, which caused issues with neighbors. Mr. Young said if the resolution were approved, the process would be an automatic 90-day moratorium on the issuance of permits, during which time staff would go to the Planning Commission to discuss the matter. He said the Planning Commission would then have the ability to recommend up to an additional 90 days and that recommendation would come before the Board for approval.

Vice Chairman Weber asked if a process was in place for citizens already in the permitting process to continue if the moratorium were approved. Mr. Young replied the resolution stated it would be a moratorium on the issuance of building permits effective after the resolution was signed. He said staff could institute a date, but explained the reason for the moratorium was to prevent a rush of applications.

Commissioner Galloway clarified this was on the acceptance of building permit applications not the issuance of building permits.

Adrian Freund, Community Development Director, explained this resolution applied to detached accessory structures over 1,000 square feet that were not constructed with materials and/or siding similar to the main residence. He said structures that were site built and compatible would continue to be permitted throughout the moratorium.

Commissioner Galloway asked if there was a limit to the size of a detached accessory structure. Mr. Freund replied at this point the size was unlimited. He

said at some point certain lots could hit set back limitations or other practical limitations on a lot.

Commissioner Humke commented he had requested discussion on this matter because of complaints he had received from residents in his District concerning accessory structures.

In response to the call for public comment, Michael Moss explained in order to proceed with the permit cycle, a non-refundable down payment had to be placed on the packaged building to acquire the statistics and the drawings so that you could go to the Building Department for a permit. He explained at the moment he did not have all of his drawings, therefore he could not complete an application. He said the Building Department instructed him to speak to his neighbors that reside within 500 feet of his residence. He said none of them objected to the building since it did not exceed 16 feet in height, met the wind and snow loads, and was a building that was legal to be constructed in Washoe County. Mr. Moss remarked if the moratorium went through as written no one in the County would be able to put up a metal structure.

Christine Vaught explained she had placed a \$6,000 deposit on a building that was more than 1,000 square feet. She indicated her property was five acres and would be in compliance with the conditions, covenants, and restrictions (CC&R's) for the area. Ms. Vaught commented she also spent \$3,000 in engineering fees so the building would be engineered to County specifications. She indicated she went to the Building Department several times over the past few months and was never made aware of this proposed moratorium.

Kathleen Scott distributed photographs of a building built in her Callahan Ranch neighborhood resembling an industrial size warehouse that housed a full-time business, which was placed on file with the Clerk. She explained because of this "white elephant" her loss was incalculatable. Ms. Scott was concerned for residents in other residential areas.

Analee Scott believed that a residential area would look shabby if other residents erected structures that did not conform to the existing neighborhood.

Kathy Bowling distributed photographs of large metal buildings throughout the County, which were placed on file with the Clerk. She said those industrial structures were not appropriate for residential neighborhoods and explained her neighborhood had been severely impacted by these structures. Ms. Bowling requested the moratorium be placed to protect the forest area of the County.

Janis Foltz said she lived in a residential rural neighborhood and enjoyed the area's beauty, peace and quiet. She explained a neighbor constructed a module metal garage that had numerous vehicles parked in the front, along with construction garbage containers and other construction equipment. Ms. Foltz requested a moratorium for the building of these metal non-custom modular garages in residential neighborhoods.

Laura Page distributed a photo showing the view from her front porch that was placed on file with the Clerk. She indicated her neighbor did not ask the opinion of neighbors or showed them plans for a metal structure. Ms. Page indicated the CC&R's on her property did not allow for a metal structure, but had to be a structure approved by the Architectural Committee through Montreux and then submitted to the County, which had to match the existing house and could not resemble a barn, stable or garage.

In response to Commissioner Galloway, Mr. Moss explained you had to first pay for your packaged building in order to go to the Building Department. He stated his lot size was 1 acre and zoned low density suburban (LDS). Mr. Moss explained his planned structure would be a working round pen for horses allowing year-round work and to keep the dust down for the neighbors. He said it would be approximately 3,000 square feet. In response to Commissioner Galloway, Ms. Vaught replied her lot size was 5 acres and zoned low density rural (LDR). She explained the building would be a garage to store a motor home and indicated the structure would be 2,000 square feet.

Commissioner Humke asked if the purchase price covered part of the services of the manufacturing of the building. Mr. Moss clarified he bought the plans and by placing a down payment held a price on the steel. He said once the drawings and the load sheets were received, the Building Department would need to authorize them, and then the footing plans would be submitted to an architect.

In response to Vice Chairman Weber, Mr. Moss indicated he found out at noon that this item would be heard on the agenda today.

Vice Chairman Weber remarked people in the community had invested time, money, and effort for their projects. She asked if this fell under the nuisance or other ordinances the County was working on. Mr. Young explained the County Code allowed for all the noted different instances. He said unlike an accessory dwelling, detached accessory structures did not require Special Use Permits. Mr. Young stated solutions may be received to the proposed moratorium and suggested an effective date so residents could show that date to their contractor. He suggested returning to the Planning Commission with options and then return those options to the Board with a recommendation such as a Special Use Permit, size limitations or an Administrative Permit. Commissioner Galloway clarified that Mr. Young was now proposing there would not be an extension or moratorium, but initiate the process to review the Development Code. Mr. Young agreed, and said staff would send a recommendation for a Development Code amendment.

Commissioner Galloway requested an agenda item for the Board to initiate a Code amendment process with the intent of mitigating the adverse impacts of detached accessory structures currently allowed under the Code in a fair and equitable manner. He indicated it would not be intended to replace the level of protection afforded by CC&R's, but provide a safety net for residential areas.

07-677

ORDINANCE NO. 1330 - BILL NO. 1509 - AMENDING WASHOE COUNTY CODE CHAPTER 25 - SHORT-TERM LEASERS

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on June 15 and 22, 2007 to consider a second reading and adoption of Bill No. 1509. Proof was made that due and legal Notice had been given.

