

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

APRIL 13, 2004

PRESENT:

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

Amy Harvey, County Clerk
Katy Singlaub, County Manager
Madelyn Shipman, Legal Counsel

ABSENT:

Jim Shaw, Chairman

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

04-283 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Shaw absent, Vice Chairman Weber ordered that the agenda for the April 13, 2004 meeting be approved.

PUBLIC COMMENTS

Sam Dehne, local citizen, expressed his dissatisfaction that the Reno City Council agreed to give Charter Cable a 15-year contract to televise the Reno City Council meetings.

Al Hesson, local citizen, commented on Bush policies, the war in Iraq, and on testimony to the 911 Investigative committee.

MANAGER'S/COMMISSIONERS' COMMENTS

Commissioner Galloway advised he has asked staff for a list of options to be presented to the Board concerning public roads and reminded the public this matter will be discussed on April 27th.

Vice Chairman Weber invited everyone to the North Valleys Regional Sports Complex health fair, Saturday, April 24th.

Commissioner Humke reported on the very successful Easter egg hunt this past Sunday at the Pleasant Valley Volunteer Fire Department.

04-284 APPEARANCE – NEVAN KANE, HYDROGEOLOGIST, STATE OF NEVADA, BUREAU OF WATER POLLUTION CONTROL

Nevan Kane, Nevada Division of Environmental Protection, presented a Certificate of Endorsement to the Commission for completion of the State endorsed Wellhead Protection Plan of the South Truckee Meadows General Improvement District and congratulated them on their foresight in doing land use planning to protect the groundwater in that area and throughout the County.

04-285 PROCLAMATION – HONORING CESAR ESTRADA CHAVEZ

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Shaw absent, it was ordered that the following Proclamation, which Commissioner Sferrazza read and presented to Mr. Padilla of the Hispanic Chamber of Commerce, be adopted and Vice Chairman Weber be authorized to execute the same:

PROCLAMATION

WHEREAS, Cesar Estrada Chavez was born March 31, 1927, on a small farm near Yuma, Arizona that his grandfather homesteaded in the 1880s; and

WHEREAS, At age 10, life began as a migrant farm worker when his father lost the land during the Depression; and

WHEREAS, Together with thousands of displaced families, the Chavez family migrated throughout the Southwest, laboring in fields and vineyards; and

WHEREAS, Cesar left school after the eighth grade to help support his family; and

WHEREAS, In 1962 Cesar moved his wife and eight children to Delano, California where he founded the National Farm Workers Association (NFWA); and

WHEREAS, From the beginning Cesar Chavez adhered to the principals of non-violence practiced by M. K. Gandhi and Dr. Martin Luther King, Jr.; and

WHEREAS, In 1965 Cesar conducted a 25-day fast to reaffirm the United Farm Workers' commitment to non-violence; and

WHEREAS, On August 8, 1994, Cesar E. Chavez became the second Mexican American to receive the Presidential Medal of Freedom, the highest civilian

honor in the United States, which was presented posthumously by President Bill Clinton; now, therefore, be it

PROCLAIMED, That the Washoe County Commission recognized March 31, 2004, as a day to honor Cesar Chavez and the Board hopes the citizens of the Truckee Meadows community recognized and participated in this important day.

Mr. Padilla accepted on behalf of the Hispanic community and thanked the Board.

04-286 **PROCLAMATION – NATIONAL COUNTY GOVERNMENT
WEEK IN WASHOE COUNTY – COMMUNITY RELATIONS**

Amy Harvey, County Clerk, read the Proclamation declaring April 18-24, 2004 as National County Government Week into the record.

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

PROCLAMATION

WHEREAS, Washoe County provides many regional services that make our community a safe, and enjoyable place to live; and

WHEREAS, Washoe County has served its citizens, Nevada, and the United States since it was established by Nevada's first territorial legislature on November 25, 1861; and

WHEREAS, While celebrating the past history of Counties and the important role they play as a local government and a local voice for citizens, Washoe County is moving to embrace the future by using technology to improve delivery of public services and provide an additional forum for open communications with its citizens; and

WHEREAS, Through technology, Washoe County will improve County government and efficiency, simplify and streamline core services, and insure all services reflect best practices through performance measurement and benchmarking; and

WHEREAS, In this age of growing technology it becomes even more important to recognize the essential contribution of people – their ideas, vision and compassion – as counties continue to work toward solving problems and bringing communities together; and

WHEREAS, The Washoe County Board of Commissioners and County staff are committed to continuing efforts that increase citizen awareness, and expand opportunities for communication with citizen’s input, and involvement in County government; and

WHEREAS, Through this important partnership between Washoe County and its citizens Washoe County will provided citizen-focused excellent public service and continue its role in providing regional leadership and innovative solutions to the challenges facing local government in the 21st Century; now, therefore, be it

PROCLAIMED, By the Washoe County Board of Commissioners that April 18 – 24, 2004 is National County Government Week and we ask all members of the Washoe County community to join us in acknowledging and commemorating the history and contributions of all of our nation’s counties and encourage citizen participation in their local governments.

04-287 ACCEPTANCE OF GRANT – NEVADA STATE JUVENILE JUSTICE COMMISSION - JUVENILE SERVICES

Upon recommendation of Michael Pomi, Juvenile Services, through Leonard Pugh, Juvenile Services Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Shaw absent, Vice Chairman Weber ordered that a Life Enhancement Title V Grant in the amount of \$15,500 be accepted and the Comptroller be directed to make the following account adjustments:

Account	Increase Amount
Revenue: 10345-431100	\$15,500
Expenditure: 10345-710100	\$15,500

04-288 AWARD OF BID – WASHOE COUNTY JAIL HOUSING UNIT BUNK IMPROVEMENTS – PUBLIC WORKS

This was the time to consider award of bid for “Washoe County Jail Housing Unit Bunk Improvements,” on behalf of the Public Works Department. Three contractors responded to the informal bid solicitation of March 2, 2004.

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Shaw absent, it was ordered that the bid for “Washoe County Jail Housing Unit Bunk Improvements” be awarded to the lowest responsive, responsible bidder, Building Solutions, LLC, in the amount of \$28,981.00 and Vice Chairman Weber be authorized to execute the contract documents when presented.

04-289 **PAYMENT – SIERRA PACIFIC POWER COMPANY - UTILITY
LINE EXTENSION FEE FOR INCLINE VILLAGE
MAINTENANCE FACILITY – PUBLIC WORKS**

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Shaw absent, it was ordered that the payment to Sierra Pacific Power Company for extending the existing utility service for the Incline Village Maintenance Facility be paid in the amount of \$30,225.00 and the Public Works Director be authorized to execute the necessary documents.

04-290 **AFFIDAVITS OF WAIVER AND CONSENT – APPORTIONMENT
REPORT - SPECIAL ASSESSMENT DISTRICT NO. 23
(ARROWCREEK)**

Upon recommendation of Thomas Kelly, Senior Licensed Engineer and Paul Orphan, Engineering Manager, Department of Water Resources, through Steve Bradhurst, Director, Department of Water Resources, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Shaw absent, it was ordered that the Affidavit 30 Waiver and Consent and Apportionment Report to redistribute Special Assessment District (SAD) 23 (ArrowCreek) assessments be accepted. It was further ordered that the Vice Chairman be authorized to execute the Apportionment Report and that the Manager of the Utility Services Division be directed to record Affidavit 30 with the County Recorder's Office.

