

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

TUESDAY

2:00 P.M.

APRIL 20, 2004

PRESENT:

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

**Amy Harvey, County Clerk**  
**Katy Singlaub, County Manager**  
**Greg Shannon, 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:

**04-319        AGENDA**

In accordance with the Open Meeting Law, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the agenda for the April 20, 2004 meeting be approved.

**04-320        PUBLIC COMMENTS**

Robert Cameron, Washoe County citizen, spoke about the State Engineer denying requests to deepen wells in the Galena area. He described the current situation as a bombshell because the Galena area has no water system available. He reminded the Board of an agreement that stated up to \$20,000 would be given to individuals if their wells were drawn down by government edict.

Ginger Pierce, Galena Steamboat Citizen Advisory Board Chairperson, submitted and read a letter, dated April 20, 2004, that addressed her concerns about well deepening and re-drilling requests being denied in the Galena area and she asked if the Board members were even aware of this situation.

Katherine Bowling, Callahan Ranch area resident, spoke about domestic well owners being prohibited from deepening their wells. She provided a history of her subdivision and she requested the Commission get clarification from the State Engineer as to what constitutes reasonable drawdown and noted that, according to State statute, her well was an appurtenance to her property and was a protectable interest.

Sam Dehne, local resident, addressed the water issue noting there was no cause to worry because developers say there is plenty of water. He spoke of his frustration regarding the new Reno City Hall's lack of parking and access to the Mayor and City Council.

Al Hesson, local resident, discussed President Bush's 9/11 Committee testimony and questioned whether the Iraqis want democracy.

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

Chairman Shaw requested a report on the water situation. Katy Singlaub, County Manager, said it would be put on a future agenda.

Commissioner Galloway announced the dedication of the Keystone Canyon trailhead on Thursday, Earth Day, at 5:00 p.m.

Commissioner Sferrazza said the Board is entitled to a new Nevada Association of Counties (NACO) board member and asked if anyone was interested. He also mentioned the NACO advisory vote on the unfunded mandate constitutional amendment, and he stated the information has been provided to Ms. Singlaub to have it placed on the next available agenda along with the Board opening. Ms. Singlaub replied the resolution had been prepared and would appear on the next available agenda.

Commissioner Humke shared the concerns about water near Galena and in South Washoe County. He noted that water issues are complicated and requested the help of the other Commissioners.

### **04-321      INTRODUCTION OF NEW WASHOE COUNTY EMPLOYEES**

Katy Singlaub, County Manager, asked approximately 25 new employees to individually introduce themselves to the Board; and Chairman Shaw welcomed them on behalf of the Washoe County Board of County Commissioners.

### **04-322      SEXUAL ASSAULT - MEDICAL CARE - PAYMENT**

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care and follow-up medical or psychological treatment for 39 sexual assault victims in an amount totaling \$7,204.30 as set forth in a memorandum from Lidia Osmetti, Office Manager, District Attorney's Office, dated March 29, 2004 and placed on file with the Clerk.

**04-323            PURCHASE REQUISITION – TRUCKEE MEADOWS REGIONAL  
PLANNING AGENCY - DEPARTMENT OF MOTOR VEHICLES  
GRANT FUNDING – AIR QUALITY MANAGEMENT – DISTRICT  
HEALTH**

Upon recommendation of Pamela Fine, Health Analyst, through Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the Fiscal Year 03/04 Purchase Requisition #3000000664 issued to Truckee Meadows Regional Planning Agency in the amount of \$27,048, for pass-through State of Nevada Department of Motor Vehicles Grant Funding on behalf of the Air Quality Management Division of the District Health Department, be approved.

**04-324            PURCHASE REQUISITION – AVENTIS PASTEUR INC. – FLU  
VACCINE - DISTRICT HEALTH**

Upon recommendation of Patsy Buxton, Health Analyst, through Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Fiscal Year 04/05 Purchase Requisition #1000002228, issued to Aventis Pasteur Inc., for the purchase of flu vaccine in the approximate amount of \$40,968 on behalf of the Community and Clinical Health Services Division within the District Health Department, be approved.

**04-325            IMPORTER OF INTOXICATING LIQUORS BUSINESS LICENSE  
- VERA P. EAKIN, DBA INTER CON – COMMUNITY  
DEVELOPMENT**

Upon recommendation of Bob Webb, Community Development Planning Manager, through Adrian Freund, Community Development Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the Business License for Vera P. Eakin, dba Inter Con, be approved, and that each Commissioner is authorized to sign the Nevada Application for License for Importer and Wholesale Dealer of Wine, Liquor, and Beer.