The Vice Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, Vice Chairman Weber ordered that Ordinance No. 1330, Bill No. 1509, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY AMENDING AN EXISTING PROVISION OF THE WASHOE COUNTY CODE THAT IMPOSED A FEE UPON THE SHORT-TERM LEASERS OF PASSENGER CARS IN WASHOE COUNTY OF 2% OF THE TOTAL AMOUNT FOR WHICH THE CAR WAS LEASED; LIFTING THE 2007 EFFECTIVE EXPIRATION OF THE FEE AND ALLOWING CONTINUED COLLECTION OF THE FEE; AND OTHER MATTERS PROPERLY RELATED THERETO.**" (THIS ORDINANCE AMENDS ORDINANCE NO. 1224). (BILL NO. 1509), be approved, adopted and published in accordance with NRS 244.100.

07-678

ORDINANCE NO. 1331 - BILL NO. 1510 - AMENDING WASHOE COUNTY CODE CHAPTER 110 - ACCESSORY USES AND STRUCTURES

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on June 15 and 22, 2007 to consider a second reading and adoption of Bill No. 1510. Proof was made that due and legal Notice had been given.

Vice Chairman Weber opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

Commissioner Sferrazza commented this allowed for greater space because only the livable floor space was counted. Adrian Freund, Community Development Director, said staff indicated to the Planning Commission that this item arose because of a detached low-impact development accessory dwelling constructed to green building standards that had a variety of solar and energy efficient heating and cooling devices that required storage space, which meant a separate non-occupied, non-dwelling area. He said staff felt it necessary to clarify the requirements as to a dwelling area. Mr. Freund said there was concern about language referring to structures attached to a detached accessory dwelling.

Commissioner Sferrazza said he understood the new language meant a resident could have a 10-car garage since it would not count as part of the livable floor space. Mr. Freund replied the language indicating the livable floor area referred to the interior area of the dwelling unit designed for human occupancy, which would include rooms for living, sleeping, cooking, study, toilet and bathing areas, laundry, household closets, hallways and similar circulation spaces. He explained the livable floor area shall not include garages, utility or mechanical rooms, storage rooms, crawl space, cellars, attics or basements not designed for occupancy and shall be in scale with and for use as normally appurtenant to a detached accessory dwelling. He commented there had never been any guidance in the Code as to the scale of those types of uses that were normally accessory to a detached accessory dwelling. Mr. Freund explained the amendment gave clarity and set limits as to what was part of a detached accessory dwelling.

Trevor Lloyd, Planner, indicated there was a great deal of discussion on accessory structures, a possible Code amendment, and possible options to require a Special Use Permit (SUP). He explained a SUP was currently required for accessory dwelling units, and the proposed language would give more direction.

In response to Vice Chairman Weber, Commissioner Sferrazza stated his concerns were with the definition of livable space and the exclusion of garages. He remarked the only cap would be on livable space and not on the garages.

Commissioner Humke said a reference to the scale of the primary structure had to be taken into account. Mr. Freund said that was correct. The language prior to the amendment essentially had no limitation on non-livable areas and no definition relative to scale of those facilities normally appurtenant to an accessory dwelling. He said staff felt it would be difficult to put a square footage type number to cover all situations and terrain.

Katy Singlaub, County Manager, suggested continuing this item until later in the meeting to give staff the opportunity to address Commissioner Sferrazza's comments and concerns.

* * * * *

Later in the meeting the above discussion continued. Mr. Lloyd explained the new language read, "the detached accessory unit shall include at least 640 square feet of livable floor area, but shall not exceed 1,200 square feet of livable floor area or 50 percent of the livable floor area of the main unit, whichever was less. The livable floor area refers to the interior area of the dwelling unit designed for human occupancy and includes rooms for living, sleeping, cooking, study, toilet and bathing areas, laundry, household closets and similar circulation spaces. The gross livable floor area shall not include garages, utility or mechanical rooms, storage rooms, crawl spaces, cellars, attics or basements, which are not designed for human occupancy, if such excluded areas are in scale with and are for uses normally appurtenant to a detached accessory dwelling. The maximum permitted livable floor area of a detached accessory unit shall not be increased

by use of the variance process contained in Article 804 Variances except for conversion of a guesthouse that was legally constructed prior to May 26, 1993 to a detached accessory unit."

Commissioner Galloway suggested to change the following language, "... which are not designed for human occupancy, 'only if,' such excluded areas..."

Commissioner Sferrazza was concerned with the definition of scale because that was subject to interpretation. He said if scale included square footage then he suggested saying square footage, because if it did not include square footage then he had a problem with that.

Mr. Lloyd stated that was correct, but it was arbitrary and left to the discretion of the reviewing body.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Larkin and Commissioner Humke absent, Vice Chairman Weber ordered that Ordinance No. 1331, 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." (BILL NO. 1510)**, be approved, adopted and published in accordance with NRS 244.100.

**07-679 OUTDOOR FESTIVAL BUSINESS LICENSE APPLICATION -
RENO-TAHOE OPEN 2007 GOLF TOURNAMENT -
COMMUNITY DEVELOPMENT**

5:30 p.m. This was the time to consider the application for an outdoor festival business license for the Reno-Tahoe Open 2007 Golf Tournament. The Reno-Tahoe Open 2007 is to be held from July 30, 2007 through August 5, 2007. The event is proposed to be held at the Montreux Golf and Country Club (Assessor's Parcel Numbers 148-010-25, 148-010-50, 148-010-55, 148-010-56, 148-061-65, 148-100-02, and 148-140-11) with additional off-site parking located on a vacant parcel generally located south of the intersection of State Route 431 and Wedge Parkway (Assessor's Parcel Number 144-070-03). Tournament volunteer staff will be parking at Galena High School (Assessor's Parcel Number 144-010-01). The Reno-Tahoe Open 2007 is a PGA tour sanctioned golf tournament and this event marks the ninth year for the tournament. Event organizers estimate that a total of 30,000 spectators will participate in the event for the week.