04-291 **INTERLOCAL AGREEMENT – NEVADA DEPARTMENT OF
MOTOR VEHICLES – TEMPORARY MOVEMENT PERMITS –
INCLINE VILLAGE JUSTICE COURT**

Upon recommendation of James Mancuso, Justice of the Peace, Incline Village, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Shaw absent, it was ordered that an Interlocal Agreement between Washoe County and the State of Nevada, Department of Motor Vehicles, concerning allowing the Incline Justice Court to issue 10-day movement permits, be approved and Vice Chairman Weber be authorized to execute the same.

04-292 **AGREEMENT – EARTH SCIENCE CONSULTANTS, ASSOC. -
TESTING AND INSPECTION SERVICES FOR SPANISH
SPRINGS LIBRARY – PUBLIC WORKS**

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Shaw absent, it was ordered that an agreement between Washoe County and Earth

Science Consultants, Assoc., concerning testing and inspection services for the Spanish Springs Library in the amount of \$55,000, be approved and Vice Chairman Weber be authorized to execute the agreement documents upon presentation.

**04-293 AGREEMENT – AMERICAN LAND CONSERVANCY -
PURCHASE PROPERTY FOR TWO WATER STORAGE TANKS
IN LEMMON VALLEY – WATER RESOURCES**

Upon recommendation of Ron McHenry, Senior Licensed Engineer, and Paul Orphan, Engineering Manager, Department of Water Resources, through Steve Bradhurst, Director, Department of Water Resources, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Shaw absent, it was ordered that the Director of the Department of Water Resources be authorized to negotiate and execute documents of purchase and sale with the American Land Conservancy, proceed with the purchase of property for two water storage tanks in Lemmon Valley for the total price of \$9,393.75, and the Vice Chairman be authorized to accept the executed deeds for the two sites upon their receipt.

**04-294 AGREEMENT – MOORE, IACOFANO AND GOLTSMAN, INC. –
FLOOD STORAGE VOLUME MITIGATION PLAN – WATER
RESOURCES**

Upon recommendation of Jeanne Ruefer, Water Resources Planning Manager, and Jim Smitherman, Water Management Planner Coordinator, through Steve Bradhurst, Director, Department of Water Resources, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Shaw absent, it was ordered that the contract between Washoe County and Moore, Iacofano and Goltsman, Inc. (MIG), in an amount not to exceed \$28,250, concerning facilitation and public information services for the second phase of the Flood Storage Volume Mitigation Plan, be approved and the Vice Chairman be authorized to execute the same. It was noted that the Regional Water Management Fund would provide funding.

**04-295 AGREEMENT – CONSULTING ENGINEERING SERVICES -
NIMBUS ENGINEERS – FLOOD STORAGE VOLUME
MITIGATION PLAN – WATER RESOURCES**

Upon recommendation of Jeanne Ruefer, Water Resources Planning Manager, and Jim Smitherman, Water Management Planner Coordinator, through Steve Bradhurst, Director, Department of Water Resources, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Shaw absent, it was ordered that an agreement between Washoe County and Nimbus Engineers, to develop Phase 2 of the Flood Storage Volume Mitigation Plan in an amount not to exceed \$39,880, be approved and the Vice Chairman be authorized to execute the same. It was noted that the Regional Water Management Fund would provide funding.

04-296

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

Upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Shaw absent, 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 Vice Chairman Weber be authorized to execute the same.

Property Owner	Parcel/ID #	Amount	Roll
Thomas S. and Beverly M. Budd	019-093-09	[-\$136.56]	2001 Secured
Thomas S. and Beverly M. Budd	019-093-09	[-\$139.12]	2002 Secured
Thomas S. and Beverly M. Budd	019-093-09	[-\$137.77]	2003 Secured
David A. and Deborah J. Corrao	023-131-62	[-\$235.06]	2001 Secured
David A. and Deborah J. Corrao	023-131-62	[-\$240.27]	2002 Secured
David A. and Deborah J. Corrao	023-131-62	[-\$238.54]	2003 Secured
Camino Viejo Investments LLC	086-380-10	[-\$472.03]	2004 Secured
Frank W. and Barbara A. Fitzpatrick	125-192-02	[-\$402.66]	2003 Secured
Robert B. Shea	125-192-08	[-\$345.13]	2004 Secured
Robert B. Shea	125-192-08	[-\$345.13]	2003 Secured
Carol J. Dolan et al	125-201-05	[-\$517.70]	2003 Secured
David A. and Peggy M. Mausshardt	125-201-15	[-\$575.24]	2003 Secured
Suzanne C. Welsch	125-564-30	[-\$158.22]	2003 Secured
Andrew C. Sikula	126-151-35	[-\$105.55]	2003 Secured
Richard E. and Svata S. Trossen Tr.	126-550-17	[-\$661.61]	2003 Secured

04-297

**GRANT OF EASEMENT, DEED OF COMBINATION, DEED OF
DEDICATION, AND RECORD OF SURVEY MAP – RENO
SPARKS CONVENTION CENTER VISITORS AUTHORITY
(RSCVA) CONSOLIDATION OF PROPERTIES**

Pursuant to questions at the Caucus meeting, Katy Singlaub, County Manager, explained reparceling the property would cost between \$5,000-\$10,000 in staff and in-kind costs; and the RSCVA master plan calls for expanding their facilities into the area in question at some future date. She also said there would be a convenience factor and some savings for the RSCVA in having only one tax bill and one utility bill, and the biggest advantage to having only one parcel is it would allow RSCVA to build on the property without worrying about crossing property line boundaries.

Sam Dehne, local citizen, commented on the RSCVA expansion impacts and his opinion that they have a bottomless money pit.

Gary Schmidt, Washoe County property owner, said that eliminating the inconvenience of a couple of tax bills is not justification for combining parcels. There are many advantages to maintaining your parcels separately until such time it is required to combine the parcels for development. He stated he does not approve of many acts of the RSCVA and feels they should go through the process when it is required and when they are ready to reveal their plans.

Commissioner Humke questioned the total square footage or acreage and said he felt there was a measurable legal value, along with an economic value, to having separate lots.

Bartley Trehall, RSCVA, stated that combining the property allows them to work freely within the property lines and to move forward with the master plan when ready.

Commissioner Galloway asked whether the City of Reno would issue a building permit for a building that crosses property lines when the same owner owns both properties. Mr. Trehall responded that a red flag is raised when a proposal crosses property lines, and eliminating the property lines eliminates that step in the process. Commissioner Galloway said he was at a loss for lack of information, but there was something wrong with the process if someone had to spend thousands of dollars to survey and prepare a lot of paperwork to combine properties just to build across property lines.

Madelyn Shipman, Legal Counsel, said her recollection of the building code is to build across a parcel line, the line needs to be eliminated or there must be the equivalent of a firewall between the two parcels.

Commissioner Sferrazza stated he believes there is a very good reason to combine the parcels. If buildings are allowed to cross property lines, part of the building could end up being sold.

Vice Chairman Weber suggested continuing this item to obtain more information.

Commissioner Humke stated he was not persuaded by the two reasons listed and he would expect that this Board would not withhold permission to combine the two properties when RSCVA is ready to build. Commissioner Galloway agreed with Commissioner Humke, and he requested that the Board be provided with the costs associated with preparing this request and in undoing it if it had to be re-parcelled again.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Shaw absent, Vice Chairman Weber ordered that this item be continued for 30 days.

**LEASE AGREEMENT – ECOL PARTNERSHIP – SEQUOIA
ELECTRONIC VOTING MACHINES – PUBLIC WORKS**

Dan Burk, Registrar of Voters, provided background information and the status of the touch screen voting system the County would be getting. The total amount of expenditures and total number of items purchased with the Help America Vote Act (HAVA) funds for the State of Nevada this year is \$9,272,625. This money has been allocated for all counties except Clark. Washoe County is getting 50-60 percent of the funds, which amounts to approximately \$4.4 million dollars of hardware, software and other items that will enable the County to conduct the fall elections.

