

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

TUESDAY

2:00 P.M.

FEBRUARY 25, 2003

PRESENT:

**David Humke, Chairman**  
**Jim Shaw, Vice Chairman**  
**Jim Galloway, Commissioner**  
**Pete Sferrazza, Commissioner\***  
**Bonnie Weber, Commissioner**

**Nancy Parent, Chief Deputy Clerk**  
**Katy Singlaub, County Manager**  
**Madelyn Shipman, Assistant District Attorney**

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:

**03-188      WORK CARD PERMIT APPEAL – ROBERT L. BOWERS**

The appeal by Robert L. Bowers of the Sheriff's denial of his work card permit application was considered on Monday, February 24, 2003, prior to the Caucus meeting.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried with Chairman Sferrazza temporarily absent, the Board convened in closed session to hear testimony as to why the work card for Robert L. Bowers should or should not be granted. The appellant, Robert Lee Bowers, was present to offer testimony, along with Bob Williams, Job Developer with the State of Nevada and the Federal Government. Maureene Thomas, Chief Records Clerk, Administrative Division of the Sheriff's Department, was also present. Commissioner Sferrazza arrived at the Caucus meeting during discussion of the appeal.

The Board then reconvened in open session, and the following action was taken:

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that the appeal of Robert L. Bowers to obtain a work card permit be denied.

**03-189      AGENDA**

In accordance with the Open Meeting Law, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, with

Commissioner Sferrazza temporarily absent, Chairman Humke ordered that the agenda for the February 25, 2003 meeting be approved.

### **PUBLIC COMMENTS**

Jerry Purdy, local resident, discussed the countywide groundwater ordinance.

**\*2:05 p.m.** Commissioner Sferrazza arrived at the meeting.

Mr. Purdy stated the groundwater monitoring program is being administered by Dan Dragon of the Water Resources Department, and his staff is currently monitoring over 400 wells, mostly as a free public service. He said a few County monitoring wells located within these domestic well areas would eliminate the need for much of the free monitoring; and, if time were budgeted for this work, it could be completed much sooner than on the time available basis staff must currently use. Once this process is finished, a countywide groundwater ordinance that could be one of the best in the country could be completed.

Sam Dehne, Reno citizen, advised the Reno City Council is currently condemning many acres of Washoe County land in downtown Reno. He stated he had a meeting with Attorney General Brian Sandoval this morning concerning Open Meeting Law issues.

### **MANAGER'S/COMMISSIONERS' COMMENTS**

Chairman Humke commented that the County has two lobbyists, and one lobby agency has provided legislative updates. He requested the other lobby agency also provide updates to the Board.

Commissioner Shaw stated that Judge Paul Freitag, Sparks Justice of the Peace, would be resigning April 1, 2003. He suggested establishing a committee to review and submit applicants for interview by the Board.

Commissioner Weber noted that the ESPN games are coming to Reno this summer, and the events will be held at Rancho San Rafael Park.

Commissioner Galloway stated that a citizen recently addressed the Board about his interest in having an Open Space Commission. He said he would like to receive some input from the Parks Commission, the Parks and Recreation Department, and any other interested parties regarding whether or not that need could be met by an expansion of the duties of the Parks Commission.

**PROCLAMATION – MARCH 10-16, 2003 AS TAME THE TV WEEK**

Nancy Parent, Chief Deputy Clerk, read the Proclamation, and Chairman Humke presented the Proclamation to Jody Ruggiero, Board of Trustees, Washoe County School District. Ms. Ruggiero thanked the Board for the Proclamation and advised about 30 organizations have worked to make this project possible. She introduced five citizens in the audience who have worked on the Tame the TV project and presented a Tame the TV Week poster and the UN-TV Activity Guide to the Board.

On motion by Commissioner Weber, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Proclamation be adopted and Chairman Humke be authorized to execute the same:

**PROCLAMATION**

**WHEREAS**, Washoe County is committed to creating a better quality of life for all its residents; and

**WHEREAS**, Youth are our greatest resource and hold the key to our future; and

**WHEREAS**, Adults have a responsibility to provide an environment that gives youth the best chance for success; and

**WHEREAS**, Individuals, families, schools, government and the private sector must work together to counteract the negative influences of media culture, with television being the most pervasive media; and

**WHEREAS**, The U.S. Senate Judiciary Committee reports that television alone is responsible for 10% of youth violence; and

**WHEREAS**, Children watch nearly three hours of television each day; and

**WHEREAS**, Children's health is at risk, with obesity and dental decay now national epidemics, and the number of television commercials for unhealthy foods is at an all-time high; and

**WHEREAS**, Children are more sedentary today than ever, which contributes to obesity; and

**WHEREAS**, Meaningful conversation between parents and children is at its lowest ever, taking place only 38.5 minutes per week; and

**WHEREAS**, A shortage of community volunteers and more social isolation is linked to excessive television viewing; and

**WHEREAS**, Growing rates of illiteracy and poor academic performance are related to excessive television viewing, with children spending one-fourth as much time reading as watching television; now, therefore, be it

**PROCLAIMED**, That the Washoe County Commission formally declares the week of March 10-16<sup>th</sup>, 2003 as “TAME THE TV WEEK”.

**03-191            ACCEPTANCE OF TITLE V GRANTS - MOBILE ASSESSMENT  
RESPONSE PROJECT - COMMUNITY OUTREACH  
COUNSELING PROJECT – JUVENILE SERVICES**

Upon recommendation of Michael Pomi, Division Director, Juvenile Services, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that a Mobile Assessment Response Project and Community Outreach Counseling Project Title V Grants in the amount of \$57,009 be accepted and the Comptroller be directed to make the following account adjustments:

<b>Account</b>	<b>Increase Amount</b>
Revenue: 1287G-4301	\$57,009
Expenditure Appropriation: 1287G-7181	\$57,009

**03-192            EMERGENCY PURCHASE – DICTAPHONE FREEDOM  
RECORDING SYSTEM - INCLINE VILLAGE SUBSTATION  
DISPATCH CENTER – SHERIFF**

County Manager Singlaub and Captain Gist of the Sheriff’s Department responded to questions of the Board concerning the immediate need for the Dictaphone Freedom recording system for the Incline Village Substation Dispatch Center. Captain Gist advised an 800 MHz dispatch center is needed at Incline Village because, if the Incline Village 911 service is severed, those calls could not be received in Reno. He advised the Sheriff’s Office currently dispatches for the North Lake Tahoe Fire Protection District, and this requires certain certifications that Reno public safety dispatchers do not maintain.

Commissioner Sferrazza stated he is not convinced this purchase is necessary but will support it because staff has indicated they cannot dispatch from the Truckee Meadows to Incline Village.

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried,

Chairman Humke ordered that the emergency purchase of a Dictaphone Freedom recording system in the amount of \$31,351.80 for the Incline Village Substation Dispatch Center be approved.

**03-193            HOST NATIONAL ACADEMY OF EMERGENCY MEDICAL  
DISPATCH CLASS – CAR RENTAL - SHERIFF**

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that the Sheriff's Office be authorized to host a National Academy of Emergency Medical Dispatch Class on March 4-6, 2003. It was further ordered that the cost of a car rental for the instructor during the three-day period and a \$500 fee if the class is not filled be approved.

**03-194            AWARD OF BID – JANITORIAL SERVICES FOR SENIOR  
SERVICES CENTER - BID NO. 2366-03 – PURCHASING**

This was the time to consider award of the bid for Janitorial Services for the Senior Services Center on behalf of the Public Works Department, Facility Management Division. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on December 18, 2002. Proof was made that due and legal Notice had been given.

County Manager Singlaub provided information concerning the scope of work for the janitorial services at the Senior Services Center.

Bids, copies of which were placed on file with the Clerk, were received from the following vendors:

Best Janitorial Services, Inc.  
McNeil's Cleaning Service  
Ambrose Building Maintenance  
Qual-Econ U.S.A., Inc.  
F.A.A.D. Janitorial

Sun West Building submitted a "No-Bid" response and the bid of Keep It Clean Janitorial was disqualified.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that Bid No. 2366-03 for janitorial services for the Senior Services Center on behalf of the Public Works Department, Facility Management Division, be awarded to the lowest responsible, responsive bidder, Best Janitorial Services, Inc., in the amount of \$2,466.62 a month and an approximate amount of \$360.00 for special events, when applicable, for a total estimated bid award

amount of \$59,558.88 for the two-year contract period. These services are to be provided five days a week, Monday through Friday.

It was further ordered that the Purchasing and Contracts Administrator be authorized to enter into a two-year Agreement with Best Janitorial Services, Inc. for janitorial services at the Senior Services Center commencing March 1, 2003 through February 29, 2005 with two, two-year renewal options. Prices are to remain firm for the duration of the original Agreement and pricing for the renewal Agreement shall be subject to renegotiations between the vendor and the Purchasing Office.

**03-195            REQUEST FOR PROPOSAL NO. 2361-03 – CONVICTED  
OFFENDER DNA SAMPLING ANALYSIS SERVICES –  
PURCHASING**

This was the time to consider Request for Proposal No. 2361-03 for convicted offender DNA sampling analysis for the Forensic Science Division of the Sheriff's Office. Proposals were solicited by the Purchasing Office, in accordance with the provisions of NRS 332.039, and the Request For Proposal was duly advertised in the *Reno Gazette-Journal* on January 8, 2003 and made available through the online services of DemandStar.com. Proof was made that that due and legal notice had been given.