The Vice Chairman opened the public hearing by calling on anyone wishing to speak for or against issuance of said business license. There being no response, the hearing was closed.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Chairman Larkin absent, Vice Chairman Weber ordered that the Outdoor Festival Business License for the Reno-Tahoe Open 2007 Golf Tournament be approved subject to the following conditions:

**LICENSING REQUIREMENTS FOR AN OUTDOOR FESTIVAL BUSINESS
LICENSE RENO-TAHOE OPEN 2007 GOLF TOURNAMENT**

(Approved by the Washoe County Commission on June 12, 2007)

AT THE PUBLIC HEARING HELD ON JUNE 12, 2007 AS REQUIRED UNDER WASHOE COUNTY CODE SECTION 25.277, THE WASHOE COUNTY BOARD OF COMMISSIONERS (BOARD) ESTABLISHED CONDITIONS WHICH MUST BE MET PRIOR TO THE ISSUANCE OF ANY OUTDOOR FESTIVAL BUSINESS LICENSE PURSUANT TO WASHOE COUNTY CODE SECTIONS 25.263 TO 25.305, INCLUSIVE. SUCH CONDITIONS MAY BE IMPOSED BY THE BOARD UNDER THE COUNTY'S GENERAL POLICE POWER AS MAY BE NECESSARY UNDER ALL THE CIRCUMSTANCES NECESSARY FOR THE PROTECTION OF THE HEALTH, WELFARE, SAFETY AND PROPERTY OF LOCAL RESIDENTS AND PERSONS ATTENDING AN OUTDOOR FESTIVAL IN THE COUNTY, INCLUDING, WITHOUT LIMITATION, THE CONDITIONS SPECIFIED IN WASHOE COUNTY CODE SECTIONS 25.291 TO 25.305, INCLUSIVE (SEE CONDITIONS LISTED BELOW).

COMPLIANCE WITH THE CONDITIONS OF THIS LICENSE IS THE RESPONSIBILITY OF THE LICENSEE AT THE LICENSEE'S EXPENSE. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED BY THE COUNTY COMMISSION MAY CAUSE WASHOE COUNTY TO NOT ISSUE THE BUSINESS LICENSE OR FOR THE COUNTY TO MAKE APPROPRIATE MEASURES TO REVOKE OR SUSPEND THE BUSINESS LICENSE.

WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD THE COUNTY DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.

THE APPLICANT SHALL SUBMIT ALL REQUIRED PLANS, PERMITS, DOCUMENTATION, ETC., TO THE IDENTIFIED RESPONSIBLE AGENCY. THE APPLICANT SHALL PROVIDE WASHOE COUNTY BUSINESS LICENSE PROOF OF COMPLIANCE PURSUANT TO WASHOE COUNTY CODE SECTION 25.283(1) WITH ALL CONDITIONS BY JULY 19, 2007. WASHOE COUNTY BUSINESS LICENSE WILL ISSUE THE OUTDOOR FESTIVAL BUSINESS LICENSE AFTER DETERMINING THAT ALL OF THESE CONDITIONS HAVE BEEN MET AND THAT ALL APPLICABLE FEES AND DEPOSITS HAVE BEEN PAID.

GENERAL CONDITIONS

1. Police Protection (Sheriff)

(Staff contact: Deputy Dean Spurr, 328-3331)

- a. Applicant will contract with either a private security firm licensed in the State of Nevada or with the Washoe County Sheriff's Office (WCSO) to provide security. All security personnel employed by a private security firm will have current Washoe County security guard work permits. The number and type of security personnel to provide for the preservation of order and protection of persons and property in and around the place of the event shall be determined and specified by the Sheriff.
- b. Applicant will also be responsible for all costs incurred by the WCSO to provide police protection for the event and the community. To ensure personnel and equipment cost are met by the licensee, a cash bond of the estimated cost may be required to be placed with the WCSO.
- c. Security personnel will have radio communication with the WCSO at all times and authority and control of this augmented security force will be subordinate to all on-scene law enforcement personnel.
- d. Vehicle and pedestrian access controls will be established to the satisfaction of the WCSO.
- e. Hours of operation will be enforced by on-site security personnel and the WCSO will be provided, including power and telephone service.

2. Food concessions and attendant sanitary facilities (District Health)

(Staff contact: Jeffrey M. Brasel, 328-2620)

- a. A promoter's permit shall be obtained by Reno-Tahoe Open Foundation from the Washoe County District Health Department no less than 14 calendar days prior to the event.
- b. Hole-in-One Catering shall obtain all food permits 7 calendar days or more in advance of the event.
- c. All hoses for food concessionaires' 5-gallon jugs shall be hooked to a potable water supply with backflow prevention devices attached. As there is non-potable water on-site, therefore the specific locations of the potable water sources must be identified.
- d. Garbage receptacles shall have lids to control the number and attraction of bees and flies.

- e. Dumpsters shall be accessible as per layout to Waste Management for collection during the event.
3. **Medical Services (District Health)**
(Staff contact: Stephanie McCarty, 328-2420. All documentation requested prior to and after the event should be sent to Stephanie McCarty, RN, EMS Coordinator, Washoe County District Health Department, P.O. Box 11130, Reno, NV, 89520)
- a. Handicap accessible Sani-Huts with hand washing stations shall be supplied next to or near each first aid station on the front and back nine holes.
 - b. Applicant shall supply a letter or email from St. Mary's by July 1, 2007, confirming the St. Mary's Take-A-Van on site mobile medical care unit.
 - c. Applicant shall supply a letter or email from REMSA confirming that an ALS dedicated ambulance will be on site whenever vendors, participants or spectators are present: that REMSA has pre-approved locations for the landing zone for Care Flight; and, that REMSA has been given ingress/egress information.
 - d. Two first aid stations will be present, staffed by an EMT and a nurse, and marked with visible signage and highlighted on course maps distributed to the public. Each first aid station will be supplied with an automatic external defibrillator. A copy of the course map showing the location of first aid stations shall be provided to staff prior to the event.
 - e. An electric utility vehicle "people mover" will be available for medical personnel to access areas not accessible to motor vehicles.
 - f. A bicycle team of paramedics will be roving between the first aid stations.
 - g. All medical response personnel will be equipped with two-way radios to communicate with tournament staff.
 - h. An area large enough to accommodate Care Flight medical evacuations will be pre-designated on the course and at the driving range, and communicated with REMSA.
 - i. Prior to July 1, 2007, the applicant shall provide the name and contact information for the event's medical coordinator, to include the cell phone number of each on scene medical coordinator who will be present for the days of the events.