**04-326            AGREEMENT - FRANKLIN INSTITUTE – WILBUR D. MAY  
MUSEUM 2004 SUMMER EXHIBIT - PARKS**

Upon recommendation of Kristy Lide, Parks Recreation Specialist III, through Karen Mullen, Parks Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the Exhibit Agreement between Washoe County and the Franklin Institute for the 2004 summer exhibit, “A Forest Journey,” at the Wilbur D. May Museum in the amount of \$20,000 be approved and that Chairman Shaw be authorized to execute the same.

**04-327            AGREEMENT - U.S. DEPARTMENT OF JUSTICE -  
FORFEITURE FUNDS – DISTRICT ATTORNEY**

Upon recommendation of Neeroo Manning, Fiscal Compliance Officer, through Richard Gammick, District Attorney, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Federal Equitable Sharing Agreement between the County of Washoe and the United States Department of Justice to facilitate sharing of forfeited assets, cash and/or property seized during drug-related arrests and prosecution, be approved and that Chairman Shaw be authorized to execute the same.

It was further ordered that the Comptroller be directed to establish the new internal order number 10325 and to make the account changes as listed below:

<b>Account</b>	<b>Amount</b>
Revenue: 10325 – Forfeiture (472100)	\$10,000
Expenditures: 10325 – Professional Services (710100)	\$10,000

**04-328            AGREEMENT - CHILDREN’S CABINET, INC. – GRANT  
PROGRAM - DISTRICT ATTORNEY**

Upon recommendation of Mary Herzik, Court-Appointed Special Advocate (CASA), Second Judicial District Court, through Ron Longtin, District Court Administrator and Clerk of the Court, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Grant Program Agreement between Washoe County and Children’s Cabinet, Inc. in the amount of \$14,174, be approved retroactively to February 1, 2004 to January 31, 2006, and that Chairman Shaw be authorized to execute the same. It was noted this is a follow-on contract that supports one aspect of the overall function financed by the grant accepted on October 14, 2003 in the amount of \$262,367.

**04-329            UNR OBSERVATORY REVISED SITE LOCATION AND DESIGN  
– RANCHO SAN RAFAEL REGIONAL PARK - PARKS**

Katy Singlaub, County Manager, described the new proposed location for the observatory, which was approved by the Rancho San Rafael Advisory Board and the Open Space and Regional Park Commission. She noted there were objections from the citizens and homeowners in the area.

In response to Commissioner Weber’s request, Karen Mullen, Parks and Recreation Director, addressed the design change to a pitched gable roof, which is a retractable roof structure, and the use of corrugated metal instead of block to minimize the heat retention in the building that could damage the telescope.

Ms. Mullen responded to the concerns of Commissioner Sferrazza about parking and Commissioner Weber about the size of the solar panel.

Chairman Shaw asked that a colored architectural drawing be provided. Commissioner Sferrazza said he would prefer the colors be consistent with the ranch house.

Commissioner Galloway asked that the Board's approval be conditional so that Washoe County reserves full rights to control the colors used on the structure. He also stated he wanted to send a message that Rancho San Rafael Regional Park will not be an expansion area for the University or anyone else who runs out of their own expansion space.

Upon recommendation of Mike Boster, Planner, through Karen Mullen, Parks Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the location and design of the University of Nevada's observatory, to be constructed at Rancho San Rafael Regional Park as outlined by staff, be approved, with the condition that Washoe County select the colors used for the structure.

It was noted that relocation and construction costs would be the full responsibility of the University, which will operate and maintain the structure. The maintenance of landscape materials around the structure will be the responsibility of Washoe County Parks and was not expected to have a significant impact. The annual utility cost to operate the observatory will be approximately \$50 per year, which will be added to existing County utility bills.

**04-330            CHANGE ORDER - GRADEX CONSTRUCTION COMPANY –  
LAZY 5 PHASE 2 PROJECT – PUBLIC WORKS**

Upon recommendation of Roger Van Alyne, Capital Projects Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that Change Order number one between Washoe County and Gradex Construction in the amount of \$104,700 for Lazy 5 Phase 2, to restore the original play equipment and field size to its originally planned dimensions, be approved and that the Contract Administrator be authorized to execute the same.

**04-331            REQUEST FOR REFUND OF PERSONAL PROPERTY TAXES –  
R.R. DONNELLEY & SONS, CO. - TREASURER**

Pursuant to District Attorney Opinion 6427, dated March 3, 2004, on motion of Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Shaw be authorized to execute the same:

**RESOLUTION**

*Directing the County Treasurer to Refund Taxes*

**WHEREAS**, the Board of Commissioners of Washoe County, pursuant to NRS 354.220-354.240, has the authority to direct the County Treasurer to refund money paid into the County Treasury; and

**WHEREAS**, R.R. Donnelley & Sons Co. (“Taxpayer”) (county identifier number 2/524-092) made application for partial refund of personal property taxes paid in the fiscal years of 1999-2000, 2000-2001 and 2001-2002, and