Proposals were received from the following:

Bode Technologies  
Myriad Genetic  
Fairfax Identity  
Orchid Biosciences, Inc./Orchid Cellmark Forensics

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that Request for Proposal No. 2361-03 for convicted Offender DNA sampling analysis services for the Forensic Science Division of the Sheriff's Office be awarded to the following suppliers:

Primary Supplier  
The Bode Technology Group

Secondary Suppliers:  
Orchid Biosciences, Inc./Orchid Cellmark Forensics  
Fairfax Identity  
Myriad Genetics

It was noted that discounts, prices and exceptions offered shall be honored and adhered to until January 31, 2006, with the County retaining an option to renew for two additional one-year periods through January 31, 2008. The estimated value of the award is indeterminate and based on requirements and available funding, and \$30,000 is

anticipated to be expended for DNA sampling analysis services for the balance of the fiscal year.

**03-196            REVISION - WORKPLACE VIOLENCE POLICY – HUMAN RESOURCES**

Upon recommendation of Joanne Ray, Director of Human Resources, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that the revised Workplace Violence Policy, as outlined in the agenda memorandum dated February 13, 2003 and placed on file with the Clerk, be approved.

**03-197            INTERLOCAL AGREEMENT – BASIC LAW ENFORCEMENT TRAINING - SHERIFF**

County Manager Singlaub stated, pursuant to the suggestion made at yesterday's Caucus meeting, staff will contact the School District Police Force concerning their desire to become a member of the Regional Public Safety Training Center and a participant in this Interlocal Agreement.

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Interlocal Agreement between Washoe County, Washoe County Sheriff's Office, City of Reno, Reno Police Department, City of Sparks, Sparks Police Department and the Board of Regents of the University and Community College System of Nevada on behalf of Truckee Meadows Community College for the purpose of providing basic law enforcement training to the recruit officers and qualified civilians be approved and Chairman Humke be authorized to execute the same.

**03-198            AGREEMENT – TAHOE BILTMORE, INC. – REGIONAL RADIO SYSTEM COMMUNICATIONS SITE– TELECOMMUNICATIONS**

Upon recommendation of Jim Lencioni, Telecommunications Manager, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Agreement between Washoe County and Tahoe Biltmore, Inc. for use of the Biltmore's building located at 101 Lake View Avenue, Incline Village, Nevada as a communications site for the Washoe County Regional Radio System be approved and Chairman Humke be authorized to execute the same. It was noted that the site is necessary to provide needed microwave connectivity and radio communications into the Tahoe Basin.

**03-199            LEASE AGREEMENT – COMMUNITY SERVICE AGENCY - SUN VALLEY NEIGHBORHOOD CENTER – PUBLIC WORKS**

Upon recommendation of Jean Ely, General Services Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway,

seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that the lease agreement between Washoe County, Lessor, and Community Service Agency, a Nonprofit Nevada Corporation, Lessee, for lease of space in the Sun Valley Neighborhood Center at the Sun Valley Community Park be approved and Chairman Humke be authorized to execute the same. It was noted that the lease agreement is for a nine-month period retroactive to September 1, 2002 commencing upon execution by the Board of County Commissioners and is automatically renewable annually thereafter, unless terminated as specifically provided and for such other terms and conditions as stated therein.

**03-200                    FUNDING AND CONSULTANT SELECTION - JAIL STAFFING  
AND EXPANSION STUDY – PUBLIC WORKS**

In response to questions asked at yesterday's Caucus meeting, County Manager Singlaub advised that Dennis Liebert has national expertise in staffing and operating efficiencies for jail facilities and is able to provide an independent criticism and observation about where staffing can be utilized more effectively. She said Mr. Liebert also translates staffing and operating procedural recommendations into design recommendations for how the facility could be built to reduce the requirement for staffing and procedural work flows.

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the use of \$54,000 from the proceeds of the Health and Public Safety \$.015 Restricted Ad Valorem account to pay for the Jail Staffing and Expansion Study be approved and the Comptroller be directed to set up a separate key org to track the expenditure. It was further ordered that the selection of Liebert & Associates to perform the Study be approved and Chairman Humke be authorized to execute the Agreement for Consulting Services upon presentation.

**03-201                    EXPENDITURE OF REGIONAL WATER MANAGEMENT  
FUNDS - INTERLOCAL AGREEMENT - PILOT RESIDENTIAL  
WATER AUDIT PROGRAM – WATER RESOURCES**

Upon recommendation of the Regional Water Planning Commission, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the expenditure of Regional Water Management funds in the not-to-exceed amount of \$85,360 to conduct a pilot residential water audit program be approved. It was further ordered that the Interlocal Agreement between Washoe County and the Truckee Meadows Water Authority concerning this project be approved and Chairman Humke be authorized to execute the same.



**03-202            EXPENDITURE OF REGIONAL WATER MANAGEMENT FUNDS – INTERLOCAL AGREEMENT - EFFLUENT DISPOSAL EVALUATION FOR LEMMON VALLEY AREA – WATER RESOURCES**

Upon recommendation of the Regional Water Planning Commission, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the expenditure of Regional Water Management funds in the not-to-exceed amount of \$49,812 to partially fund an effluent disposal evaluation for the Lemmon Valley area be approved. It was further ordered that the Interlocal Agreement between Washoe County and the City of Reno concerning the project be approved and Chairman Humke be authorized to execute the same.

**03-203            CORRECTION OF FACTUAL ERRORS ON TAX ROLLS - ASSESSOR**

Upon recommendation of Tom Sokol, Assistant Chief Deputy Assessor, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Roll Change Requests correcting factual errors on tax bills and the Order directing the Treasurer to correct the error be approved and Chairman Humke be authorized to execute the same.

<b>Property Owner</b>	<b>Parcel/ID #</b>	<b>Amount</b>	<b>Roll</b>
Motel 6 Operating LP	006-151-06	[-\$275.29]	2002 Secured
Truck Parts & Equipment Co.	034-143-05	[-\$273.64]	2002 Secured
Morrill & Machabee Inc	011-178-02	[-\$356.63]	2002 Secured
J.Fredrick T. & Judy M. Crosby	079-230-11	[-\$68.45]	2002 Secured
HVR Manufacturing Company	090-051-07	[-\$12,354.08]	2002 Secured
Great Western Hospitality LLC	040-131-27	[-\$1,038.53]	2002 Secured
Philip Demanczuk Photography	2/100-464	[-\$115.83]	2001 Unsecured
Universal Cycles	2/200-492	[-\$104.78]	2001 Unsecured
Coyotes Bar & Grill	2/212-098	[-\$139.99]	2001 Unsecured
Washoe Bar	2/214-030	[-\$73.86]	2001 Unsecured
James Roberts	2/308-538	[-\$107.10]	2001 Unsecured
C G S Personnel	2/102-350	[-\$194.06]	2002 Unsecured
Bruce Baltzer	2/106-539	[-\$71.58]	2002 Unsecured
Pamela Noel Bithos, LMT	2/107-215	[-\$77.01]	2002 Unsecured
Hoy & Smallhouse LLP	2/108-302	[-\$633.95]	2002 Unsecured
Anacomp, Inc	2/182-612	[-\$765.78]	2002 Unsecured
State Farm Mutual Automobile Ins	2/190-825	[-\$26.89]	2002 Unsecured
Heller Financial Leasing	2/190-964	[-\$8,053.98]	2002 Unsecured
Viasat, Inc	2/191-854	[-\$25.27]	2002 Unsecured
First Union National Bank	2/191-931	[-\$326.76]	2002 Unsecured
Dollar Tree Stores Inc #1257	2/201-149	[-\$122.01]	2002 Unsecured
Dollar Tree Stores Inc #1269	2/201-605	[-\$141.77]	2002 Unsecured
Wright Outdoor Center	2/201-983	[-\$308.29]	2002 Unsecured

High Sierra Hobbies, Inc.	2/202-530	[-\$205.57]	2002 Unsecured
Crescent Machinery Inc.	2/265-021	[-\$40,648.00]	2002 Unsecured
Car Tunes	2/267-034	[-\$84.73]	2002 Unsecured
Terminal Mini Warehouses	2/328-021	[-\$19.90]	2002 Unsecured
Comphel Custom Concrete	2/463-487	[-\$205.75]	2002 Unsecured
Equant U.S. Inc.	2/470-080	[-\$193.64]	2002 Unsecured
North Star Telecomm Services Inc.	2/479-058	[-\$187.08]	2002 Unsecured
United States Gypsum	2/985-030	[-\$115,994.66]	2002 Unsecured
Fred Meusam	31/018-48	[-\$26.05]	2002 Unsecured

**03-204            REAPPOINTMENT/APPOINTMENT - ORGANIZATIONAL  
EFFECTIVENESS COMMITTEE – MANAGER**

Chairman Humke stated he is a newly appointed member of the Organizational Effectiveness Committee and would like to obtain some additional information on this item.

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that this item be continued.

**03-205            REQUEST FOR PROPOSAL NO. 2372-03 – HAY AND PASTURE  
LEASES – PARKS AND RECREATION**

This was the time to consider Request for Proposal No. 2372-03 for Hay and Pasture Leases. The Notice to Proposers for receipt of sealed bids was published in the *Reno Gazette-Journal* on January 17, 2003. Proof was made that that due and legal notice had been given.

The following proposals were received:

<b>Name of Proposer</b>	<b>Betsy Caughlin Donnelly Park</b>	<b>Rancho San Rafael</b>	<b>Anderson Ranch</b>
Avanzino's Farms	\$1,300.00	No Bid	\$2,600.00
Jason Murry	No Bid	No Bid	\$4,001.00
Lazetich Ranch & C & P Cattle Co.	\$2,000.00	\$750.00	\$2,700.00

Karen Mullen, Director, Parks and Recreation, reviewed background information and advised the methodology and management planning for the pastures was reviewed by the Rancho San Rafael Advisory Board, as part of the development and implementation plan approved last year. She stated it would cost the Parks Department approximately \$14,000 annually to maintain the properties to be pastured.