- j. Biological waste containers (red bags for waste and appropriate sharp containers) are to be provided in the medical van and the two first aid tents. Arrangements shall be made for the disposal of these wastes, either through a hazardous waste vendor or the medical providers.
 - k. By July 1, 2007, the applicant shall provide copies of the letters or emails sent to the Emergency Department Managers at Renown Regional Medical Center, Renown Medical Center South Meadows, St. Mary's Regional Medical Center, and Northern Nevada Medical Center notifying them of the tournament and its dates.
 - l. Applicant will provide a vehicle pass for on-site parking for the EMS staff to carry out an on-site inspection during the event.
 - m. Summary data of medical contacts will be provided to EMS staff within 30 days after the event.
4. **Illumination (Building and Safety)**
(Staff contact: Tim Kay, 328-2022)
- a. Applicant must apply to the Building and Safety Department for permits for any temporary electrical power provision.
5. **Hours of Operation (Community Development)**
(Staff contact: Bob Webb, 328-3623)
- a. Event staff shall be allowed on the approved locations for the tournament for preparation and set-up between the hours of 6:30 a.m. until 8:00 p.m. each day from July 23, 2007 until July 29, 2007. Tournament staff is allowed on site from 5:30 a.m. until 10:00 p.m. each day of the tournament (July 30, 2007 through August 5, 2007.)
6. **Licensing and Inspections (Community Development)**
(Staff contact: Bob Webb, 328-3623 or Karin Kremers, 328-3733)
- a. PGA TOUR Apparel shall obtain an appropriate Washoe County business license.
 - b. Hole-in-One Catering shall obtain an appropriate Washoe County business and intoxicating liquor licenses.
 - c. The applicant shall provide letters of agreement with Ormat Nevada, Inc. and Caton Properties Limited Partnership for the use of roadway easements to access the public parking area.

- d. The applicant shall provide Washoe County Code Enforcement with a vehicle pass to gain access to the tournament sites, to include all parking areas, for inspections to verify compliance with these conditions and issued business/liquor licenses.

7. **Fire protection (Sierra Fire Protection District)**

(Staff contact: Ray Pagni, 849-1108)

The following conditions shall be met subject to the approval of the Sierra Fire Protection District:

- a. Grass and weeds on parking lots at Callahan and freeway shall be cut to a minimum height of 2 inches. A water truck shall water the areas at least once a day, depending on the use and temperatures on a given day.
- b. Fire extinguishers must be provided for tents, cooking area and on-site parking areas.
- c. Applicant must provide a schematic of the location of generators and associated electrical wiring.

8. **Performance Security (Community Development)**

(Staff contact: Bob Webb, 328-3623)

- a. The applicant shall be responsible for total clean up of the sites.
- b. The site will be inspected by and approved as to the adequacy of cleanup by the Department of Community Development.

07-680 DEVELOPMENT AGREEMENT CASE NO. DA07-001 - EAGLE CANYON V - TENTATIVE SUBDIVISION MAP CASE NO. TM05-017 - COMMUNITY DEVELOPMENT

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on July 17, 2007 and mailed to affected property owners on July 17, 2007 to consider Development Agreement Case No. DA07-001 for Eagle Canyon V, Tentative Subdivision Map Case No. TM05-017, which was previously approved by the Washoe County Planning Commission. The sole purpose of the Development Agreement was to extend the expiration date of said subdivision map until February 24, 2010 (APN 532-020-13).

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

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Larkin absent, Vice Chairman Weber ordered that the Development Agreement providing for the extension of Eagle Canyon V, Tentative Subdivision Map Case No. TM05-017, represented by the signatures on the Development Agreement of February 23, 2007, as presented to staff with the application packet be approved.

**07-681 BILL NO. 1514 - DEVELOPMENT AGREEMENT - TENTATIVE
SUBDIVISION MAP CASE NO. TM05-017**

Bill No. 1514, entitled, "AN ORDINANCE PURSUANT TO NEVADA REVISED STATUTES 278.0201 THROUGH 278.0207 APPROVING DEVELOPMENT AGREEMENT CASE NO. DA07-001 FOR TENTATIVE SUBDIVISION MAP CASE NO. TM05-017 AS PREVIOUSLY APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION." was introduced by Commissioner Galloway, the title read to the Board and legal notice for final action of adoption directed.

**07-682 DEVELOPMENT AGREEMENT CASE NO. DA07-002 - HARRIS
RANCH - TENTATIVE SUBDIVISION MAP CASE NO. TM05-016 -
COMMUNITY DEVELOPMENT**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on June 1, 2007 to consider adoption of Development Agreement Case No, DA07-002, Tentative Subdivision Map Case No. TM05-016, which was previously approved by the Washoe County Planning Commission. The sole purpose of the Development Agreement is to extend the expiration date of said subdivision map until December 7, 2009. [APNs: 076-360-02, 076-360-03, and 076-290-44]

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

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, Vice Chairman Weber ordered that the Development Agreement providing for the extension of Harris Ranch, Tentative Subdivision Map Case No. TM05-016, represented by the signatures on the Development Agreement of February 23, 2007, as presented to staff with the application packet and based on the following findings be approved:

FINDINGS:

1. That the development agreement is in the best interest of Washoe County since the Planning Commission recommended approval and the circumstances surrounding the Area Plan update requirement will be reviewed and may change the land uses or development policies in the Spanish Springs planning area.

2. That the development agreement promotes the public interest and welfare of the County by enabling good development to continue through the process being established.
3. That departures from Development Code regulations are deemed to be in the public interest; and
4. That the development agreement which proposes development over a period of years sufficiently addresses the terms and conditions intended to protect the interests of the public, residents and owners of the land subject to the development agreement in the integrity of the plan.