Mr. Burk displayed pictures and described how other jurisdictions handle warehousing the voting machines and the space required for storage. The voting machines need to be charged once a month, and he described how they plan to accomplish that. Mr. Burk then discussed the additional voting equipment that will need to be stored, along with the space needed for setup, testing, loading election information, and training.

Gary Schmidt, Reno citizen, was concerned about these machines having to be charged every month, which will require a substantial amount of labor.

Sam Dehne, local citizen, stated he was in favor of this concept but expressed a concern about security.

Tom Gadd, Public Works Director, stated the facility on Rock Boulevard is lockable and has few windows, so he does not anticipate any security issues.

Commissioner Sferrazza asked if there was an alternative to plugging in these machines once a month and whether the old machines meet the HAVA standards so they could be sold. He also asked where the old machines are currently stored and why that same space cannot be used to store the new machines.

Mr. Burk responded that the new machines have an internal battery system that has to be charged every thirty days or they would have to be replaced at great expense. The old machines are in storage in the State warehouse. He is investigating if there is any interest from any other state or country in the old system.

Commissioner Galloway commended Mr. Burk on a fantastic job of handling the new system and said he supported the lease. He also commended the Board for recognizing the security issue that resulted in the Secretary of State mandating the voter receipt. He also liked the suggestion that no one person ever be allowed to be alone with the machines and hoped that the facility could be used for training.

Vice Chairman Weber commended Mr. Burk on the time taken to plan and design the facility and the consideration taken with taxpayer dollars.

Commissioner Humke commented that this was an unfunded mandate that did not include staff time.

Upon recommendation of Jean Ely, General Services Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Shaw absent, it was ordered that the Lease Agreement between Washoe County and ECOL Partnership, concerning provision of warehouse space for the new Sequoia Electronic Voting Machines and other necessary equipment in a manner consistent with State administrative rules, statutes and federal guidelines, be approved and Vice Chairman Weber be authorized to execute the same. It was further ordered that staff be directed to see if it is possible to get reimbursement for this expense. It was noted the cost for Fiscal Year 2003/04 is \$13,666 for two months; Fiscal Year 2004/05 is \$82,330 for 12 months.

**04-299 WATER RIGHTS APPLICATION 69427-T –
RECOMMENDATION TO NEVADA STATE ENGINEER**

Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Shaw absent, it was ordered that the Water Rights Application 69427-T be approved and Vice Chairman Weber be authorized to formally recommend approval of the application to the Nevada State Engineer.

**04-300 ACCEPTANCE OF GRANT – FEMA/US FIRE ADMINISTRATION
– WASHOE COUNTY/GERLACH VOLUNTEER FIRE
DEPARTMENT**

Upon recommendation of Roy Slate, Division Chief, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Shaw absent, Vice Chairman Weber ordered that the Federal Emergency Management Agency FY 03 Assistance to Firefighters Grant Program (Fire Act Grant) in the amount of \$181,800 be accepted and the Comptroller be directed to increase the appropriate accounts of the Fire Suppression Fund by \$181,800. It was further ordered that the expenditure of these grant funds, in combination with \$20,200 matching funds, for a total expenditure of \$202,000 from the Fire Suppression Fund, to purchase a new water tender fire apparatus owned by Washoe County and assigned to the Gerlach Volunteer Fire Department be authorized.

**04-301 AWARD OF BID – NORTHEAST TRANSMISSION MAIN PHASE
1B – WATER RESOURCES**

This was the time to consider award of bid for construction of the Northeast Transmission Main Phase 1B on behalf of the Department of Water Resources. The Notice to Bidders for receipt of sealed bids was published in the *Reno-Gazette*

Journal on February 20, 25, 26, 27, 2004 and March 3, 4, 5, 10, 2004. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

Bidder	Amount
Mike's Trenching, Inc	\$147,588
Suter Construction	\$153,640
Hardline Excavating, Inc.	\$173,705
John Longo Construction Co. Inc.	\$176,220
Rapid Construction	\$184,481
A & K Earthmovers	\$197,194
Engineer's Estimate	\$223,610

Upon recommendation of Al Gardner, Licensed Engineer, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Shaw absent, it was ordered that the bid for construction of the Northeast Transmission Main Phase 1B, be awarded to the lowest responsive, responsible bidder, Mike's Trenching, Inc., in the amount of \$147,588. It was further ordered that Vice Chairman Weber be authorized to execute the contract documents upon receipt and the Engineering Manager be authorized to issue the Notice to Proceed.

04-302 AWARD OF BID – GOLDENROD WATERLINE EXTENSION PROJECT – WATER RESOURCES

This was the time to consider award of bid for construction of the Goldenrod Waterline Extension Project on behalf of the Department of Water Resources. The Notice to Bidders for receipt of sealed bids was published in the *Reno-Gazette Journal* on March 3, 4, 5, 10, 11, 12, 17, 18, 2004. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

Bidder	Amount
Hardline Excavating, Inc.	\$344,190.38
Canyon Creek Construction	\$348,098.27
Rapid Construction, Inc.	\$362,263.00
Mike's Trenching	\$362,974.83
Schauer Excavating, Inc.	\$366,902.10
Cruz Construction, Inc.	\$396,414.52
Burdick Excavating	\$410,013.45
A & K Earthmovers	\$426,424.00
BMSW, Inc.	\$595,251.70
Engineer's Estimate	\$366,966.19

Upon recommendation of Thomas Kelly, Sr. Licensed Engineer, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Shaw absent, it was ordered that the bid for construction of the Goldenrod Waterline Extension project be awarded to Canyon Creek Construction, Inc. in the amount of \$348,098.27. It was further ordered that Vice Chairman Weber be authorized to execute the contract documents upon receipt and the Engineering Manager be authorized to issue the Notice to Proceed.

**04-303 SOLE SOURCE DESIGNATION – SIERRA CONTROL SYSTEMS
- PURCHASE SUPERVISORY CONTROL AND DATA
ACQUISITION (SCADA) SYSTEMS – WATER RESOURCES**

Upon recommendation of John Collins, Utility Services Division Manager, and Jess Coffman, Chief of Utility Operations, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Shaw absent, Vice Chairman Weber ordered that the sole source designation of Sierra Control Systems for purchase of Supervisory Control and Data Acquisition (SCADA) systems in amounts greater than \$25,000 for the Department of Water Resources facilities be approved.

**04-304 DISCUSSION – WASHOE COUNTY BOARD OF EQUALIZATION
(BOE)**

Katy Singlaub, County Manager, noted at the Caucus meeting Commissioners Sferrazza, Galloway, and Weber requested to review the tape of the public comment made by Marti Allison, Vice Chair of the Board of Equalization (BOE), at an earlier Board of County Commissioners (BCC) meeting where Ms. Allison suggested there should be a process for reviewing appeal forms ahead of time to ensure that they are properly filled out and filed and to dispense with those that are not separately. She also said there should be a process whereby property owners could meet with the Assessor's Office prior to meeting with the BOE. Ms. Singlaub advised a process already exists where the Assessor's Office meets with property owners who request such meetings and does make adjustments when necessary.

Commissioner Humke said many of the BOE cases are on appeal to the Nevada Supreme Court, and he did not want to make a record here that would harm the County's or any person's legal position.