Commissioner Galloway noted that the C & P Lease at Rancho San Rafael Park is for much less money than the other two leases at different parks. Ms. Mullen

explained the hay and pasturage agreements and said animal units per month are considered. She stated the Rancho San Rafael lease is lower because all of the south pasture is used for event parking. The lease amount for Rancho San Rafael is greatly reduced because the cattle are only on the north pasture area.

Commissioner Galloway stated he thinks the Rancho San Rafael pasture lease should go out for bid. Commissioner Shaw said the Board has approved these leases in the past and the benefits received are valuable to the County. Commissioner Sferrazza stated Rancho San Rafael is a public park and not a ranch, but if the County were to lease the property, he believes the price is too low. Chairman Humke said he does not believe it is inappropriate to operate part of the park as a ranch, but suggested staff talk to the Sheriff about a work program to make the hay. Commissioner Galloway said he does not have a problem with approving the Lazetich Ranch and the Jason Murry leases, but he would like to explore alternatives relative to the C & P Cattle Company lease.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioners Shaw and Weber voting “no,” it was ordered that the following Hay and Pasturage proposals be accepted:

Lazetich Ranch, Inc.	Betsy Caughlin Donnelly Park – 20 acres \$2,000 per year (season)
Jason Murry	Anderson Ranch – 58 acres \$4,001 per year (season)

It was further ordered that the Purchasing and Contracts Administrator be authorized to execute annual (seasonal) agreements for the hay and pasturage leases with the above proposers, with the County retaining an option for two annual (seasonal) renewals.

Commissioner Shaw stated these leases have been approved for several years. He believes the C & P Company lease is a good thing and has the support of the Parks Department and Advisory Board. Commissioner Weber agreed.

**03-206      2002 ANNUAL REPORT - PARKS AND RECREATION**

Karen Mullen, Director, Parks and Recreation Department, reviewed highlights of the Parks and Recreation Department’s 2002 Annual Report, which was placed on file with the Clerk.

**\*3:35 p.m.** Chairman Humke temporarily left the dais and Vice Chairman Shaw assumed the gavel.

Ms. Mullen responded to questions of the Board concerning multi-use pastures, pool hours, lifeguards, and neighborhood parks. Commissioner Sferrazza complimented Ms. Mullen for a good report. Commissioner Galloway stated the overall performance of the Parks Department has been excellent. Commissioner Weber commended the Parks Department and expressed appreciation for the staff's availability to the public.

Upon recommendation of Bambi Fehling, Public Information Officer, through Karen Mullen, Director, Parks and Recreation, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Humke temporarily absent, Vice Chairman Shaw ordered that the Parks and Recreation Department Annual Report for 2002 be accepted.

**03-207            APPEARANCE – SANDI GOTTA AND BRYAN TYRE –  
WASHOE-STOREY CONSERVATION DISTRICT**

Brian Tyre, Health Department Engineer and appointed Washoe County representative to the Washoe Storey Conservation District, and Sandi Gotta, District Manager, Washoe Storey Conservation District, conducted a PowerPoint presentation and provided an update of the 2002 activities, services and programs of the District. Mr. Tyre provided information concerning how the District is funded and said that State and County contributions are very important. Ms. Gotta discussed some of the District's restoration projects and invited the Commissioners to their Steamboat Creek Conference to be held on April 12, 2003. She advised there were 18,450 volunteer hours in 2002, and the \$25,000 Washoe County gives to the District annually is critical to being able to continue their activities.

**\*3:45 p.m.**     Chairman Humke returned to the dais and assumed the gavel.

**03-208            FISCAL YEAR 2002/03 ACCOUNT ADJUSTMENTS - SECOND  
QUARTER SALARY SAVINGS ALLOCATIONS – FINANCE**

Upon recommendation of Darin Conforti and Anna Heenan, Senior Fiscal Analysts, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered the following adjustments for the fiscal year 2002-2003 second quarter salary savings allocations be approved and the Comptroller be directed to make the account transactions concerning same, as outlined in the agenda memorandum dated February 12, 2003 and placed on file with the Clerk:

1. Reduce the General Fund salary and benefit accounts in the amount of \$740,469; and

2. Transfer \$740,469 in cash and appropriation authority to the Risk Management Fund.

**03-209            TRANSFER OF FUNDS – FISCAL YEAR 2001/02 GENERAL  
FUND CARRYOVER TO RISK MANAGEMENT FUND -  
FINANCE**

Upon recommendation of Darin Conforti and Anna Heenan, Senior Fiscal Analysts, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that the transfer of \$1,559,005 of General Fund carryover from fiscal year 2001-2002 to the Risk Management Fund be approved. It was further ordered that the Comptroller be directed to make the appropriate journal entries for the cash and appropriation authority transfer to the Risk Management Fund.

**03-210            BUDGET APPROPRIATION REDUCTIONS - FISCAL YEAR  
2002-2003 BUDGET – FINANCE**

John Sherman, Finance Director, was present to provide information regarding this item.

Upon recommendation of Darin Conforti and Anna Heenan, Senior Fiscal Analysts, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that budget appropriation reductions for Fiscal Year 2002-2003 in the amount of \$480,085 be approved. It was further order that the Comptroller be directed make the necessary account transactions, as outlined in the agenda memorandum dated February 12, 2003 and placed on file with the Clerk, and increase the appropriation authority in contingency account 001-1890-7328 by \$480,085.

**03-211            RESOLUTION - AUGMENT EQUIPMENT SERVICES FUND –  
PURCHASE REPLACEMENT VEHICLES/EQUIPMENT –  
GENERAL SERVICES**

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following Resolution to augment the Equipment Services Fund (069) in the amount of \$813,560 for the purchase of replacement vehicles/equipment be adopted and Chairman Humke be authorized to execute the Resolution. It was further ordered that the Comptroller be authorized to make the appropriate adjustments, and the purchase of the remaining replacement vehicles and heavy equipment in conjunction with the original replacement schedule be authorized.

**RESOLUTION**

**A RESOLUTION TO AUGMENT EQUIPMENT SERVICES  
(FUND 069)**

**WHEREAS**, the Equipment Services Fund purchased vehicles and equipment in the 2001/2002 fiscal year, and the vehicles/equipment were not delivered and paid for until the current 2002/2003 fiscal year; and

**WHEREAS**, the Division is in need of funding to restore its original purchasing authority to its full purchasing potential so as to complete its scheduled replacement of vehicles/equipment in the 2002/2003 fiscal year; and

**WHEREAS**, the Equipment Services Fund (069) has sufficient resources available from retained earnings to allow for appropriation authority adjustments necessary to fund these expenditures:

**NOW THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of the County of Washoe in the State of Nevada:

Section 1. That the budget of the Equipment Services Fund be augmented as follows:

**Decrease Retained Earnings**

069-3431	Retained Earnings	\$813,560
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**Increased Capital**

6901-7851	Vehicles	\$ 72,999
6901-7852	Heavy Equipment	\$740,561

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, Manager's Office and Finance Division.

**03-212      SUBMISSION OF COMMUNITY DEVELOPMENT BLOCK  
GRANT APPLICATIONS TO STATE OF NEVADA – GRANTS  
ADMINISTRATOR**

Upon recommendation of Gabrielle Enfield, Grants Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that submission of the following Community Development Block Grant (CDBG) applications to the State of Nevada for funding consideration be approved: Gerlach General Improvement District Uranium: Water Treatment Facility

(Community Facilities); Reno Area Alliance for the Homeless: Homeless Services Center (Planning); and Bristlecone Family Resources: Family Services Capital Planning Project (Planning). It was further ordered that Chairman Humke be authorized to execute the Grant Application documents.

**03-213            EXTENSION - MILITARY PAY DIFFERENTIAL – HUMAN RESOURCES**

Upon recommendation of Joanne Ray, Director of Human Resources, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that the extension for six months of the “Military Pay Differential” for an employee on extended military leave for active military service be approved.

**03-214            RECLASSIFICATION OF POSITION – HUMAN RESOURCES**

Chairman Humke advised his personal policy is to oppose reclassification upgrades when the County is in a budget cycle. Commissioner Sferrazza said he would go along with the recommendation but would rather not have reclassifications when layoffs are being considered. County Manager Singlaub advised that about seven percent of the County workforce is vacant, and employees are being asked to cover multiple duties. She said, when there are permanent changes and an expansion of duties, particularly when staff cannot be added, more of these reclassification requests would be seen.

Commissioner Shaw noted that several reclassifications have been approved by the Board, and he would feel remiss not supporting this request. However, he could support not having further reclassification requests in the future.

Steve Bradhurst, Director, Water Resources, said this classification request has been in the works for sometime. He stated, since becoming Director of Water Resources, he has given increased responsibilities to staff that have the ability instead of coming to the Board to request new hires. He advised he requested this employee to increase his responsibility, and this job is rather unique.

County Manager Singlaub noted that recommendations for reclassification are not based on having more work, but on being assigned work of increasing complexity. Joanne Ray, Director, Human Resources, provided information concerning reclassification issues.

Commissioner Weber suggested a freeze might be considered to not accept reclassifications beyond those scheduled to come before the Board within the next month. County Manager Singlaub advised staff has conducted a vacancy review and, as it has become necessary, hiring restrictions have been implemented. She said she supports freezing reclassifications outside of the budget cycle, but would not want the Board to take away the opportunity to do reclassifications at all. Legal Counsel Shipman

reviewed the legal requirements concerning the addition of duties that require a higher level of performance. She stated, if the Board would want to stop the reclassification process, it would have to direct that the higher performance level duties not be done.