**07-683 BILL NO. 1515 - AMENDING WASHOE COUNTY CODE
CHAPTER XX - APPROVING DEVELOPMENT AGREEMENT**

Bill No. 1515, entitled, "AN ORDINANCE PURSUANT TO NEVADA REVISED STATUTES 278.0201 THROUGH 278.0207 APPROVING DEVELOPMENT AGREEMENT CASE NO. DA07-002 FOR TENTATIVE SUBDIVISION MAP CASE NO. TM05-016 AS PREVIOUSLY APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION," was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

**07-684 APPEAL CASE NO. AX07-008 - GEORGE AND MARY
EADINGTON - CAL NEVA RESORT HOTEL AND CASINO -
COMMUNITY DEVELOPMENT**

5:30 p.m. This was the time set in a Notice of Public Hearing mailed to affected property owners on June 1, 2007 to consider appeal case No. AX07-008. The project is located at 2 Stateline Road in Crystal Bay on the Nevada and California State Line. The three parcels consisting of ±8.342 and ±0.005 acres (total ±8.347 resort hotel parcel) and ±0.55 (employee housing parcel) are designated Tourist Commercial (TC) in the North Stateline Community Plan, being part of the Tahoe Area Plan, being part of the Washoe County Comprehensive Plan, and are situated in a portion of Section 30, T16N, R18E, MDM, Washoe County, Nevada. The property is located in the Incline Village/Crystal Bay Citizen Advisory Board boundary and Washoe County Commission District No. 1. (APN's 123-031-01, 123-031-09 and 123-044-06).

The Vice Chairman opened the public hearing by calling on anyone wishing to speak for or against Appeal Case No. AX07-008.

Eva Krause, Planner, conducted a PowerPoint presentation highlighting the application and plans for the Cal Neva Resort Casino Restoration Reconstruction project and the reasons for the appeal, which was placed on file with the Clerk.

In response Commissioner Sferrazza, Ms. Krause stated the cabins would be replaced with larger lodge buildings. She said there was no elevation because the tentative map did not approve the design or the style. She explained the existing site had 220 units and the completed project would have 219 units. Ms. Kraus said based on a Tahoe Regional Planning Agency (TRPA) regulation Tourist Accommodation Units (TAU) not rooms were counted.

Jana Gill, Porter Simon Law Firm representing George and Mary Eadington (appellants), conducted a PowerPoint presentation explaining the appellants concerns over erosion, stormwater management, fire and structure height, the elimination of buffer between commercial and residential areas, parking, and community outreach, which was placed on file with the Clerk. She said the overall objection from the appellants was the impact the project would have on their property.

Christina Hill, Planning Consultant representing the Cal-Neva Hotel and Casino, explained currently there were 219 TAU's verified by TRPA on the site and the remodel had 139 proposed units. She said the separate individual new rooms that would have their own keys included a bedroom and a bathroom, bringing the total to 219 units. She commented TRPA and the Planning Commission approved this project. Commissioner Sferrazza asked how many actual bedrooms would be on site. Ms. Hill replied there would be 249 individual bedrooms. She conducted a PowerPoint presentation explaining the background of the Hotel, the Agency Review Status, the project's environmental benefits, community support, the appeal of the Planning Commissions approval, the drainage improvements, Best Management Practices (BMP), and the concerns of the appellants, which was placed on file with the Clerk. She stated the restoration project met or exceeded all of the agencies' ordinances as well as the North Stateline Community Plan, Roles and Policies and Standards, and she remarked this would be an important project to the North Stateline community.

Diana Reed, Summers Loop resident, spoke on the changes in the area that occurred over the past several years. She believed the Cal Neva restoration project deserved greater attention and more due diligence and community input, and stated she was in support of the appeal.

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

Commissioner Galloway disclosed that he was a member of the TRPA Governing Board that had approved this project.

In response to Commissioner Galloway, Gordon Shaw, LSC Traffic Consultants, LLC, replied the traffic conditions in the area were relatively good for Lake Tahoe. He said the change in uses would reduce the traffic generated by the project because of the reduction of the casino floor area.

Gary Davis, Civil Engineer, explained no building would occur in a stream environment zone. He remarked three extensive environmental reviews had been completed and all the agencies had been satisfied by those reviews. He said the drainage could be maintained to a higher level and would exceed the requirement of TRPA BMP's. He stated drainage and erosion control had satisfied TRPA with the technical reports and designs. Commissioner Galloway asked if an environmentally sensitive drainage area was present. Mr. Davis replied TRPA did not consider there to be a sensitive drainage way and accepted the technical resolution on how to control run-off in that area. He noted the total pavement on the site would be reduced.

In response to Commissioner Sferrazza, Ms. Hill replied the previous owner of the Cal Neva was a proponent of allowing Crystal Bay residents access to the Incline Village Beaches. She stated the new owner, Mike McBride, indicated that would not be part of their plan. Commissioner Sferrazza commented on the 30 additional bedrooms and noted if a one bedroom would be converted to a three bedroom there would tend to be more people staying in the room so how would there be no increase in use. Ms. Kraus explained the TAU's were regulated and issued by TRPA. She said it was determined not by the number of bedrooms, but how many units were allowed on the property. Commissioner Sferrazza asked if there was any effort made to accommodate the concerns of the appellants. Ms. Hill replied several public hearings were held including on July 18, 2006 a predevelopment meeting, and several neighborhood meetings were held at the Cal-Neva. She explained a public relations firm notified the public of the hearings to receive their comments and input, and she noted most of the comments were positive towards the project.

In response to Vice Chairman Weber, Ms. Hill replied the meetings were held on July 18, 2006, a CAB meeting in December 2006, February 2007, a Planning Commission meeting on April 22, 2007, a TRPA meeting on April 11, 2007 and a neighborhood outreach meeting in February 2007 and April 2007.

Commissioner Galloway indicated a significant concession had been made in regard to balconies and noise. Ms. Hill replied a major concern at the meetings was the noise level that could occur from the proposed balconies on the towers and the lodge buildings. She said the Cal Neva hired a noise consultant who completed a noise analysis where the noise was determined to be insignificant; however, the balconies were decreased in size to reduce the noise concern for the towers and outlying buildings.