Leslie Admirand, Deputy District Attorney, outlined the scope of the BCC's jurisdiction with regard to the BOE. She said NRS 361.340 states the BCC, with a majority vote, can appoint persons to serve including alternate members, can add an additional panel, can remove members for malfeasance in office or neglect of duty, and compensate members for attending meetings. The BCC also controls the budget, which could be used to provide staff for the BOE. Ms. Admirand stated the State BOE, with the minimum requirements set forth in NAC 361.622 to 361.643, governs the County BOE

procedures. The County BOE must receive prior approval from the State BOE before adopting any changes to their procedures.

Commissioner Galloway stated he had received a handout sheet from some folks at Caughlin Ranch and Incline Village that contained issues on which they want resolution. He asked what kind of legal interpretation might address these points if these issues do not fall under the authority of the BCC. He also felt it was not clear as to who does the briefing, orientation, and reviewing of potential members applications. Ms. Admirand answered that the BCC does have the authority to review the applications for appointment to the BOE, and it is at the discretion of the BOE as to how they want to conduct the orientation meetings.

Madelyn Shipman, Legal Counsel, reminded the Board that the BOE had already scheduled some workshops to address process issues. She also wanted to clarify that NRS 233B, which was cited in the Incline group report, does not apply to local government or to the County BOE.

Commissioner Sferrazza stated he would like each member of this Board to have one member on the BOE ensuring it represents all parts of the County. He also felt that multiple members from the same district would create bias on BOE.

Marti Allison, past member of the BOE, stated the BOE is supposed to be an independent third party that does not represent the appellants or the Assessor's Office, but represents the entire Washoe County population. The BOE tries to determine if the property owners' petitions and the information from the Assessor's Office is accurate in a nonpartisan, nonpredjudicial manner.

Ms. Allison continued by stating there were over a 1,000 petitions filed this year by members of the public who felt their properties were over assessed. She stated many people felt that the BOE was a tax board, but the BOE was not allowed to discuss taxes. The BOE did discuss problems with many of the petitions submitted that were not properly filled out. The petitions were taken off computers and prefilled out with information supplied by people from Incline Village. She stated the petitions should not be filled out by anyone other than the petitioner and any evidence that the assessment on their property was incorrect should accompany the petitions.

Larry Winkler, Caughlin Ranch resident, described his initial meeting at the Assessors' Office where he was left waiting, did not get the answers he was looking for, and was not given all of the copies he requested.

Dale Akers, Incline Village resident, alleged the Assessor's Office interviewed and screened most of the potential BOE candidates; and it would be more appropriate that persons other than those from the Assessor's Office do the screening, interviewing, and orienting of members of the BOE. He suggested the orientation meetings could be done by the State Tax Department, and putting more distance between

the BOE and the Assessor's Office would be a big help in providing fair and unbiased appeal hearings for taxpayers.

Commissioner Sferrazza disputed that the Assessor's Office appoints the BOE members.

Maryanne Ingemanson, Incline Village resident, said the newspaper ad stated if you were interested in being on the Board contact Ernie McNeill, who is a Senior Appraiser. Also, the Assessors did the orientation for the Board with Ms. Admirand present.

Ron Fox, County BOE Chairman, described how he was appointed to the BOE. He stated, to the best of his knowledge, no ex parte communication with the Assessor's Office takes place on the County BOE; the BOE does not discuss any pending hearing with the Assessor's Office prior to the actual public hearing; and they made every effort to be fair and to only act on information that was presented in the public hearings. He went on to explain that at the Orientation meeting the District Attorney's Office goes over statutes, regulations, and so forth with instructions to the Board members that they read and abide by them. The Department of Taxation has always been invited to participate in the orientation meetings; and, when they attend, they provide input on how the County BOE should operate. He emphasized that the State BOE makes the rules for the County BOE and the County Board follows these rules.

Les Barta, Incline Village resident, stated the County BOE is a quasi-judicial body charged with deciding property tax evaluations with adverse parties. He felt that one adverse body should not control the entire process by supervising, controlling, orienting, and screening the members. He wanted to have the Assessor's Office put at parity with the taxpayer so they have no greater access and no advantage over the taxpayer. Another issue he brought up was the Assessor's Office not providing the taxpayer with comparable sales until the day of the hearing, and he said there should be a requirement that the taxpayer receive the Assessor's documentation seven days in advance. He also felt former Chief Appraisers should not be on the County BOE especially when dealing with issues of methodology, which many of these folks helped establish.

Gary Schmidt, County BOE member, stated he was appointed to the County BOE in 2004 for a four-year term, and he was not screened or interviewed by the Assessor's Office. Additionally, from the outset he disclosed that he had personal relationships, friendships, and business associations with some of the appellants that were to appear, but he had no discussions with the Assessor's Office about any of the individual cases. He said he had suggested that public workshops be conducted throughout the rest of the year that would address many of these problems, which suggestion was whole-heartedly adopted by the BOE.

Jon Obester, County BOE member, said he was appointed in response to an ad in the classified section of the *Reno-Gazette Journal* and that Commissioner Galloway interviewed and nominated him for appointment.

Ted Harris, Incline Village resident, spoke on a lengthy list of grievances with the Assessor's Office including the accusation of them not providing proper information on the forms, the advertisement for BOE members and Ernie McNeill's role, the roles of the Assessors' Office and the BOE, and the hearing notice practices.

Commissioner Sferrazza stated the real issue is whether there is a fair methodology being used to value property. He also agreed that since he has been on the Board, all members that have been appointed to the BOE have gone through a screening process with the BCC, not the Assessor's Office. He agreed that the Board should avoid any possible hints of impropriety and there are some positive suggestions here that will help the Board do that. The case has to be made based on the law in this state; the bottom line is that, if property is not appraised for more than what Marshall Swift establishes as taxable value, then petitioners have an uphill fight with the County and the State BOE.

Commissioner Galloway stated the constituency of the BOE is within the purview of the County Commission. If the Commission wanted to exclude applicants that previously worked for the Assessor's Office for a certain number of years, there would have to be a large pool of applicants. That is why he is supportive of the bill draft the BCC has requested increasing the BOE members' payment of up to \$100 a day.

Ms. Singlaub clarified the content of the ad that solicited applicants for various boards. Applicants were advised that the applications were available in the County Manager's office or on the Washoe County web site, and completed applications were to be submitted to the County Manager's office. Each Board had a contact person listed for questions; and Mr. McNeill was listed, as was a person from each of the other Boards, as a contact person for questions concerning the BOE.

4:15 p.m. Commissioner Sferrazza temporarily left the meeting.

Vice Chairman Weber stated she remembered going over applications prior to making appointments to the BOE. She found it disheartening that people who are public servants and are willing to commit their time and energy be subjected to this friction. She would like to see more people applying for the BOE and that people who have concerns continue to give their input.

Commissioner Galloway suggested that any non-procedural comments be forwarded to the BOE before they conduct their review of the 2004 session; and, after their review, they report back to the BCC with comments, which the Board could decide to forward to the Organizational Effectiveness Committee (OEC).

Following further discussion, on motion by Commissioner Galloway, seconded by Vice Chairman Weber, which motion duly carried with Chairman Shaw and

Commissioner Sferrazza absent, it was ordered that the Board of Equalization do a review and report on the 2004 session, with a distillation of specific suggestions, and report back to the County Commission.

Vice Chairman Weber stated she would like to have the input from Mr. Fox and Ms. Allison in some sort of memo with their ideas and opinions. Commissioner Galloway suggested Mr. Fox and Ms. Allison be invited to attend any future BOE workshops to provide their input.