Sam Dehne, Reno resident, said this agenda item was not worded in accordance with the Nevada Open Meeting Law, which says the language must be clear and complete so the public would know what is to be discussed. He stated he does not agree with this recommendation. County Manager Singlaub explained the agenda item and expressed appreciation for Mr. Dehne’s request for clarification on future agendas.

Chairman Humke said he has some studying to do concerning the Job Evaluation Committee process and would not support this request. Commissioner Sferrazza stated he would support this recommendation but not any future requests; and the Board needs to review its policy concerning reclassifications. He said he would want a lot more detail in the future about the actual difference in the jobs. Commissioner Galloway commented it would take something very drastic to convince him to freeze the organization when future problems need to be addressed. He thinks reclassification involves much less money than filling vacancies and new positions.

Upon recommendation of Joanne Ray, Director of Human Resources, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Humke voting “no,” it was ordered that the following reclassification be approved:

**Reclassification of existing position**

<b>Department</b>	<b>Current Position</b>	<b>Pay Grade</b>	<b>New Class</b>	<b>Pay Grade</b>
Water Resources	Water Rights Supervisor	L	Water Rights Supervisor	N

It was further ordered that no reclassifications be presented until the budget process begins and the Board has had the opportunity to review the policies contained in the Guide to Classification Process.

**03-215      ACCEPTANCE OF DEVELOPER BUILT WATER, SEWER, AND RECLAIMED FACILITIES – WATER RESOURCES**

Upon recommendation of Steve Bradhurst, Director, Water Resources, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that the developer built water, sewer and reclaimed facilities dedicated to Washoe County, as outlined in the agenda memorandum dated February 10, 2003 and placed on file with the Clerk, be accepted.

It was noted these developer-constructed facilities would increase infrastructure assets and equity of the Utility Services Division by \$7,988,593.



03-216

**AGREEMENT- CONSULTANT ENGINEERING SERVICES -  
INVESTIGATION OF PCE WELL IMPACT - CENTRAL  
TRUCKEE MEADOWS REMEDIATION DISTRICT**

Jim Ford, Water Resources, advised that staff has presented Option 1, which utilizes no Water Resources staff for the project and Option 2, which utilizes Water Resources staff to perform some of the work. He stated that staff is recommending approval of Option 1 to contract out the investigation of PCE well impact because of the current staff shortage. He said, if Option 2 were approved and staff had to conduct the project, other major projects would be delayed. Mr. Ford responded to questions of Commissioner Sferrazza concerning cost comparisons of contracting the project out or conducting the services in house.

Commissioner Galloway stated he would support staff's recommendation to approve Option 1. Commissioner Sferrazza said he has not received enough information on the cost comparisons between staff or an outside contractor doing the work.

Upon inquiry, Jeanne Ruefer, Water Resources Planning Manager, advised the projects that could be delayed if staff were to be utilized to conduct the study would include the Spanish Springs Nitrate Remediation Project, hydrographic basin studies, and the South Truckee Meadows modeling for the facility plan implementation.

Upon recommendation of Ms. Ruefer through Steve Bradhurst, Director, Water Resources, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried with Commissioner Sferrazza voting "no," Chairman Humke ordered that, in accordance with Option 1, the contract between Washoe County and Hydro Geo Chem Inc. in the amount of \$393,978 to provide professional services related to the "Investigation of PCE Well Impact" for the Central Truckee Meadows Remediation District be approved and Chairman Humke be authorized to execute the Agreement.

It was noted the study is to investigate the PCE contamination of the Sparks Avenue and Poplar II production wells located in the City of Sparks and owned by the Truckee Meadows Water Authority (TMWA); and these wells cannot be used for municipal water supply until remedial and/or structural activities have reduced the PCE concentrations to acceptable levels.

03-217

**LETTER OF SUPPORT FOR ALTERNATIVE NO. 3 – UNITED  
STATES FOREST SERVICE - ENVIRONMENTAL ASSESSMENT  
FOR MT. ROSE-SKI TAHOE PLAN – PARKS**

Karen Mullen, Director, Parks and Recreation, provided excerpts from the draft minutes of the Parks Commission meeting of February 19, 2003 concerning the Environmental Assessment for the Mt. Rose-Ski Tahoe Plan. She also provided a

memorandum dated February 25, 2003 concerning the County's request for language on phasing the Mt. Rose Plan.

Kent Sharp of Snow Engineering Group, representing the U.S. Forest Service, conducted a PowerPoint presentation and reviewed the improvements proposal being brought forward by the Mt. Rose-Ski Tahoe Resort. He said the proposal primarily focuses on the east bowl of the resort and much of the property is on Forest Service and County land. He stated the Forest Service prefers Alternative 3, which would (1) Open the Chutes to daily management and downhill skiing and authorize the construction of a short lift from the bottom of the Chutes to the ridge just above the Mt. Rose Ski Lodge, (2) Construct snowmaking lines on the east bowl to provide for a more dependable snow pack on the Slide Mountain portion of the ski area, (3) Replace the current east bowl lift with a high speed six-person chair lift, and (4) Construct several view decks in order to enjoy views of both Lake Tahoe and the Carson Valley. Mr. Kent then reviewed issues relating to the environmental analysis and said the focus of the proposal is to update and upgrade the east bowl portion of the resort and bring it up to speed with the Mt. Rose side of the resort.

Mr. Sharp responded to questions of the Board concerning required lodge seating capacity, the Chutes return lift, parking and the County's current lease agreement. Commissioner Sferrazza noted that the County could have renegotiated the lease agreement in 1998 and questioned why that was not done. He said he would want to make it very clear that, if this request is supported, the Board is not pre-approving what they will do on County property. Commissioner Galloway expressed concern about what would happen if the Phase III for the larger parking area and the restaurant were not accomplished for some reason. He said he is concerned that people may not use the ski facilities if the restaurant is not constructed. Mr. Sharp stated that energizing the east bowl would require the implementation of all the projects.

Paul Senft, General Manager, Mt. Rose-Ski Tahoe, discussed the phasing schedule, permitting process, and construction schedule for the east bowl. He stated he does not think there is enough time to construct the lodge by next summer. Commissioner Galloway commented he did not see how the Board could endorse a project that would have more people with no facilities. Upon inquiry of Chairman Humke, Mr. Senft stated there would likely need to be some kind of temporary facility in place for at least one summer, but that facility would not include food service. He noted they want to accelerate the plan, and it does not do them any good to stretch it out beyond what is necessary. Commissioner Shaw said he shares Commissioner Galloway's concerns and asked how strong the County's comments would be taken. Mr. Sharp stated he believes the comments of the County Commission are very important to the Forest Service, as they have indicated they wanted to receive the Board's comments prior to proceeding with the environmental analysis.

Commissioner Sferrazza said he would not want to force the construction of a new lodge until the proposal comes before the County Commissioners. Mr. Senft

noted that almost all of the projects would require special use permits, and they will be back before the Board with those requests.

Terri Shannon, area resident, expressed concerns regarding the excavation and grading that would be done and said seismic metering should be conducted to make sure the excavation for the project does not disrupt fissures and disturb the water flow. She stated she is concerned about the potential cost to the County, more traffic accidents on Mt. Rose Highway, water usage, and maintaining the main water distribution points. She stated the need for special use permits raises a flag because that means there is a problem with the project.

Gary Schmidt, Mt. Rose Highway property owner, stated the Mt. Rose Ski Resort is a very important quality of life and economic unit in the community, and is an important non-gaming open space recreational activity. The Resort cannot do anything without special use permits and approval from the Board, and he is confident it is not the intention of the Resort to create more ski capacity without providing a more beautiful, larger, and more functional lodge.

Commissioner Galloway stated he could support Alternative No. 3 and forward the comments on the Environmental Impact Statement made in the staff report, the additional recommendations set forth in the letter dated February 25, 2003, and the comments made by the public today. Commissioner Sferrazza stated he supports going forward but is concerned about the County receiving a fair return on its contribution to the Mt. Rose Ski Area. He said he does not believe the County is receiving a fair return, but that discussion can be held during the approval process. He requested that the comment also be forwarded that the County Commission is not endorsing or pre-approving any development on County property. Commissioner Shaw stated he would support this because he thinks these issues can be addressed.

Chairman Humke stated he would reluctantly support the request, noting he does not agree with all the comments made in the February 25, 2003 letter from Ms. Mullen. He does not believe it is reasonable to tell the Ski Resort and the Forest Service to build a lodge earlier in the phasing schedule. He said no one wants to make these ski resort improvements without addressing all the amenities, and Mt. Rose-Ski Tahoe Resort is making improvements to Washoe County land.

On motion Commissioner Galloway, seconded by Commissioner, Weber, which motion duly carried, Chairman Humke ordered that a letter of support for Alternative No. 3 in the Environmental Assessment for the Mt. Rose-Ski Tahoe Plan containing the Board and public comments made today, the recommendations outlined in the staff report date February 24, 2003 and the letter from Karen Mullen dated February 25, 2003, all placed on the file with the Clerk, be forwarded to the United States Forest Service (USFS) Carson Ranger District. The Board noted this endorsement does not indicate the County Commission's endorsement or pre-approval of any development on County property, and these matters will be considered when Mt. Rose-Ski Tahoe comes

back to the Board for special use permits and consideration of approvals needed to complete the project.

It was further ordered that the Comptroller be authorized to make the appropriate adjustments, and the purchase of the remaining replacement vehicles and heavy equipment in conjunction with the original replacement scheduled be authorized.