Commissioner Humke said some citizens complained about the lack of notice, but 64 notices were mailed. He asked if there was an update on notice and/or failure of notice. Ms. Krause replied she had reviewed the correct addresses with the neighbors and said they had all received notices of the upcoming hearings as well as courtesy notices a month before the project was scheduled for a hearing. Commissioner Humke disclosed he was a friend of the appellant, but had not seen him recently. He remarked the appellants complaint was largely with TRPA, which had already ruled on this issue, and secondly the restoration projects and additional bedrooms. Melanie Foster, Legal Counsel, explained staff correctly stated that the Board was here to decide the

issues raised in the appeal documents. Commissioner Humke commented he would not substitute his judgment for the TRPA.

Ms. Gill responded to several of the concerns that arose during the discussion. She said with respect to parking and traffic conditions, she explained the appellants were concerned because the traffic study was based on a June 22, 2006 date that they felt was not a representative of peak season. She explained the appellants were not contending the building was being placed in a stream environment zone, but on a steep and sensitive area they felt would be dangerous for erosion. Ms. Gill stated she appeared at the TRPA Governing Board meeting, but there had been no further negotiations with the project proponent to attempt to address the appellants specific concerns. She said there may not be an increase in terms of technical TAU's from a TRPA perspective, but there would be more people using the property and the appellants felt there had been inadequate consideration of that particular impact would occur. Ms. Gill urged the Board to use their discretion and look at the overall picture not just the mechanical checklist of compliance with the different individual components.

Mike McBride, one of the Cal Neva owners, remarked on the amount of time and meetings spent speaking to all of the neighbors. He explained issues for the placement of these buildings were worked through at the meetings. He indicated if Ms. Gill wished to speak with him she could have contacted him at anytime, and he said all of the other neighbors had met with him and discussed their concerns. He commented there was no drainage issue, views were not impacted, the Fire Department stated the issues were addressed in a satisfactory manner, and approval of this project, as proposed, would substantially improve fire and life safety of the Cal Neva Resort and surrounding areas. Mr. McBride explained the existing units were not all one-bedroom units, some were two or three bedrooms and chalets, so to summarize that there was an increased number of units was false.

Commissioner Galloway suggested involving the neighbors in the future with the CC&R's and other details of the project that were not covered in permit requirements. Mr. McBride replied they would continue to work with all of the neighbors. Commissioner Galloway said the Cal Neva could have applied for more TAU's if they chose, but they elected not to. He said there was no TRPA rule that you could never increase the intensity use of a property above what it was.

Commissioner Sferrazza commented this project did increase the amount of use and he did not dispute that legally the Cal Neva could do that.

Commissioner Galloway disclosed he was the Chairman of the Nevada TRPA and asked if that precluded him from deciding this issue. Ms. Foster stated it did not.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza voting "no," and Chairman Larkin absent, Vice Chairman Weber ordered that Appeal Case No. AX07-008

as related to Variance Case No. VA07-008 for Cal Neva Resort Hotel and Casino be denied and the Washoe County Planning Commission's approval be upheld having made the following findings in accordance with Washoe County Development Code Section 110.804.25:

FINDINGS:

1. Special Circumstances. Because of the special circumstances applicable to the Development Code where the use is permitted but no process (or code) is provided to meet the conditions of such a development the strict application of the regulation results in exceptional and undue hardships upon the owner of the property:
2. No Detriment. The relief will maintain the spirit and purpose of the development code and the North Stateline Community Plan, and will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted:
3. No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
4. Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property; and
5. Reasoned Consideration. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.
6. Reasoned Consideration. Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to County commission by the Washoe County Planning Commission and the information received during the Washoe County Commission public hearing.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza voting "no," and Chairman Larkin absent, Vice Chairman Weber ordered that Appeal Case No. AX07-008 as related to the Tentative Subdivisions Map Case No. TM07-001 for Cal Neva Resort Hotel and Casino be denied and the Washoe County Planning Commission's approval be upheld, having made the following findings in accordance with Washoe County Development Code Section 110.608.25 and NRS 278.349:

FINDINGS:

1. Plan Consistency. That the proposed map is consistent with the Comprehensive Plan and the North Stateline Community Plan, being part of the Tahoe Area Plan;

2. Design or Improvement. That the design or improvement of the proposed subdivision is consistent with the Comprehensive Plan and the North Stateline Community Plan;
3. Type of Development. That the site is physically suited for a 122 hotel condominium unit common open space development.
4. Availability of Services. That, as conditioned, the subdivision will meet the requirements of Article 702, Adequate Public Facilities management System;
5. Fish or Wildlife. That neither the design of the subdivision nor any proposed improvements is likely to cause substantial environmental damage, or substantial and avoidable injury to any endangered plant, wildlife or their habitat;
6. Public Health. That the design of the subdivision or type of improvement is not likely to cause significant public health problems;
7. Easements. That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed development;
8. Access. That the design of the development provides necessary access to surrounding, adjacent lands and provides appropriate access for emergency vehicles;
9. Dedications. That any land or improvements to be dedicated to the County is consistent with the Comprehensive Plan;
10. Energy. That the design of the development provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision; and
11. Reasoned Consideration. That the Planning Commission gave reasoned consideration to the information contained within the staff report and information received during their meeting.
12. Reasoned Consideration. Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the County Commission by the Washoe County Planning Commission and the information received during the Washoe County Commission public hearing.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, Vice Chairman Weber ordered that Appeal Case No. AX07-008 related to Special Use Permit Case No. SW07-003 to build employee housing, having made the following findings in accordance with Washoe County Development Code Section 110.810.30, be denied:

FINDINGS:

1. **Consistency.** That the proposed use is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the North Stateline Community Plan being a part of the Tahoe Area Plan;
2. **Improvements.** That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. **Site Suitability.** That the site is physically suitable for the type of development and for the intensity of the development;
4. **Issuance Not Detrimental.** That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
5. **Reasoned Consideration.** That the Planning Commission gave reasoned consideration to the information contained within the staff report and information received during their meeting.
6. **Reasoned Consideration.** Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the County Commission by the Washoe County Planning Commission and the information received during the Washoe County Commission public hearing and has found no merit for the appeal.