**04-305 SECOND RECONSIDERATION – TAX REFUND REQUEST –
DERMODY FAMILY LIMITED PARTNERSHIP**

Upon recommendation of Blaine Cartlidge, Deputy District Attorney, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Chairman Shaw and Commissioner Sferrazza absent, Vice Chairman Weber ordered that the second reconsideration of the Dermody Family Limited Partnership tax refund request for Fiscal Year 2001/02 be set for April 20, 2004.

**04-306 APPROVAL – SINGLE POINT OF ENTRY KIOSK LOCATIONS –
SENIOR SERVICES**

Chad Cornwell, Senior Services Department, stated there had been three possible locations for the kiosks during discussions with corporate offices and Raley's will be the site for South Reno.

Upon recommendation of Marietta Bobba, Senior Services Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Shaw and Commissioner Sferrazza absent, it was ordered that the Senior Services Department proceed with and contract for locating informational kiosks in the areas of Incline Village, Sparks, West Reno, and South Reno.

**04-307 REQUEST LIVESTOCK EXEMPTION IN WASHOE COUNTY
CODE CHAPTER 55 – PUBLIC WORKS**

Madelyn Shipman, Legal Counsel, explained that in the process of assembling the ordinances to bring the City of Sparks into the regional animal process, the agricultural exception was inadvertently removed from the ordinance; and in the meantime, Animal Control and the Criminal Division of the District Attorney's Office are aware this item is missing from the Code.

David Jackson, area resident, pointed out that Nevada Revised Statue (NRS) 40.140 states that agricultural activity established before surrounding non-agricultural activity was reasonable and does not constitute a nuisance unless the activity has a substantial effect on public health or safety.

Tom Gadd, Public Works Director, stated the definition of a nuisance needs to be changed, however it is not significant because NRS overrides the County Code.

Gary Schmidt, local resident, compared the bray of the neighborhood donkey to seeing the stars in the sky at night and to the howl of a coyote and considers it a treasured feature of his neighborhood.

4:55 p.m. The Board recessed.

5:18 p.m. The meeting reconvened at with all members present.

04-308 **FY 2005/09 CAPITAL IMPROVEMENTS PROGRAM (CIP)**
BUILDINGS LIST - FINANCE

John Sherman, Finance Director, proceeded to go over the CIP Buildings List projects. The Reno Central Library remodel is in the non-programmed area of the list because of past sense of priorities, but projects are being done in the library to help maintain the facility, such as replacing the carpets.

Commissioner Sferrazza stated that the downtown library is a priority of his and that it is a disgrace that the building has been allowed to deteriorate to the extent that it has. He said he would vote against approving the list until the library was included.

Mr. Sherman stated the purpose of bringing this list before the Board was to allow the Board to move things around. The Library Board and staff were very much engaged in this process and this also reflects their priorities.

Commissioner Galloway inquired as to the bid status of the District Attorney's building and was told the bids would be received and opened as of the 15th. An item is being scheduled for the joint meeting with the Reno City Council on April 30, 2004.

In response to Commissioner Galloway, Mr. Sherman explained the projects are either debt financed or pay-as-you-go dollars and the dollars in this list are under the Board's authorization. If debt has been issued the funds are dedicated, but if no current debt has been issued, the Board decides how to spend the money.

Commissioner Galloway commented that he does not see the debt capacity in the different categories to issue more debt and asked how much Library, Parks, and Open Space money might be available or whether that is a different fund. Mr. Sherman responded that those dollars are dedicated in accordance with specific ballot questions.

Katy Singlaub, County Manager, said that one of the things the Board could consider was that there has been a substantial investment in cleaning up the

downtown library this year. Potentially the Board could put it on the list in 2006/07 and 2007/08 and work toward that.

Commissioner Sferrazza asked what is included in the building maintenance infrastructure preservation budget. Mr. Sherman replied that those are maintenance dollars budgeted each year to maintain facilities and some of this money is being used to replace the carpet in the downtown library.

Commissioner Humke spoke in support of the new court facility in Sparks.

Vice Chairman Weber brought to everyone's attention that the Peavine Library is leased and said she would like to see the Board look at moving the library to property Washoe County presently owns. Commissioner Sferrazza interjected he would support doing something for the North Valleys next year.

Upon recommendation of John Sherman, Finance Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Shaw absent, Vice Chairman Weber ordered that the CIP Building List be approved with the amendment that the money for the Reno Central Library remodel be put into fiscal years 2006/07 (40 percent) and 2007/08 (60 percent).

04-309 APPROVAL – FY 2005/09 CAPITAL IMPROVEMENTS
PROGRAM (CIP) PARKS AND RECREATION, LAND
ACQUISITION, AND TRAILS LIST – PARKS AND RECREATION

Katy Singlaub, County Manager, stated she had an opportunity to speak with some citizens who are here and that it would be appropriate for them to speak about capital improvements to the Galena Campground. She further advised a decision would not be made on that item today.

Kathleen Clemence, representing the 89 owners from Galena Estates Homeowners Association, Bill Wertz, Galena resident, and local residents Susan Underwood and Gary Schmidt spoke in opposition to the overnight camping facility proposed for construction in Galena. Their major concern was the threat of wildfires. Virginia Bonar, representing the Homeowner's Association of the Galena Forest Estates, Unit 1, submitted a letter outlining their concerns and signed by almost 400 residents of Galena that also opposed the overnight camping facility.

Karen Mullen, Parks and Recreation Director, stated the County is in the scoping process for the Galena campground and is in partnership with the U.S. Forest Service. The Forest Service is accepting public comment; and, after public comment has been received, it will be brought back to the Board with the alternatives as far as the scoping process is concerned.

Commissioner Sferrazza asked if this could be put back on the ballot once the Board has the choices. Ms. Mullen replied that if a specific project does not go

forward for any reason, the ballot was set up so that there were alternative projects and the funding could go towards a project that had received zero dollars. It would be up to the Board to decide if they wanted an advisory vote on that.

In response to Commissioner Galloway, Ms. Mullen said the binders were available to the public at all the libraries; and the projects were presented to the local CABs, to the Park commission and the Board. Commissioner Galloway asked to see the binder with all of the alternatives on the bond issuance. He also asked if the \$1,000,000 dollars would be needed if a lesser alternative were chosen. Ms. Mullen agreed that it could be broken out as to the day use trailhead versus the visitor center; and, the scope of the campground can also be examined.

Commissioner Humke wondered if the money was movable; and, if so, he would be interested in moving it to another use in the same park or to another Washoe County park.

Upon recommendation of Kim Carlson, Senior Fiscal Analyst, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Shaw absent, Vice Chairman Weber ordered that the FY 2005/09 Capital Improvements Program (CIP) Parks and Recreation, Land Acquisition, and Trails List be approved with the exception of the Galena Campground.