**03-218            BILL NO. 1370 - AMENDING WCC CHAPTER 110  
(DEVELOPMENT CODE) - ARTICLE 434 - REGIONAL  
DEVELOPMENT STANDARDS - COOPERATIVE PLANNING  
AREAS**

Madelyn Shipman, Assistant District Attorney, reviewed her memorandum dated February 19, 2003 outlining revisions to the proposed ordinance, entitled Revised Option 3. She stated these revisions are necessary to make the ordinance consistent with the intent of the Regional Plan Settlement Agreement.

Commissioner Sferrazza expressed his opposition to the provision allowing for variances. Ms. Shipman and Adrian Freund, Director, Department of Community Development, explained that variance provisions have to be allowed, and the intent is that variances would only be processed because of a hardship due to the size, shape or other natural features of the lot, not for the convenience of the property owner or developer.

Commissioner Sferrazza stated he was also opposed to the amendment to Section 110.434.10 eliminating the buffer zone when a natural barrier exists. He stated he worked very hard to be sure the buffer provisions were included to protect County residents near City development. Following discussion, the Board amended paragraph (1) of Section 110.434.10 by deleting everything beginning with the word "However" on line three through the end of the paragraph.

Under Section 110.434.25 (b) (2), Commissioner Sferrazza requested that "gazebo or other open air structure" be deleted. The Board members agreed.

Section 110.434.40 concerning earthquake fault areas was amended by Commissioner Galloway, and agreed upon by the other Commissioners, by the addition of "or structure whose integrity is critical to public safety" after the word "structure" on line two.

**Bill No. 1370, entitled, "AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, ARTICLE 434, REGIONAL DEVELOPMENT STANDARDS WITHIN WASHOE COUNTY AND COOPERATIVE PLANNING AREAS, BY INCORPORATING STANDARDS TO ADDRESS SITE COMPATIBILITY BETWEEN EXISTING BUILT ENVIRONMENT AND NEW DEVELOPMENT WITHIN UNINCORPORATED WASHOE COUNTY. THE STANDARDS WILL ALSO APPLY TO COOPERATIVE PLANNING AMENDMENTS WITHIN THE POST-**

**MAY 8, 2002 SPHERE OF INFLUENCE AND LANDS ANNEXED BY THE CITY OF RENO AND SPARKS UNDER THE PROVISIONS OF NRS 268.670 IN THE REGIONAL PLAN EXCEPT THOSE LANDS IDENTIFIED IN THE SETTLEMENT AGREEMENT IN NEVADA SUPREME COURT CASE 38749 (ALSO KNOWN AS THE VERDI MATTER). THE PROPOSED AMENDMENT INCLUDES REFERENCE TO LOT ADJACENCY STANDARDS OF SINGLE FAMILY RESIDENTIAL TO SINGLE FAMILY RESIDENTIAL INCLUDING PARCEL SIZE MATCHING, AND BUFFERING; LOT ADJACENCY STANDARDS FROM MULTI-FAMILY TO SINGLE FAMILY RESIDENTIAL; LOT ADJACENCY STANDARDS OF RESIDENTIAL TO NON-RESIDENTIAL; LOT ADJACENCY STANDARDS OF NON-RESIDENTIAL TO NON-RESIDENTIAL; GRADING; PROTECTION OF RIDGELINES, EARTHQUAKE FAULT AREAS, AND OTHER MATTERS PROPERLY RELATING THERETO"** was introduced **as amended** by Commissioner Sferrazza, the title read to the Board and legal notice for final action of adoption directed.

**03-219            BILL NO. 1371 - AMENDING WCC CHAPTER 110  
(DEVELOPMENT CODE) - ARTICLE 822 - MASTER PLANS AND  
ZONE CHANGES - REGIONAL PLAN SETTLEMENT  
AGREEMENT**

Madelyn Shipman, Assistant District Attorney, reviewed her memorandum dated February 19, 2003 outlining revisions to the proposed ordinance, entitled Revised Option 3. She stated these revisions are necessary to make the ordinance consistent with the intent of the Regional Plan Settlement Agreement.

As to the proposed changes in Section 110.822.25 (d) (3) and (4) concerning Emerging Employment Centers, Commissioner Galloway stated that language should be under 110.822.25 (1) as (iii) and (iv). Commissioner Galloway also objected to deleting the old language and the proposed replacement language. The consensus of the Board was to use the original language of (3) and to move (3) and (4) as suggested. Ms. Shipman stated the same changes would apply to 110.822.25 (f) (3) and (4) concerning Regional Centers.

**Bill No. 1371, entitled, "AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, ARTICLE 822, PROVISIONS FOR AMENDMENTS TO LOCAL MASTER PLANS AND ZONE CHANGES IN AREAS SUBJECT TO COOPERATIVE PLANNING UNDER THE REGIONAL PLAN SETTLEMENT AGREEMENT TO ADDRESS THOSE CRITERIA TO BE EVALUATED IN THE PROCESSING OF A COOPERATIVE PLAN AMENDMENT WITHIN THE POST-MAY 8, 2002 SPHERE OF INFLUENCE OF THE CITY OF SPARKS AND THE CITY OF RENO, LANDS IDENTIFIED BY THE CITIES AS AN AREA OF INTEREST AND LANDS ANNEXED BY THE CITY OF RENO AND SPARKS UNDER THE PROVISIONS OF NRS 268.670 IN THE REGIONAL PLAN EXCEPT THOSE LANDS IDENTIFIED IN THE SETTLEMENT AGREEMENT IN NEVADA**

**SUPREME COURT CASE 38749 (ALSO KNOWN AS THE VERDI MATTER). COOPERATIVE PLAN AMENDMENT CRITERIA APPLY THROUGHOUT THE COOPERATIVE PLANNING AREAS UNLESS THE TEXT OF A SPECIFIC POLICY STATES OTHERWISE. THE MASTER PLAN POLICIES AND GOALS AND ZONING AMENDMENT CRITERIA INCLUDE REGIONAL FORM AND PATTERN (INCLUDING OPEN SPACE), DESIRED POPULATION AND EMPLOYMENT DISTRIBUTION AND JOBS/HOUSING BALANCE; REGIONAL CENTERS; TRANSIT ORIENTED DEVELOPMENT CORRIDORS; POTENTIAL REGIONAL OPEN SPACE; TRUCKEE MEADOWS SERVICE AREA DEVELOPMENT STANDARDS; CONCURRENCY, TIMING AND PHASING OF INFRASTRUCTURE; FACILITY PLANS FOR PUBLIC INFRASTRUCTURE; PUBLIC SERVICE LEVELS AND FISCAL EFFECT; AND OPEN SPACE, RESOURCE CONSTRAINTS AND COOPERATIVE PLANNING CONSIDERATIONS NOT ELSEWHERE ADDRESSED, AND OTHER MATTERS PROPERLY RELATING THERETO"** was introduced as amended by Commissioner Galloway, the title read to the Board and legal notice for final action of adoption directed.

**03-220            UPDATE - UNIVERSITY RIDGE PARK**

Katy Singlaub, County Manager, reported that, at their meeting of February 25, 2003, the Reno City Council did accept the dedication of the land for the University Ridge Park site and directed their staff to proceed with design and construction of the park.

**03-221            2002 REGIONAL PLAN SETTLEMENTS**

Madelyn Shipman, Assistant District Attorney, advised she has filed a motion for an extension of time, and a hearing on the matter has been set for 2:00 p.m. Thursday, February 27, 2003.

Adrian Freund, Director, Department of Community Development, provided the Board with a copy of his letter dated February 24, 2003 to the Regional Planning Agency initiating the alternative dispute resolution process with respect to the cooperative planning and adjacency criteria adopted by the City of Sparks.

Commissioner Galloway asked about the annexation criteria each City was supposed to adopt. Mr. Freund stated, at this point, the two Cities have simply adopted the criteria straight out of the settlement agreement. Commissioner Galloway stated the settlement agreement envisioned the adoption of specific criteria concerning when property would be annexed in order to protect existing communities and suggested staff should object to any broad, general and non-specific criteria. Ms. Shipman advised the settlement agreement does not provide the County the option to participate in the adoption of annexation criteria by the Cities. She said Reno has not yet adopted its annexation criteria. Mr. Freund also advised that dialog is still occurring with the City of Reno concerning their annexation program. Commissioner Galloway stated he wanted

staff to be ready to reserve the County's rights regarding the annexation programs of the Cities. Ms. Shipman said she would need to review the settlement agreement, but she is not sure the County has the ability to initiate alternative dispute resolution over the annexation criteria. Mr. Freund reported the Reno annexation program is scheduled on the next joint meeting agenda.

**03-222            DISCUSSION - POSSIBLE CONSOLIDATION OF SERVICES  
AND/OR GOVERNMENTS**

Katy Singlaub, County Manager, noted the memorandums from herself, Commissioner Galloway, and the City of Reno concerning the status of various consolidation issues. The correspondence was placed on file with the Clerk.

Diana Langs, Sun Valley General Improvement District, stated she believes the unincorporated residents are opposed to consolidation of governments because of their concerns about the Cities' debts. In response to Commissioner Galloway, Ms. Langs said she is not in favor of consolidation legislation.

John Carney, Incline Village resident, asked when there would be a public discussion on the consolidation bill draft request (BDR) because he has heard a lot of rumors, and the citizens need to know how much this would cost and how the tax structure would be set up.

Ramona Cruz, Incline Village resident and member of the Committee for an Independent Incline Village, stated it is very unclear what consolidation would do to the unincorporated areas; and Incline Village does not want to be left out of the process.

Janice Lewandowski, Incline Village resident, reiterated that the people of Incline Village/Crystal Bay want to be part of the process.

Randall Robison, North Valleys Citizen Advisory Board (CAB), requested that the Board oppose any legislative action for consolidation in the 2003 session. He stated no one has seen the BDR, and consolidation will require a lot of time and study because it is a very complex issue.