07-685 CONTINUATION - PUBLIC HEARING OF ADMINISTRATIVE PERMIT NO. AP6-4-97 FOR WASHOE COUNTY RANCHES/LORNE JOHNSON & GENEYNE HODGES – OPERATION OF COMMERCIAL STABLE OFFERING HORSE BOARDING AND EQUESTRIAN ACTIVITIES - COMMUNITY DEVELOPMENT

5:30 P.M. This was the time set to consider the continuation of the public hearing concerning this matter held on October 24, 2006 and review the administrative permit as required by the Board of County Commissioners under Condition 12 of the permit. The facility is located on two parcels at 3185 and 3365 Lakeshore Drive, almost one-half mile north of the entrance to the Nevada State Park boat launch ramp at the end of Lakeshore Drive. The total property size is 14.55 acres, is designated Low Density Rural (LDR) in the South Valleys Area Plan and is within Section 31, T17N, R20E, MDM, Washoe County, Nevada. The property is within the East Washoe Valley Citizen Advisory Board boundary and Washoe County Commission District No. 2. (APN's 050-320-13 and 15).

Paul Kelly, Planner, explained this was a continuation of the public hearing to reconsider the number of days each month events would be allowed under the Administrative Permit at the arena owned by Lorne Johnson and Geneyne Hodges. He said before the Board made this determination it was requested the applicants participate in mediation with their neighbors to see if an agreement could be reached concerning the issues between them. Mr. Kelly said staff requested the parties be prepared to present to the Board the results of the three mediation sessions. He requested the Board decide on the number of days each month that events could be held.

The Vice Chairman opened the public hearing by calling on anyone wishing to speak for or against Administrative Permit No. AP6-4-97.

Ian Silverberg, representative for Mr. Johnson and Ms. Hodges, spoke on the previous agreement that had been reached in August 2005 and stated it was binding and should not have been disturbed. He stated the manner in which it was disturbed upon the dismissal of appeal was not enforceable. He indicated the original agreement reached had no limitations on the days. He distributed a letter explaining what the Administrative Permit consisted of, which was placed on file with the Clerk.

Jennifer Behrendt stated she attended the mediations and explained they were difficult to pinpoint actual issues because the concerns of the neighbors would change from meeting to meeting.

Del Hardy said there were many people who had supported this project. He believed if there was a problem the Courts should decide the issue not the Board. Mr. Hardy added the Board should not restrict the amount of days to use this facility.

Dave Hoover distributed a list that compared the conditions from March 2004 to the present conditions were presently, which was placed on file with the Clerk. He requested the original conditions for the Administrative Permit from March 2004 be complied with.

Barry Cernoch stated he did not feel the County had the neighbor's best interest in mind.

Bonnie Evans said she believed the arena was going to be for training and not a commercial arena as was currently in operation. She thought the original permit should be complied with; however, that was not occurring. Ms. Evans said she attended the mediation sessions and felt there were agreements reached, but not fulfilled.

Peter O'Hara said part of the mediation process discussed a landscaping plan. He indicated he submitted a proposal from a nursery to Mr. Johnson who forwarded that proposal to Mr. Kelly. He said Mr. Kelly informed Mr. Johnson the proposal was not the right format and needed to be approved by a landscape architect, and added Mr. Johnson was in the process of locating a landscape architect. Mr. O'Hara said Mr.

Johnson placed heavy canvas curtains to shield the noise, lights and dust the neighbors referred to. He stated Mr. Johnson was in compliance with mediation requirements, but it was now time to follow the recommendations from February and March of 2006.

Jane Hoover explained she did not like living next door to a very large horse arena. She said there needed to be a definite plan from the Board to keep the commercial side of the business from growing.

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

Commissioner Galloway clarified that no definite mediation agreement had been reached and Mr. Kelly concurred.

In response to Commissioner Galloway, Melanie Foster, Legal Counsel, replied the Board of Adjustment (BOA) took up this matter after they received complaints and initially scheduled to see if there was basis to proceed with revocation of the permit. She said as an alternative, the BOA consolidated the permits and came forward to the Board with the conditions posed from that consolidation. Ms. Foster said this appeal was unique since it had the landscaping requirement, but added the Board had the authority to change the conditions.

Commissioner Galloway asked if the landscaping requirement had been completed. Mr. Kelly explained Mr. Johnson was required to submit a landscaping plan, and a brief landscaping document had been submitted; however, it was insufficient to submit to the design review. Commissioner Galloway asked if there was unpermitted building occurring on the site, and Mr. Kelly stated he had not been contacted on that.

Commissioner Sferrazza said he did not understand how this building even existed. Mr. Kelly commented a building permit was issued in 2002/03 for a regular building with no limitation on building size. Commissioner Sferrazza asked how they were able to do a commercial operation. Mr. Kelly said the horse boarding was approved under the Administrative Permit. There was some misconception that staff had created all these condition; however, the BOA approved them. Mr. Kelly said these were conditions clarified in a meeting with Mr. Johnson, his attorney and staff.

Ms. Foster said when the initial review for consolidation of the two permits came before the BOA, the imposition of the conditions was not raised to the Board in either August or September of 2006. She stated she was unclear if the agreement was necessarily binding upon the Board based upon the changed conditions and the appellant's participation in the process to date.

Adrian Freund, Community Development Director, clarified the conditions listed in the staff report were the ones affixed by the BOA and noted there were several modifications. He explained there is a name distinction only between an

Administrative Permit and a Special Use Permit. He remarked in the County's procedures an Administrative Permit was not administrative, but discretionary.

In response to Commissioner Humke, Mr. Kelly replied that based upon comments by neighbors and Mr. Johnson, the neighbors felt after mediation they were at an impasse, which would terminate the mediation sessions. Mr. Kelly commented he had never received anything from the mediation center. Commissioner Humke asked if Mr. Johnson had complied with Condition 12 and 13. Mr. Kelly stated Condition 12, a review in six months, was occurring at the moment, and Mr. Johnson also complied with Condition 13, mediation. Commissioner Humke commented the action of the Board should govern the action from 2006.