**04-310 BILL NO. 1413 - AMENDING WCC CHAPTER 110,
DEVELOPMENT CODE – HEARING EXAMINER**

Bill No. 1413, entitled, "AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE, CHAPTER 110, ARTICLE 104, GROWTH MANAGEMENT SYSTEM, BY DELETING THE REFERENCE TO ZONING ADMINISTRATOR AND ADDING A REFERENCE TO HEARING EXAMINER; ARTICLE 324, COMMUNICATION FACILITIES, BY DELETING THE REFERENCE TO ZONING ADMINISTRATOR AND ADDING A REFERENCE TO HEARING EXAMINER; ARTICLE 414, NOISE AND LIGHTING STANDARDS, BY DELETING THE REFERENCE TO ZONING ADMINISTRATOR AND ADDING A REFERENCE TO HEARING EXAMINER; ARTICLE 808, ADMINISTRATIVE PERMITS, BY DELETING THE REFERENCE TO ZONING ADMINISTRATOR AND ADDING A REFERENCE TO HEARING EXAMINER, AMENDING REVIEW, NOTICING AND APPEAL PROCEDURES, AND DEFINING WHEN A PERMIT BECOMES NULL AND VOID; ARTICLE 810, SPECIAL USE PERMITS, BY DELETING THE REFERENCE TO ZONING ADMINISTRATOR AND ADDING A REFERENCE TO HEARING EXAMINER, AMENDING THE REVIEW PERIOD FROM 95 DAYS TO 65 DAYS; ARTICLE 902, DEFINITIONS, BY DELETING THE DEFINITION OF ZONING ADMINISTRATOR; ARTICLE 912, ESTABLISHMENT OF COMMISSIONS, BOARDS AND HEARING EXAMINER, BY AMENDING WHO MAY SERVE AS A HEARING EXAMINER, THE POWERS OF A HEARING EXAMINER, AND THE REVIEW PERIOD OF

APPLICATIONS ACTED UPON BY A HEARING EXAMINER; AND ARTICLE 914, ESTABLISHMENT OF DEPARTMENT, BY DELETING THE REFERENCE TO ZONING ADMINISTRATOR; AND OTHER MATTERS RELATING THERETO" was introduced by Commissioner Sferrazza, the title read to the Board and legal notice for final action of adoption to be set for a public hearing.

Commissioner Humke noted an e-mail from Ms. Steiner objecting to being restricted to a licensed architect, an attorney, an engineer, or a member of the American Institute of Certified Planners if the Board needed to go outside County staff. Mike Harper, Planning Manager, responded that the list was established by the State legislature.

Commissioner Sferrazza said he read the e-mail and it appeared that Ms. Steiner thought this was a new position being established rather than the statue being amended to reflect a new name.

04-311 INCLINE VILLAGE #4/PONDEROSA SUBDIVISIONS WATER QUALITY IMPROVEMENT PROJECT, PWP-WA-2004-121 - PUBLIC WORKS

Upon recommendation of Kimble Corbridge, Public Works, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Shaw absent, it was ordered that:

1. The expanded Incline Village #4/Ponderosa Subdivisions Water Quality Improvement Project be approved;
2. The grant funds from the Nevada Division of State Lands Nevada Tahoe Bond Act be accepted and approved;
3. The grant funds from the U. S. Forest Service be accepted and approved and the Public Works Director be authorized to execute the acceptance agreements; and
4. The project construction contract be awarded to the lowest, responsive, responsible bidder, V & C Construction, Inc., in the amount of \$1,426,475, and the Chairman be authorized to execute the contract documents when presented.

04-312 REPORTS/UPDATES FROM COUNTY COMMISSION MEMBERS

Commissioner Sferrazza advised that the National Association of Counties (NACO) Board voted to have the County Commissioners put an advisory issue on the ballot concerning unfunded mandates and he requested an item on the next available

agenda. He also advised that there is an open position for a member of this Board to be on the NACO Board and he would also like to have an item put on the next available agenda.

Commissioner Galloway reminded the Board of the upcoming workshop where Sparks' staff would make a presentation concerning fuel tax and road monies. There was a Nevada Department of Transportation (NDOT) study that stated the wear and tear caused by commercial trucking was in the order of \$340 million per biennium. NDOT advocated charging a fee to repair the damage done to the roads. Commissioner Galloway wanted to call this to the Board's attention and asked if this had ever been discussed at NACO.

Katy Singlaub, County Manager, said she had notified the City of Sparks that this issue should be added to the workshop agenda.

04-313 2002 REGIONAL PLAN SETTLEMENTS, POTENTIAL LITIGATION, AND ASSOCIATED ISSUES

Madelyn Shipman, Legal Counsel, stated staff is seeking direction from the Board concerning the joint and cooperative planning areas.

Commissioner Galloway stated the Board should get a settlement for Beckwourth-McMullen that preserves the joint plan because the joint plan offered a lot of other protections for people regarding view, underground utilities, etc.

Adrian Freund, Community Development Director, responded that cooperative planning work is a cooperative review of applications that come into the process. The final decision is Reno's with the County as a commenting agency. The Reno-Stead Corridor Joint plan is a specific and detailed plan that requires approval of both parties to make changes. The County does have the right to appeal decisions made on cooperative plans.

Commissioner Galloway stated he felt very strongly that the Board should not support converting the joint plan to a cooperative plan. Mr. Freund explained that this issue was coming up because the settlement had a requirement in it to review changing the joint planning areas into cooperative planning areas.

Ms. Shipman further explained this was the first lawsuit the County filed on regional planning issues. The lawsuit was over process issues as to whether the regional governing body could make an amendment in a joint planning area when the parties to the joint plan had not agreed to the change. The District Court agreed with the County, on a very limited scope of decision, that a private party cannot utilize the regional plan as a mechanism to amend a joint plan unless agreed to by both parties. The issue has gone to the Supreme Court on appeal by the cities, but was placed on hold for a period of up to three years at the time of the settlement agreement on the other regional

planning lawsuit. The reason this is coming forward now it that Reno wants to go forward with their appeal before the Supreme Court.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Shaw absent, it was ordered that direction be provided to staff that the Board does not support changing the joint plan into a cooperative plan.

04-314 ORD. NO. 1231 - BILL NO. 1411 - AMENDING WASHOE COUNTY CODE CHAPTER 10, COMBINING GERLACH AND WADSWORTH TOWNSHIPS AND COMBINING RENO AND VERDI TOWNSHIPS

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on April 2, 2004 to consider second reading and adoption of Bill No. 1411. Proof was made that due and legal Notice had been given.

The Vice Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Katy Singlaub, County Manager, explained that townships are not a planning jurisdiction, but are leftover historically in law as a way of electing justices of the peace. The County has a need to consolidate the justices of the peace seats for a more cost effective delivery of services. The Gerlach and Verdi Citizen Advisory Boards (CABs) were contacted as requested and staff also corresponded by e-mail with people in Gerlach. Most of their concerns addressed the offices being open during Burning Man, which can be dealt with while still moving forward.

Eric Close, Reno resident, stated he was not sure if the money saved outweighed the public good. Gerlach Township would end up getting fewer resources, but Gerlach is growing and the services of the justices of the peace are needed. He felt that if the consolidation is really necessary, it makes more sense that Wadsworth be supported by Reno. Mr. Close then read a letter from Matthew Ebert, Vice Chairman of the Gerlach/Empire CAB, who suggested that a reasonable compromise might be to have the justices of the peace hold court in Gerlach at certain times of the year or to locate the court in Gerlach instead of Wadsworth.

Commissioner Humke asked Legal Counsel if court could be held in both locations under the statue if the two justices of the peace positions were combined and Ms. Shipman replied it was permissible. The seat would be Wadsworth but the County could keep the current courthouse in Gerlach. She stated an issue could occur in the future if an elected justice of the peace did not want to go to Gerlach, they could not be forced to do so.

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

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Shaw absent, Vice Chairman Weber ordered that Ordinance No. 1231, Bill No. 1411, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY COMBINING THE GERLACH TOWNSHIP AND THE WADSWORTH TOWNSHIP INTO A SINGLE TOWNSHIP TO BE KNOWN AS THE GERLACH-WADSWORTH TOWNSHIP, AND BY COMBINING THE RENO TOWNSHIP AND THE VERDI TOWNSHIP INTO A SINGLE TOWNSHIP TO BE KNOWN AS THE RENO-VERDI TOWNSHIP, AND PROVIDING EFFECTIVE DATES THEREFOR,**" be approved, adopted and published in accordance with NRS 244.100.