Faith Fessenden, Southwest Truckee Meadows CAB, stated she is opposed to consolidation at this time.

Elaine Steiner, Southwest Truckee Meadows CAB, stated the CAB is opposed to any further action towards consolidation of services or governments. Chairman Humke read similar written comments submitted by Ellen Steiner.

Neal Cobb, Golden Valley resident, stated he is opposed to any legislation leading to consolidation at this time. He stated the ramifications and impacts of the 2002 Regional Plan Update have not yet been seen.

Ike Eichbaum, South Hills resident, submitted written comments in opposition to the merger/consolidation proposal by the City of Reno, which Chairman Humke read into the record. The Chairman also read written comments from Gary Feero, North Valley resident, expressing his objections to consolidation.

Gary Schmidt, Mt. Rose resident, stated he is generally opposed to any consolidation legislation at this time. He further stated that any efforts toward absolute consolidation would not be appropriate unless all three entities are included.

Terri Shannon, Northern Nevada Mt. Rose Well and Water Protection Association, expressed opposition to any legislation for consolidation, particularly in light of the equity studies presented during the regional planning process.

Gene Brockman, Trustee, Incline Village General Improvement District, stated Incline Village/Crystal Bay does not want to be included in any consolidated government, but are looking for constructive ways to work within the system.

Chairman Humke read written comments from Jeanne Gregory, Hidden Valley resident, expressing opposition to the proposed legislation.

Commissioner Galloway stated the Board should direct the County's legislative lobbyists to oppose the BDR for this session.

Commissioner Sferrazza stated over 54 percent of the people in his District support consolidation, and he would like to see the discussions continue. He also said that everyone should know exactly what Reno is proposing before blindly objecting to the legislation. Commissioner Sferrazza stated he supports consolidation, and he believes there are ways to accomplish it that should be explored.

Commissioner Weber stated she is not in favor of consolidation and does not believe it is appropriate for the City of Reno to go forward with legislation at this time. She further stated consolidation is an issue that needs to be discussed in detail with a lot of public input.

Chairman Humke said, with regard to State legislative issues, he believes the region would have a better bargaining position if there were one governmental entity. He also said that consolidation of functions or services makes a great deal of sense.

Commissioner Shaw stated he supports consolidating certain functions, but he would like the City of Reno to explain exactly what they are proposing. He said he could not blindly support the legislation.

Commissioner Galloway clarified that his position is that he is opposed at this time because the proper method would be to create an agreed upon plan, including a business plan and full financial disclosure, and then the legislation should be fashioned upon the plan.



Commissioner Galloway moved that the Board's position be that it does not support any legislation for consolidation this session because it is premature due to the concerns voiced by the Board members, but the Board is prepared to discuss and try to resolve the conflict issues and come to an agreement that could be the basis for such future legislation. Commissioner Shaw seconded the motion.

Commissioner Sferrazza stated that he cannot support the motion and that he will not be precluded from talking with the City of Reno and supporting legislation if the City does come up with something he can support.

Chairman Humke called for the question and the motion carried on a three to two vote with Chairman Humke and Commissioner Sferrazza voting "no."

Katy Singlaub, County Manager, summarized the Board discussion following the motion stating it would be helpful if each Commissioner would identify their consolidation issues and goals and under what conditions they would support consolidation. She stated staff could then compile the information for the Board to discuss at a future meeting.

**03-223            REPORT - FEBRUARY 8, 2003 PLANNING RETREAT**

Commissioner Sferrazza requested that Rule No. 3 of the Board's Rules and Procedures discussed at the Retreat be amended to provide that Commissioners will be limited to two consecutive terms on other Boards.

Upon recommendation of John Slaughter, Strategic Planning Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that the summary report of the February 8, 2003, Planning Retreat be accepted and that a discussion and possible action concerning the Board's Rules and Procedures be placed on the next available agenda.

**02-224            STATUS REPORT - FISCAL EQUITY**

This item was continued to March 11, 2003.

**02-225            ORDINANCE NO. 1189 - BILL NO. 1368 - REVISES SCHEDULE OF RATES AND CHARGES FOR WATER SERVICE WITHIN CERTAIN AREAS OF WASHOE COUNTY**

**5:30 p.m.**        This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on February 5, 13 and 21, 2003 to consider second reading and adoption of Bill No. 1368. Proof was made that due and legal Notice had been given.

Jerry McKnight, Finance and Operations Manager, Department of Water Resources, acknowledged the efforts of Ted Rolfs, Fiscal Compliance Officer, stating

Mr. Rolfs spent a great deal of time working on this rate ordinance and meeting with the Citizen Advisory Boards. He then stated the Development Services Advisory Committee (DSAC) has concerns with the section addressing connection fees, and staff has pulled that section out of this new ordinance. Connection fees will remain the same for the time being, and staff will be meeting with the DSAC and the Builders' Association to work through their issues. Mr. McKnight anticipated staff returning to the Board within 60 days to address the connection fees. He also noted a typographical error on page 12 concerning finance charges and advised that the words "per month" were inadvertently omitted.

Mr. McKnight then reviewed a chart comparing the old rates and new rates, with and without the arsenic surcharge. He stated most of the changes are in the 1.5 to 2 percent range prior to adding in the arsenic surcharge, which is required by federal regulation. Mr. McKnight advised that another significant change relates to the Golden Valley recharge project, and staff is proposing an exemption option for the borderline properties, which would prorate their monthly charge based on the amount of land in each basin.

Legal Counsel Madelyn Shipman advised that the change to the connection fees would be a lesser impact, and that would not necessitate a new introduction.

The 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 Weber, which motion duly carried, Chairman Humke ordered that Ordinance No. 1189, Bill No. 1368, entitled, " **AN ORDINANCE REVISING A SCHEDULE OF RATES AND CHARGES FOR PROVISION OF WATER SERVICE BY WASHOE COUNTY WITHIN CERTAIN AREAS OF WASHOE COUNTY; REQUIRING THE DEPARTMENT OF WATER RESOURCES, UTILITY SERVICES DIVISION, TO SUBMIT BILLINGS TO ALL WATER USERS WITHIN THE CERTAIN AREAS, REQUIRING PAYMENT THEREOF; AND PROVIDING PROCEDURES FOR ITS ENFORCEMENT. THIS ORDINANCE ABOLISHES ORDINANCE NO. 1115 AND ORDINANCE NO. 1166.**" be approved, adopted and published as **amended** in accordance with NRS 244.100.

**03-226            WATER RATES ORDINANCE BUSINESS IMPACT STATEMENT**

Upon recommendation of Jerry McKnight, Finance and Operations Manager, and Ted Rolfs, Fiscal Compliance Officer, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Humke ordered that the Water Rate Ordinance Business Impact Statement be approved and the County Clerk be directed to make the findings available upon request.

03-227

**RESOLUTION - ADOPTING ORDINANCE REVISING  
SCHEDULE OF RATES AND CHARGES FOR WATER SERVICE  
BY WASHOE COUNTY**

Upon recommendation of John Rhodes, Deputy District Attorney, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Humke be authorized to execute the same:

**RESOLUTION**

**A RESOLUTION ADOPTING AN ORDINANCE REVISING THE SCHEDULE OF RATES AND CHARGES FOR PROVISION OF WATER SERVICE BY WASHOE COUNTY WITHIN CERTAIN AREAS OF WASHOE COUNTY, PROVIDING PROCEDURES FOR ITS ENFORCEMENT, AND ABOLISHING ORDINANCE NO. 1115 AND ORDINANCE NO. 1166.**

**WHEREAS**, the proposed Ordinance Revising the Schedule of Rates and Charges for Provision of Water Service by Washoe County Within Certain Areas of Washoe County, and Providing Procedures for its Enforcement has been previously discussed and considered at public meetings by the Board of County Commissioners of Washoe County; and

**WHEREAS**, the proposed Ordinance Revising the Schedule of Rates and Charges for Provision of Water Service by Washoe County Within Certain Areas of Washoe County was recommended for approval by the Director of the Department of Water Resources; and

**WHEREAS**, the proposed Ordinance Revising the Schedule of Rates and Charges for Provision of Water Service by Washoe County Within Certain Areas of Washoe County was presented to the Board of County Commissioners of Washoe County in a first reading on January 14, 2003; and

**WHEREAS**, pursuant to NRS 318.199 the Board of County Commissioners may take action after the public hearing and adopt a Resolution Revising the Schedule of Rates and Charges for Provision of Water Service by Washoe County Within Certain Areas of Washoe County, and Providing Procedures for its Enforcement.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Board of County Commissioners of Washoe County, as follows:

1. The Ordinance Revising the Schedule of Rates and Charges for Provision of Water Service by Washoe County Within Certain Areas of Washoe County, Providing Procedures for its

Enforcement, and Abolishing Ordinance No. 1115 and Ordinance No. 1166 is hereby approved and adopted, and;

2. The Board of County Commissioners finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.

**03-228            REHEARING - COMPREHENSIVE PLAN AMENDMENT CASE  
NO. CP00SV-001 - REPTILE RIDGE PROPERTIES, INC.**

**5:30 p.m.**        This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on February 14, 2003, to consider the request to change the Land Use Designation from Low Density Suburban (LDS) to High Density Rural (HDR) on ±4.00 acres, Low Density Suburban (LDS) to Medium Density Rural (MDR) on ±1.00 acre, General Rural (GR) to Medium Density Rural (MDR) on ±21.58 acres, and with ±5.14 acres to remain Low Density Suburban (LDS) and with ±2.20 acres to remain General Rural (GR). The three parcels total ±33.92 acres and the request is authorized by Article 820 of the Washoe County Development Code (Chapter 110 of the Washoe County Code). The change will not increase the development potential of these properties; it will distribute the existing parcel potential over a greater area and remove the concentration of development from the exiting residences within the area. The requested rezoning is located on the west side and at the southerly terminus of Neilson Road, which is south of Andrew Lane and approximately one mile southeast of US 395 South in Pleasant Valley. The parcels are designated Low Density Suburban (LDS) and General Rural (GR) in the South Valleys Area Plan, and are within the NW/4 of Section 9, T17N, R20E, MDM, Washoe County, Nevada. The properties are located in the Galena-Steamboat Citizen Advisory Board boundary and Washoe County Commission District No.2 identified as APN: 017-360-03, 04, & 05.