**WHEREAS**, a partial abatement of personal property taxes, granted to the Taxpayer by the Nevada Commission on Economic Development, was applied by the Assessor to Taxpayer’s equipment purchases made in fiscal years 1999-2000, 2000-2001 and 2001-2002 instead of to expansion equipment purchases made by Taxpayer in 1997, due to a vague order issued by the Commission, something that was unforeseeable and outside the control and discovery of R.R. Donnelley & Sons Co. until it was too late to appeal, causing excess tax payments to be made by Taxpayer in fiscal year 1999-2000 of \$82,562.33, in fiscal year 2000-2001 of \$70,665.88, and in fiscal year 2001-2002 of \$50,882.38, totaling the amount of \$204,110.58; and

**WHEREAS**, it is the opinion of the Board of Commissioners of Washoe County that the Taxpayer has just cause for making such application for these three fiscal years and that the granting of the partial refund would be equitable.

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

1. That the Treasurer of Washoe County is authorized and directed to refund to R.R. Donnelley & Sons Co. a total of \$204,110.58, which is the amount of the taxes overpaid for the fiscal years of 1999-2000, 2000-2001 and 2001-2002 as set forth above.
2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity that has shared in the excess of the taxes collected in error for its prorata share of the refund.

**04-332      RECONSIDERATION OF DECISION DENYING TAX REFUND –  
DERMODY FAMILY LIMITED PARTNERSHIP - TREASURER**

Sam Dehne, Reno resident, said he was in favor the refund.

Commissioner Sferrazza noted a policy that, absent evidence of a timely filed request, the Board would deny these requests if the requestor had not followed

procedures. He noted that in this case it was subsequently determined that the school had filed a timely notice and that was why it was now being reconsidered.

Upon recommendation of Blaine Cartlidge, 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 Shaw be authorized to execute the same:

### **RESOLUTION**

#### *Directing the County Treasurer to Refund Taxes*

**WHEREAS**, the Board of Commissioners of Washoe County (“Board”), pursuant to NRS 354.220-354.240, has the authority to direct the County Treasurer to refund money paid into the County Treasury; and

**WHEREAS**, Dermody Family Limited Partnership I (“Taxpayer”) made application for a refund of real property taxes for the 2001-2002 tax year on APN 086-101-28 and that application was denied by the Board at its meeting held on February 24, 2004, and then reconsidered by the Board at its March 23, 2004 meeting but was again denied by a vote of 3-2, and then was reconsidered a second time by the Board at its April 13, 2004 meeting due to new factual developments; and

**WHEREAS**, the Board has determined that the Taxpayer has overpaid taxes for the 2001-2002 fiscal year in the amount of \$10,343.38; and

**WHEREAS**, it is the opinion of the Board of Commissioners of Washoe County that the Taxpayer has just cause for making such application for the 2001-2002 tax year and that the granting of the refund would be equitable.

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

1. That the Treasurer of Washoe County is authorized and directed to refund to Dermody Family Limited Partnership I, a total of \$10,343.38, which is the amount of the taxes overpaid for the 2001-2002 tax year on APN 086-101-28.
2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity that has shared in the excess of the taxes collected in error for its prorata share of the refund.

04-333

**REQUEST FOR REFUND OF REAL PROPERTY TAXES –  
CENTER OF HOPE CHRISTIAN FELLOWSHIP - TREASURER**

Pursuant to District Attorney Opinion 6420, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Shaw be authorized to execute the same:

**RESOLUTION**

*Directing the County Treasurer to Refund Taxes*

**WHEREAS**, the Board of Commissioners of Washoe County, pursuant to NRS 354.220-354.240, has the authority to direct the County Treasurer to refund money paid into the County Treasury; and

**WHEREAS**, Center of Hope Christian Fellowship (“Taxpayer”) made application for refund of real property taxes for the 2001-2002 tax year on APN: 027-450-01; and

**WHEREAS**, the Taxpayer has overpaid taxes for the 2001-2002 fiscal year in the amount of \$1,938.99; and

**WHEREAS**, it is the opinion of the Board of Commissioners of Washoe County that the Taxpayer has just cause for making such application for the 2001-2002 tax year and that the granting of the refund would be equitable.

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

1. That the Treasurer of Washoe County is authorized and directed to refund to Center of Hope Christian Fellowship a total of \$1,938.99, which is the amount of the taxes overpaid for the 2001-2002 tax year on APN: 027-450-01.
2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity that has shared in the excess of the taxes collected in error for its prorata share of the refund.

04-334

**PURCHASE OF ONE BRUSH TRUCK FIRE APPARATUS –  
SUTCLIFFE VOLUNTEER FIRE DEPARTMENT – RENO FIRE  
DEPARTMENT**

Upon recommendation of Division Chief Roy Slate, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the purchase of one brush truck fire apparatus for

assignment at the Sutcliffe Volunteer Fire Department from Silver Stage International Truck Sales, in the amount of \$216,955, be approved.