04-315 ORD. NO. 1232 - BILL NO. 1412 – ADOPTING SUPPLEMENT 8 TO WASHOE COUNTY CODE

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on April 2, 2004 to consider second reading and adoption of Bill No. 1412. Proof was made that due and legal Notice had been given.

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

On motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Shaw absent, Vice Chairman Weber ordered that Ordinance No. 1232, Bill No. 1412, entitled, "**AN ORDINANCE ADOPTING SUPPLEMENT NUMBER 8 TO THE WASHOE COUNTY CODE AND ALL CLERICAL AND TECHNICAL CORRECTIONS MADE THEREIN,**" be approved, adopted and published in accordance with NRS 244.100.

04-316 COMPREHENSIVE PLAN AMENDMENT CASE NO. CP04-006 – RENO-STEAD CORRIDOR JOINT PLAN – WILD STALLION PROPERTIES - COMMUNITY DEVELOPMENT

5:30 p.m. This was the time set in a Notice of Public Hearing, published in the *Reno Gazette-Journal* on April 2, 2004 and mailed to the affected property owners on March 31, 2004 to consider a request to:

1. Amend the Reno-Stead Corridor Joint Plan, a part of the North Valleys Area Plan, to re-designate 12 parcels totaling 176.17 acres located north of Beckwourth Drive and east of North Hills Boulevard from PLU Low Density Suburban (1 dwelling unit/acre) and General Rural (1 dwelling unit/40 acres) to PLU Medium Density Suburban (3 dwelling units/acre) for Assessor Parcel Numbers 552-142-01, 552-142-02, 552-142-03, 552-132-05, 552-132-06, 552-132-07, 552-132-08, 552-125-01, 552-125-02, 552-125-03, 552-111-01, 552-111-02);

2. Create a special planning area for 14 parcels (to include those parcels listed above and APN 552-132-03 and 552-132-04, for a total of 195.91 acres) and add development standards for the 14 parcels within the special plan area as enumerated in an agreement concluded between the Wild Stallion property owners and the Golden Valley Property Owners Association;
3. Change the City of Reno sphere of influence to coincide with the north and east boundaries of the parcels under consideration that are located north of Beckwourth Dr. and east of North Hills Blvd.;
4. Add open storage as a use; to add screening and fencing standards for industrial and open storage uses within the entire corridor plan; and
5. Amend the joint plan boundary to exclude a 4.65-acre parcel (APN 552-250-02), located south of Surge St. and west of Lemmon Dr.

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

Michael Harper, Planning Manager, provided background on this item stating that it had been before the Board twice for their consideration of initiating an amendment to the Reno-Stead Corridor Joint Plan in lieu of reaching an agreement that would have removed the ability of the public to be involved in this process. The second presentation to the Board brought forth additional issues that needed to be incorporated into the item and he reviewed the actions available to the Board and some points he distilled out of an e-mail from Gary Feero.

Mr. Harper stated there were also some concerns with the cut-and-fills being proposed, and there was a representative of the property owners here to explain it. He said his understanding was the cut-and-fill provided for lots that allowed a gravity sewer to work better, and there was very little cut being done.

Commissioner Sferrazza asked about the number of dwellings allowed on the acres adjoining the buffer zone. Mr. Harper responded there would be smaller lots south and west of the one-acre buffer, and they would feather from the one-acre buffer to smaller lots, with a maximum overall density of three dwelling units per acre.

In response to Commissioner Sferrazza, Mr. Harper advised all Golden Valley residents were notified, including people located outside of the area; and only one person appeared at the Planning Commission meeting.

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

Having made the following findings, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Shaw absent, it ordered that the Comprehensive Plan Amendment Case No. CP04-006 be approved and Vice Chairman Weber be authorized to sign the resolution finally adopting the amendment after a determination of conformance with the Regional Plan by the Truckee Meadows Regional Planning Agency.

FINDINGS:

1. The proposed amendment to the Reno-Stead Corridor Joint Plan is in substantial compliance with the policies and action programs of the *Washoe County Comprehensive Plan* and the *2002 Truckee Meadows Regional Plan*, as it would recognize the amendments to the City of Reno sphere of influence approved through the revised regional plan and implement direction provided through the settlement agreement (Washoe County and Sun Valley General Improvement District v. Regional Planning Governing Board).
2. The proposed amendment to the Reno-Stead Corridor Joint Plan will provide for land uses compatible with existing topography and implement a transition area between urban and suburban/rural land uses.
3. The proposed amendment to the Reno-Stead Corridor Joint Plan will promote the desired pattern for the physical growth of the County and does guide development of the County with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
4. The proposed addition of an open storage use, and open storage and screening and fencing standards will promote the desired aesthetic values of the community and permit the appropriate use of currently vacant land.
5. The Washoe County Board of County Commissioners gave reasoned consideration to information contained within the staff report and information received during the public hearing.

**04-317 PUBLIC HEARING, PROTEST DISPOSAL RESOLUTION, AND
BILL NO. 1414 – SPECIAL ASSESSMENT DISTRICT NO. 36
EVERGREEN HILLS DRIVE – PUBLIC WORKS**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on February 13, 2004 to consider a resolution disposing of the protests made at the hearing on the provisional order for Washoe County, Nevada, Special Assessment District No. 36 (Evergreen Hills Drive); directing that the Engineer prepare and file a revised and detailed estimate of cost, full and detailed final plans and

specifications, and a revised map and assessment plat; and providing effective date hereof.

Walt West, Engineering Division, provided copies and a general outline of the contents of the three protest letters received.

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

Local residents, Ken and Pati Bobrowski and Dena Wiggins submitted written comments in support of the project, which Vice Chairman Weber read into the record.

Local residents, Richard Wiggins and Vicki Bischoff spoke in support of the project.

Colin Duncan, landowner, explained why he was opposed to being assessed the same cost as other parcels. The reasons he stated included not being involved in the initial petition for the special assessment district and not receiving equitable treatment because his parcel does not butt up to Evergreen Hills Drive. He said he will not see the increase in property value and will not get the same County services. He felt 80 percent of the cost would be fair for not getting the full benefit of the project and he calculated that 80 plus percent of the road he used would be paved versus unpaved.

Mr. Duncan, then spoke for his neighbor Irene Pearce, stating her main issues were that her property does not abut Evergreen Hills Drive and she will still have to drive dirt roads, will still receive no snow removal and no mail service, and will still have dust. He said she feels that she does not receive any benefits from this project and does not want to participate in it at all.

Greg Bischoff, local resident, stated he was not located right on the road but favored it being paved. He stated the County decided that anyone whose legal access was the road would be part of the assessment district. He then read a letter from Bryan Loy who was in favor of the SAD 36.

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

Commissioner Humke asked if the Milon lot fronted Evergreen Hills Drive and Tom Gadd, Public Works Director, answered yes. Commissioner Humke noted Mr. Bischoff said he would pave the road to the west at his expense. Mr. Gadd replied that was a private easement or driveway and would remain that way because it was too narrow. Commissioner Humke questioned the 80 percent figure calculated by Mr. Duncan, and Mr. Gadd replied that all properties would increase in value in a similar

fashion. Commissioner Humke asked if there was a deduction for no snow removal or mail service, and Mr. Gadd replied those factors are too intangible to measure.

Commissioner Sferrazza asked if the road was a County road inside the subdivision. Mr. Gadd replied it was not, but if it were built to County specifications, the County would accept the road. Commissioner Sferrazza stated if this is done, the cost to the County taxpayers is increased for maintenance. Mr. Gadd stated there was a benefit to the County in emergency access, and the maintenance costs would span a long period of time and would not start for several years.