It was noted that the Board approved this item on October 22, 2002 (see 02-1138), but it must be reheard due to noticing issues. At that time, the Notice of Public Hearing was not published in the newspaper, but the postcards were mailed to affected property owners. For this rehearing, the Notice was published, but the postcards were not mailed. Katy Singlaub, County Manager, stated the Board did determine at the Caucus meeting to go ahead and have this rehearing. Madelyn Shipman, Assistant District Attorney, advised that statute requires contemporaneous noticing by both legal publication and a mailing to affected property owners in order for the Board's action to be valid. Her advice was to continue this matter again with the proper noticing.

Commissioner Sferrazza moved to go forward with this rehearing. Commissioner Shaw seconded the motion. Commissioner Galloway stated he does not favor having this rehearing because he would want to be sure the final decision by the Board could not be challenged on a technicality. On call for the question, the motion carried four to one with Commissioner Galloway voting "no."

The Chairman opened the public hearing and called on anyone wishing to speak concerning this matter.

Don Young, Department of Community Development, provided background information explaining the requested changes and displayed an aerial photograph on the overhead. He advised that the requested changes would not change the density or increase the development potential of the subject parcels; the changes would redistribute the existing potential over a greater area and remove the concentration of wells and septic tanks; and the Washoe County Planning Commission and staff have recommended approval.

Gary Schmidt, applicant, was present to respond to questions.

Chairman Humke stated he is concerned about the procedural issues and feels this should be continued to a properly noticed time certain. Commissioner Sferrazza asked Mr. Schmidt if another continuance would cause him hardship or monetary detriment. Mr. Schmidt noted that he originally filed this application in December 1999 and a little more time would not be a problem. He further stated he and his attorney question whether the legal notices have to be simultaneous.

Chairman Humke moved to reconsider the motion to conduct the rehearing. The motion was seconded by Commissioner Galloway; and upon call for the vote, the motion carried three to two with Commissioners Sferrazza and Shaw voting "no."

On motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that the public hearing on Comprehensive Plan Amendment Case No. CP00SV-001, Reptile Ridge, be continued to March 11, 2003.

**03-229            APPEAL - ABANDONMENT CASE NO. AB02-016 - ANDY KALLAS & BLAIR SULLIVAN, APPLICANTS - LOUIE REBIDEAUX, APPELLANT**

**5:30 p.m.**        This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* and mailed to affected property owners on February 14, 2003 to consider an appeal of the Washoe County Planning Commission's decision in order to add a condition to provide an access easement to benefit the two neighbors with the existing rear yards abutting Navarro Court (APNs: 530-581-02 and 530-581-01). The abandonment request was to abandon a 50-foot-wide portion of Washoe County right-of-way identified as Navarro Court as authorized in Article 808 of the Washoe County Development Code. If approved, the area to be abandoned would be incorporated into the two adjoining parcels (APN's 089-196-01 and 089-195-03). The area of abandonment is located between 7435 and 7445 Robert Banks Drive within the Desert Springs Unit 1 Subdivision. The ±.33-acre parcels adjoining the right-of-way are designated Medium Density Suburban (MDS) in the Spanish Springs Area Plan, and are

situated in a portion of Section 3, T20N, R20E, MDM, Washoe County, Nevada. The property is located in the Spanish Springs Citizen Advisory Board boundary and Washoe County Commission District No. 5. (APN's 089-196-01 and 089-195-03).

Trevor Lloyd, Department of Community Development, provided background information and displayed a map of the subject abandonment and adjoining properties on the overhead. He advised that the Washoe County Planning Commission approved the requested abandonment on a four to three vote. He said Navarro Court was originally created to provide access for future development as a through street, but with development of the Wild Hawk Subdivision to the north, that access road was never required. He further explained that the appellant appealed the Planning Commission's decision after obtaining a determination by Washoe County Engineering that he would be constrained in maintaining his rear yard access if the abandonment request was approved. The appellant is requesting a condition be placed on the abandonment that would reserve an easement to provide access to his parcel.

The Chairman opened the public hearing by calling on anyone wishing to speak concerning this matter.

Louie Rebideaux, appellant, stated he purchased his property strictly for the rear access, which he thoroughly investigated before he bought to be sure of his rights and to not interfere with the neighbors. Mr. Rebideaux said the lot on the west side of his property is 30 inches higher than his lot, and everything from there drains to his property. Washoe County Engineering has told him he cannot use the side yard for access because of the drainage problems. He installed a gate on Navarro at the back of his property, and soon after that the applicants applied for the abandonment. Mr. Rebideaux stated he talked to his neighbors about his plans and about their plans, and no one indicated there would be problems. He does not feel the applicants need all of that land to develop their garages and workshops and is requesting a portion be reserved as an easement so he can maintain his access to the back of his property. He presented a packet of information, drawings and maps, which were placed on file with the Clerk, and demonstrated the location of his property, the Blair and Sullivan properties, and Navarro Court. He said his neighbors, the McMillins, also have rear access, and they both paid lot premiums to have these kinds of lots. Mr. Rebideaux stated that on January 3, 2003, both Mr. Blair and Mr. Sullivan told him they would grant him access to the back of his property, but they did not want to put anything in writing so they could control the property. He stated he is not opposed to the abandonment, but he has invested too much to not be absolutely certain he will be able to maintain access to the back of his property. Mr. Rebideaux then responded to questions from Board members.

Applicant Andy Kallas displayed maps and aerial photographs on the overhead depicting the properties in question, the several deadend streets in the subdivision, and noting other streets that have been or probably will be abandoned. Mr. Kallas refuted Mr. Rebideaux's comments concerning when Mr. Rebideaux installed his gate stating that happened the weekend after he told Mr. Rebideaux he was going to request the abandonment. He stated the reason he is requesting the abandonment is

because his home is only a two bedroom, one bath; and, since they are expecting their second child, they need to expand. The setbacks of the lot and the location of his leach field do not allow for the addition. Mr. Kallas further stated that he hired an engineer who determined that Mr. Rebideaux and Mr. McMillin could access their backyards from the west side of their properties. He noted on his map the other properties in the neighborhood that have put in rear yard access from the front. Mr. Kallas submitted a letter from the President of the Desert Springs Homeowners' Association and a petition signed by several of his neighbors supporting the abandonment. He then responded to questions from Board members.

Madelyn Shipman, Assistant District Attorney, clarified that, if the Board wished to grant Mr. Rebideaux's request, the proper action would be to approve a partial abandonment, in which case the County would still be responsible for maintaining the right-of-way. Sharon Kvas, Community Development Department, advised a partial abandonment would give Mr. Kallas and Mr. Sullivan 15 feet each and leave a 20-foot roadway in the middle. Commissioner Sferrazza asked Mr. Kallas if the 15 feet would give him enough space for the addition to his home. Mr. Kallas stated it would not because of the required setbacks. Commissioner Sferrazza stated it seemed to him the abandonment is being requested for personal gain and not for the public. Ms. Kvas advised there would be no setbacks required on a 20-foot roadway. Chairman Humke confirmed that would mean Mr. Kallas would not need a variance to build his addition.

Sherri Kallas, applicant, stated her main concern about granting Mr. Rebideaux an easement is the safety of her children who will be playing in their backyard. She further stated they have lived there eight and half years and the Rebideauxs have only lived there five years. Commissioner Sferrazza stated the area in question is a County street, not the Kallas' backyard and asked her why she would not put up a fence to protect her children.

Blair Sullivan, applicant, stated their attorney advised them it would not be in their best interest to grant Mr. Rebideaux an easement. He said that would be giving up what they consider to be their future front yards, and it would allow someone else to have unimpeded access. He reiterated Mr. Kallas' comments about the dispute between their engineer and County Engineering concerning whether Mr. Rebideaux and Mr. McMillin could access their backyards along their side yards. Mr. Sullivan stated they do not believe granting an easement is reasonable and doing so would be costly to them, both in liability and the ability to develop their properties. Granting Mr. Rebideaux a 20-foot easement would take up almost half of the abandonment they are seeking and defeats their purpose. Mr. Sullivan also expressed a concern about how this would affect his property value and whether Mr. Rebideaux was planning to conduct a manufacturing business in his backyard with his truck and delivery trucks coming and going all the time. Commissioner Sferrazza stated he does not see how the easement would be a detriment to the Sullivan or Kallas properties. Commissioner Sferrazza asked why they think this property belongs to them; and Mr. Sullivan stated they did not realize the approval by the Planning Commission could be overturned.

In response to Commissioner Weber, Ms. Kvas explained that Navarro Court is a "stub" created 25 years ago to provide a connection between the Desert Springs Subdivision and a possible future neighboring subdivision for traffic flow. It was not until the neighboring subdivision completed their final map on the portion abutting Navarro Court that it became known that Navarro Court would not be needed for that purpose.