**04-335            BILL NO. 1415 - AMENDING WCC - MASSAGE THERAPIST'S PERMITS - BUSINESS LICENSE DIVISION**

Bill No. 1415, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REPEALING CERTAIN SECTIONS RELATING TO THE REQUIREMENTS FOR ISSUANCE OF A MASSAGE THERAPIST'S WORK PERMIT BY THE SHERIFF; BY ADDING PROVISIONS ALLOWING THE BUSINESS LICENSE DIVISION TO ISSUE TEMPORARY MASSAGE THERAPIST'S PERMITS, PROVIDING GROUNDS AND REASONS FOR DENIAL AND REVOCATION OF MASSAGE THERAPIST WORK PERMITS; AND, PROVIDING OTHER MATTERS PROPERLY RELATING THERETO" was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the Business Impact Statement related to the above-referenced ordinance be adopted.

**04-336            APPEARANCE - JASON DREW, DISTRICT MANAGER, NEVADA TAHOE CONSERVATION DISTRICT (NTCD)**

Jason Drew, Nevada Tahoe Conservation District Manager, thanked the County for the funding provided to the District, explaining that the funding was vital because they were an unfunded State mandate. He especially thanked the Board for the legal services provided by the District Attorney's Office.

Mr. Drew said the District, through its Fuels Management and Defensible Space project, was working to obtain a Memorandum of Understanding with the U.S. Forest Service Lake Tahoe Basin Management Unit to recognize the District as a partner so they could have input into planning how fuels management and forest health will be developed in the basin and for addressing urban lots in the basin owned by the Forest Service to require them to meet the same standards as private homes.

The Nevada Tahoe partnership will provide a framework for local communities and government, the General Improvement Districts, Homeowners Associations, and residents on the Nevada side of the lake to be involved in basic planning and decision making.

The Water Quality and Erosion Control project worked with the County's engineering staff to implement environmental improvement projects at the lake. Mr. Drew described a good working relationship especially with Kimble Corbridge. He stated the District was in the process of helping the County to identify funding for the next project. Additionally, the District is identifying funding to assess what

environmental improvement projects were completed, those not completed, and how to prioritize the projects to get the most out of the money available.

Commissioner Galloway thanked Mr. Drew for being here, noting that a lot of good work has been done by NTCD. He said it was important to have a group like this providing oversight on the environmental improvement projects going on in the basin. He noted that donating legal services was the Board's way of doing their part.

At Commissioner Galloway's request, Mr. Drew described the Backyard Conservation program the District provides to Washoe County residents.

**04-337            2002 REGIONAL PLAN SETTLEMENTS, LITIGATION,  
POTENTIAL LITIGATION AND ASSOCIATED ISSUES**

Katy Singlaub, County Manager, reported there were no items to discuss.

**04-338            REPORTS/UPDATES FROM COUNTY COMMISSIONERS**

Commissioner Weber said she had attended her first meeting on the reconstruction of the V & T Railway.

Commissioner Sferrazza read some of the provisions of the Memorandum of Understanding from NACO concerning the convention and he stated, to not risk losing the convention, he would like it to come back sooner than May 18, 2004.

**COMMUNICATIONS AND REPORTS**

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

**04-339            COMMUNICATIONS:**

A. Notice of Intent to Annex Land into the City of Sparks dated March 26, 2004 to annex approximately 1,226.35 acres of land, generally located on the north side of Interstate 80; the east side of Vista Boulevard industrial area; south of D'Andrea Nevada Planned Development and south and east of the Sunset View Rancho Estates, Washoe County (Cooper Canyon), into the City of Sparks, and a copy of Bill No. 2396 introducing the proposed Ordinance. The public hearing on Bill No. 2396 was scheduled for the Council meeting to be held on April 19, 2004. (Copy of Documents sent to Community Development on April 1, 2004)

**04-340        COMMUNICATIONS:**

B.        Copy of a favorable determination letter from the Internal Revenue Service regarding Washoe County 401A Plan amendment(s) executed on May 22, 2003 and the plan adopted on May 22, 2003. (See Item No. 03-546, May 13, 2003.)

**04-341        REPORTS – Monthly (February 2004)**

- A.        County Clerk
- B.        Court Clerk

**04-342        REPORTS – Monthly (March 2004)**

- A.        Court Clerk

**04-343        REPORTS – Quarterly (March 2004)**

- A.        Court Clerk
- B.        Sparks Justice Court
- C.        Sheriff's Civil Section

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**3:15 p.m**        The Board adjourned to a closed session for the purpose of discussing negotiations with Employee Organizations.

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**JAMES M. SHAW**, Chairman  
Washoe County Commission

**ATTEST:**

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

*Minutes Prepared by  
Jan Frazzetta, Deputy County Clerk*