Commissioner Sferrazza agreed with the people who felt they would not get the same property value benefits and he said the suggestion of 80 percent is reasonable.

Mr. West responded to questions from Commissioner Humke that the total cost of the road project is \$290,000 with a 15 percent contingency on the construction portion. The \$408,000 includes the water as well as the road project; the protesters are not protesting the water project; but the road component must go with the water component. Mr. West said he believes the project is on the high side and the cost will come in lower.

Mr. Gadd stated that a solution for the protesters would involve a decrease in their assessment and an increase in everyone else's assessment for the project. He said experience has shown these special assessment districts for roads do increase property values and for the most part all parcels receive the same increase in value.

Commissioner Humke stated it is a difficult situation for three property owners, but he has to look at the benefit for the 14 and will not oppose this proposal.

Commissioner Sferrazza moved to approve with apportionment to be determined by staff for those who are on unpaved roads. Commissioner Sferrazza's motion died due to lack of a second.

Mr. West stated he went through the analysis because of Mr. Duncan's letter and he looked at assessing the Pearce, Duncan, and Bischoff parcels at the lower amount of \$14,122 with the remaining 14 parcels increasing \$600 to \$17,652.

Commissioner Sferrazza motioned that the 14 parcels immediately adjoining Evergreen pay the \$17,652 and the three parcels that do not get all the benefits pay \$14,122. The motion died for lack of a second.

On motion by Commissioner Galloway, seconded by Vice Chairman Weber, which motion duly carried with Chairman Shaw absent and Commissioner Sferrazza voting "No," it was ordered that the following Resolution be adopted and Vice Chairman Weber be authorized to execute the same:

RESOLUTION NO. 04-317

A RESOLUTION DISPOSING OF THE PROTESTS MADE AT THE HEARING ON THE PROVISIONAL ORDER FOR WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 36 (EVERGREEN HILLS DRIVE); DIRECTING THAT THE ENGINEER PREPARE AND FILE A REVISED AND DETAILED ESTIMATE OF COST, FULL AND DETAILED FINAL PLANS AND SPECIFICATIONS, AND A REVISED MAP AND ASSESSMENT PLAT; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the Board of County Commissioners (herein "Board") of the County of Washoe (herein "County") and State of Nevada, pursuant to a resolution adopted March 9, 2004 (the "provisional order resolution"), provisionally ordered the acquisition of a street project (the "Project") within the Washoe County, Nevada, Special Assessment District No. 36 (Evergreen Hills Drive) (herein the "District"); and

WHEREAS, pursuant to said resolution, the County Clerk gave notice of the time and place of hearing thereon, in the manner specified by law; and

WHEREAS, the manner of giving such notice by mail, publication and posting was reasonably calculated to inform the parties of the proceedings concerning the District which might directly and adversely affect their legally protected interests; and

WHEREAS, all owners of property to be assessed and interested persons so desiring were permitted to file a written protest or objection on or prior to 3 days before April 13, 2004 to appear before the Board on Tuesday, April 13, 2004 and be heard as to the propriety and advisability of acquiring the Project provisionally ordered, as to the cost thereof and manner of payment therefor, as to the amount thereof to be assessed against said property and to evaluate any hardship applications submitted in accordance with the hardship procedure established by the Board pursuant to an ordinance; and

WHEREAS, the written and oral objections or protests received were duly considered, and the Board has determined that it is in the best interests of said District, the County, and inhabitants thereof to create the District as theretofore proposed; and

WHEREAS, the Board has determined (based upon the tabulation of the percentage of owners protesting prepared by the County Engineer, and filed with the County Clerk) that the owners of lots which will pay one-half or more of the assessments (as shown in the Preliminary Assessment Roll) have not filed written protests or objections and the protests or objections received were received from owners of lots in the District who, in the aggregate, will pay less than one-half of the assessments (as shown in the Preliminary Assessment Roll); and

WHEREAS, the Board has now considered each and every written protest and objection and all oral protests and objections made at the hearing on April 13, 2004, and the Board finds that each and every written and oral protest or objection is without sufficient merit and is overruled and denied (except as otherwise specifically provided in Section 2.)

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

Section 1). The Board determines that each and every protest and objection filed or otherwise made (representing lots that will be responsible for less than one-half of the assessments to be paid) is without sufficient merit, and that the same is overruled and finally passed on by said Board except the District is modified as described in Section 2.

Section 2). The Board has determined, and does hereby determine, that, except as hereinafter stated, it is advisable to acquire the Project as provided by the provisional order resolution and does hereby order that assessments be levied therefor; except that:

[unless changes are listed here, no changes are made and all protests or objections are overruled and denied]

Section 3). Pursuant to NRS 271.360 and an ordinance adopted on October 23, 2001 establishing a hardship determination procedure, the Board has considered all applications for hardship determinations and the recommendations of the Washoe County Department of Social Services and hereby finds and determines that no qualifying applications for hardships were filed, except as listed below:

[unless changes are listed here, all filed hardship applications have been considered and no hardship applications are granted]

Section 4). Any person who filed, and did not withdraw a written protest or objection as aforesaid, shall have the right, within 30 days from the effective date of this resolution, to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination, but thereafter all actions or suits attacking the validity of the proceedings and the amounts of benefits, shall be perpetually barred.

Section 5). The County Engineer is requested and directed to prepare in the manner required by law and present to the Board:

- a) A revised (to the extent necessary) and detailed estimate of the total cost of the District, including each of the incidental costs;
- b) Full and detailed final plans and specifications; and

c) A revised (to the extent necessary) map and revised assessment plat.

Section 6). The officers of the County are directed to effectuate the provisions of this resolution.

Section 7). All resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of such inconsistency.

Section 8). The invalidity of any provision of this resolution shall not affect any remaining provisions hereof.

Section 9). The Board has determined, and does hereby declare, that this resolution shall be in effect after its passage in accordance with law.

* * * * *

Bill 1414, entitled, "AN ORDINANCE CREATING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 36 (EVERGREEN HILLS DRIVE); ORDERING A STREET PROJECT AND A WATER PROJECT WITHIN WASHOE COUNTY, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; AND PRESCRIBING OTHER MATTERS RELATING THERETO," was introduced by Commissioner Galloway, the title read to the Board and legal notice for final action of adoption directed.

04-318 IRREVOCABLE OFFER OF DEDICATION (11) AND GRANTS OF EASEMENT (2) – EVERGREEN HILLS DRIVE – PUBLIC WORKS

Upon recommendation of David Price, County Engineer, through Tom Gadd, Director of Public Works, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Chairman Shaw absent, it was ordered that the irrevocable offers of dedication from Donald Blum and Jan R. Blum, Kenneth E. Bobrowski and Patricia Bobrowski, David K. Fogarty and Patricia Fogarty, Willard May and Alex L. Palmer, Brian M. Loy and Georgia Y. Loy, Mathew L. McRae and Kamala McRae, C. Cliff Creger and Anna K. Lawton Creger, Eugene F. Pratt and Verna L. Pratt, Vicki P. Bischoff, and James F. Morning and Susan H. Morning and grants of easement from C. Cliff Creger and Anna K. Lawton Creger and David K. Fogarty and Patricia Fogarty for the construction of the SAD 36 roadway project, be accepted and Vice Chairman Weber be authorized to execute the same.

* * * * *

There being no further business to come before the Board, the meeting adjourned at 7:55 p.m.

BONNIE WEBER, Vice Chairman
Washoe County Commission

ATTEST:

AMY HARVEY, County Clerk

*Minutes Prepared by
Jan Frazzetta, Deputy County Clerk*