Commissioner Galloway asked why the applicants keep referring to this land as theirs. Ms. Kvas stated the land does not belong to the applicants. Navarro Court is a dedicated County road, which belongs to the County. She further explained that, if it is abandoned, the law requires the land be equally divided among the adjacent property owners. Commissioner Galloway also asked about liability issues for Mr. Kallas or Mr. Sullivan, or any other adjoining property owners, for anything occurring on a County road. Ms. Shipman advised they would not be exposed to any liability under that circumstance.

Peggy Zoeters, real estate appraiser, stated that granting an easement over an abandoned right-of-way would provide a benefit to Mr. Rebideaux and a detriment to the property values of Mr. Kallas and Mr. Sullivan.

Glade Hall, Attorney representing applicants, stated that a partial abandonment granting Mr. Rebideaux access to his backyard is in effect providing a County-maintained road just for Mr. Rebideaux. He further stated installing a 30-inch retaining wall would not be a problem, which Mr. Rebideaux could do and have backyard access from the front of his property.

Commissioner Shaw stated he is not convinced that there will be increased traffic or other activity as has been suggested by the applicants. He further said that, if Mr. Rebideaux does plan to conduct a business activity in his backyard, he would have to come before the Board for a permit to do so; and the neighbors would have the opportunity to appear and voice their objections. Commissioner Shaw asked if co-appellant Mr. McMillin was present to respond to questions. Chairman Humke stated Mr. McMillin submitted a written report of appeal because he was not able to attend this hearing.

Gary Schmidt, County resident, stated the original intent of Navarro Court is no longer needed, and the Board should consider the cost to the public and liability issues of maintaining it as a public road to serve two private citizens.

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

Commissioner Galloway stated he could not make Finding No. 2, that there is no detriment to abutting or surrounding properties. He further stated he does not believe that any of this property was the property of the persons seeking the abandonment



prior to final action by the Board of County Commissioners; therefore, it was his opinion that the applicants are no worse off than they were when they started the process. He stated this is a neighborhood squabble that should have been worked out between the parties, and the only abandonment he could agree to would be a partial abandonment because the road was there when Mr. Rebideaux and Mr. McMillin bought their properties.

Commissioner Sferrazza stated he agrees with Commissioner Galloway, except that he feels there would be a detriment to the County and the public if the road were only partially abandoned since the County would still have to maintain the road. He suggested the matter be continued in the hope that the parties could work out a private agreement.

Commissioner Shaw stated granting this abandonment request would be denying Mr. Rebideaux and Mr. McMillin an access to their properties that they have enjoyed.

On motion by Commissioner Shaw, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Weber voting "no," Chairman Humke ordered that the appeal of Abandonment Case No. AB02-016 be upheld, without prejudice, and that Abandonment Case AB02-016 be denied, based on the Board members not being able to make Finding No. 2, that the abandonment would not create a detriment to abutting or surrounding properties.

**03-230            APPEAL - VARIANCE CASE NO. VA02-041 - CARL BARNEY -**  
**APPEAL CASE NO. AX02-007**

**5:30 p.m.**        This was the time set to continue (from the January 14, 2003 meeting) the Public Hearing on the appeal by Carl Barney of Variance Case No. VA02-041. The purpose of the public hearing is to consider an appeal to overturn the Washoe County Board of Adjustment's action denying the request to vary the corner side yard setback from 30 feet to 4 feet and the rear yard setback from 30 feet to 12 feet to facilitate the construction of an attached garage as authorized in Article 406 of the Washoe County Development Code. The project is located at 20 Somers Drive in Crystal Bay, approximately 175 feet south of the intersection of Somers Drive and Crystal Drive. The ±1.07-acre parcel, Lots 21 through 26, Block B, Nevada Vista Subdivision, is designated Low Density Suburban (LDS) in the Tahoe Area Plan, and is 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 123-032-06)

Chairman Humke opened the public hearing by calling on anyone wishing to speak concerning this matter.

Thomas Hall, attorney for the applicant, reported that he filed a request for continuance of this matter to April 8, 2003 because they have been working with staff and feel there may be an administrative remedy to their situation. He stated staff has requested that they not "double-dip," so he does not intend to present their case at this time.

Eva Krause, Planner, stated that, pursuant to direction at the Caucus meeting, she contacted eight neighboring property owners to ascertain if they would be opposed to a continuance; and all eight indicated they were opposed to another continuance. She further advised that many of these neighbors are present.

Chairman Humke called on those present asking them to address the issue of continuing this matter.

Arnold Landau, Crystal Bay resident, stated he is opposed to another continuance. He stated he cancelled a scheduled vacation to attend this hearing, and he would like to see a resolution. He also expressed concern about whether the neighbors would have input on the other administrative process being requested by Mr. Barney.

Shirley Kliman stated she lives directly adjacent to the applicant's property and she is opposed to the continuance and the variance request. She said they have already been through two hearings where the request was denied.

Danica Chapple stated she lives behind the Barney residence, and she is opposed to another continuance. Ms. Chapple advised that both the Incline Village General Improvement District and the Washoe County Board of Adjustment have denied the variance. She stated Mr. Barney has an existing garage, which is more than most people in the neighborhood have; and she thinks they should work with what they have and not infringe on their neighbors.

Phil Gilanfarr, architect representing the neighbors, stated they are prepared to argue their points, as they were the last time this was continued. He stated he believes it is time to declare that this variance request has been laid to rest. Mr. Gilanfarr stated they do not have a problem with Mr. Barney redesigning his project and going through the process again.

Chairman Humke read written comments submitted by Arah Chapple, Crystal Bay resident, expressing opposition to the continuance and to the variance. Ronald Code, also of Crystal Bay, stated on a Request to Speak card that he was against continuing the item.

Commissioner Galloway stated he believes it is time for the Board to say "yes" or "no" on this variance request, unless the applicant decides to withdraw his

request. He did caution the neighbors that the applicant could redesign the project so the matter may not be over yet.

Commissioner Sferrazza expressed his dissatisfaction with this process of deciding whether to grant a continuance, and asked why the matter was previously continued. Mr. Hall explained that he was called out of town to attend to his aunt's estate in San Diego and there were no appearances at the January hearing. In further response to Commissioner Sferrazza, Mr. Hall stated he has requested a continuance and does not intend to make any presentation at this time.

Commissioners Galloway and Shaw stated they were not in favor of continuing this matter, would like to hear the arguments, and make a decision. Commissioner Sferrazza noted the applicant indicated he was not going to make a presentation and suggested the Board deny the variance request without prejudice. Madelyn Shipman, Assistant District Attorney, advised the Board could do that, but she did express a concern regarding the Board making a decision without the applicant presenting information.

Eva Krause, Planner, reviewed background information and displayed a map on the overhead of the home and existing garage. She reviewed the arguments made by the applicant at the Board of Adjustment hearing concerning rock outcroppings, slippery sidewalk, current driveway being located on a blind corner and the steepness of the lot. Ms. Krause advised the Board of Adjustment could not find that a hardship existed preventing the owner from building a garage within the setbacks. She stated she has received two additional letters from other neighbors opposing the project, which were not included in the Board's packet.

**10:32 p.m.** Commissioner Sferrazza temporarily left the meeting.

Commissioner Shaw asked if the proposed garage would cause a safety problem. Ms. Krause stated the Roads Department indicated they would be able to plow, but the issue is having five cars backing out into the road, especially during winter when there could be visibility problems because of the snow banks. She further stated the street is on a hill, and it is icy in the winter.

Commissioner Galloway noted the Board of Adjustment could not make three of the findings for granting a variance.

Mr. Hall stated he has had a conference with his client and they request that this variance request be withdrawn at this time. Commissioner Galloway asked if the Board could accept a withdrawal. Ms. Shipman stated the Board could accept a withdrawal request and it would have the same effect as a denial, meaning the applicant could not submit the same request within one year. Mr. Hall stated they feel they have a better project to bring back, and he does not want to have a negative vote in the process.

Commissioner Galloway advised Mr. Hall that the new project would have to be substantially different.

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

Commissioner Shaw wanted to ensure that the neighbors were notified concerning any new project. Commissioner Galloway stated any new project would have to go through the Citizen Advisory Board.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Humke ordered that the request by the applicant's representative to withdraw their appeal of the Board of Adjustment's denial of Variance Case No. VA02-041 be accepted.

**03-231            LEGISLATIVE UPDATE**

Jim Nadeau, Lobbyist, discussed Bill Draft Request (BDR) 16-578, submitted on behalf of the Washoe County Sheriff, which deals with jail overcrowding. He stated the District Attorney, the Courts, and the Criminal Justice Advisory Committee have worked together to craft the language; and they would like to proceed with the BDR at the Legislature. He said what they have drafted would empower the Chief District Court Judge to create an order from the Court enabling the Sheriff to release inmates based on criteria specified in the Court Order. Chairman Humke asked if there would be any time limits on the Chief Judge to provide for the removal of inmates. Mr. Nadeau stated their intention is to give the Chief Judge the latitude to establish the release criteria and the period of time that the Order would be in place. Chairman Humke stated the Chief District Court Judge would then have the power to countermand the Orders of the Justice Court and Municipal Court Judges as well as other District Court Judges. Mr. Nadeau stated that would be correct. He further stated the Judges are in agreement with that and advised that the Judges in Clark County have been doing this.

**10:47 p.m.**    Commissioner Sferrazza returned to the meeting.

Katy Singlaub, County Manager, stated this is the process that was supported by the Eighth Judicial District in Southern Nevada and this would be putting into law what has been a past practice.

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that the Board endorses the concept of this BDR.

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There being no further business to come before the Board, the meeting adjourned at 10:50 p.m.

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**DAVID E. HUMKE**, Chairman  
Washoe County Commission

**ATTEST:**

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

*Minutes Prepared by  
Barbara Trow and Sharon Gotchy  
Deputy County Clerks*