Commissioner Galloway stated he was not inclined to change any conditions on the operations of the horse arena from what was temporarily agreed to unless he could verify if there had been unpermitted building occurring and if the landscaping plan was completed in an unacceptable form. He said to lessen any restrictions or change those conditions was contingent on progress being made.

Commissioner Sferrazza requested the Building Department see if there had been unpermitted building on the site, and if it were proved that it had occurred, this permit be brought back for revocation proceedings. Mr. Freund commented staff would review the original building permit and review the plans to determine the scope and extent of the permitted activity.

Commissioner Galloway suggested adding a date by which an acceptable landscaping plan was to be received or found unacceptable. At that time, have staff bring their recommended alternative for additional mandated landscaping requirements.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Chairman Larkin absent, Vice Chairman Weber ordered that the action from the Board of County Commission meeting of September 12, 2006 to deny the appeal, but made modifications to the conditions of approval, including modifying Condition 6 to limit competitive, commercial, amplified-sound events to five days a month, be revived. It was further ordered that staff return to the Board within 90 days to report if an acceptable plan had or had not been received for landscaping, and if there was no plan, staff would devise one for Mr. Johnson. It was further ordered that staff return to the Board within 30 days as to whether there had been a building permit violation and the action being taken.

07-686 COMPREHENSIVE PLAN AMENDMENT CASE NO. CP06-018
(POPULATION 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 July 17, 2007, 2007 to consider amending the Washoe County Comprehensive Plan by replacing the existing Population Element with a new adopted Population Element that is revised to reflect current and future population forecasts

parallel with the incorporated cities of Reno and Sparks and that was in conformance with the Truckee Meadows Regional Plan.

Don Morehouse, Planner, reviewed the recommendation of adoption. He said with the program of the Annexation Regional Settlement Agreement expiring on June 30, 2007 a new County Population Element must be adopted in order to found in conformance with the Truckee Meadows Regional Plan. He said the incorporated cities of Reno and Sparks had conforming Population Elements at this time. He said the major importance of getting this adopted came from the fact with the two Cities having adopted theirs the Truckee Meadows Regional Planning Association (TMRPA) could move toward a new process of a population forecasting without having that County have a hand in the way that process worked. He said the current County consensus forecast of 2003-2025 was not used in the updated population element. He said the Regional Settlement Agreement from 2005 with the last 20 years of population estimates, were reflected in the update that was before the Board. Mr. Morehouse said an updated consensus forecast would be assembled and used for a more comprehensive update of the Population Element in 2008 that would remove a more robust analysis based on population growth through the year 2030. He said it was important that this Population Element be adopted in order to give the County a say in the TMRPA population forecast.

The Vice Chairman opened the public hearing by calling on anyone wishing to speak for or against the Comprehensive Plan Amendment Case No. CP06-018 (Population Element). There being no one wishing to speak, the hearing was closed.

Commissioner Galloway asked why the Population Element had to be completed with these numbers since these numbers were agreed upon for the purpose of deciding how much sphere of influence territory to allocate to the different groups. Adrian Freund, Community Development Director, replied the County was in a narrow time window. He said the Population Element came forward for the purpose of conformance with the Regional Plan.

10:30 p.m. Commissioner Humke left the meeting.

A discussion ensued on the Population forecast. Vice Chairman Weber suggested continuing this item for further discussion.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, with Chairman Larkin and Commissioner Humke absent, Vice Chairman Weber ordered that the Comprehensive Plan Amendment Case No. CP06-018 (Population Element) be continued to the June 26, 2007 meeting.

07-687 **AMENDING WASHOE COUNTY CODE CHAPTER 110 -
DEVELOPMENT DECISIONS - COMMUNITY DEVELOPMENT**

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Larkin and Commissioner Humke absent, Vice Chairman Weber ordered that the Introduction of an ordinance amending

provisions relating to Washoe County Code Chapter 110, Articles 804,806, 808 and 810 by clarifying persons with standing to appeal development decisions, and other matters properly relating thereto, be continued to the first available public hearing date.

**07-688 APPOINTMENT - WASHOE COUNTY ADVISORY BOARD TO
MANAGE WILDLIFE - MANAGER**

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Larkin and Commissioner Humke absent, Vice Chairman Weber ordered that Thomas R.C. Wilson III and Daryl Harwell be appointed to the Washoe County Advisory Board to Manage Wildlife, with terms to expire July 1, 2008.

**07-689 ORDINANCE NO. 1332 - BILL NO. 1511 - AMENDING
ORDINANCE 1000 - BOUNDARIES OF DISTRICT 24
(GROUNDWATER REMEDIATION)**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on June 15 and 22, 2007 to consider second reading and adoption of Bill No. 1511. Proof was made that due and legal Notice had been given.

Vice Chairman Weber opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Larkin and Commissioner Humke absent, Vice Chairman Weber ordered that Ordinance No. 1332, 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."** (BILL NO. 1511), be approved, adopted and published in accordance with NRS 244.100.

**07-690 ORDINANCE NO. 1333 - BILL NO. 1512 - ORDINANCE
IMPOSING A FEE - DISTRICT 24 (GROUNDWATER
REMEDICATION) - REMEDIATION FEES**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on June 15 and 22, 2007 to consider second reading and adoption of Bill No. 1512. Proof was made that due and legal Notice had been given.

Vice Chairman Weber opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Humke and Chairman Larkin absent, Vice Chairman Weber ordered that Ordinance No. 1333, 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."** (BILL NO. 1512), be approved, adopted and published in accordance with NRS 244.100.

REPORTS AND UPDATES FROM COUNTY COMMISSION

There were no reports given.

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11:05 p.m. There being no further business to come before the Board, the meeting was adjourned.

BONNIE WEBER, Vice Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Lisa McNeill and Stacy Gonzales
Deputy County Clerks*