

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

JUNE 22, 2004

PRESENT:

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

Sharon Gotchy, Deputy County Clerk
Katy Singlaub, County Manager
Madelyn Shipman, Assistant District Attorney

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

04-609 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the agenda for the June 22, 2004 meeting be approved with the following changes: **Delete** Item 19C, 36-month lease agreement with the Truckee River Office Tower, LLC.

04-610 PROCLAMATION – HONORING DEPUTY JOHN N. WIBERG, II

On motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, it was ordered that the following Proclamation, which Chairman Shaw read and presented to Dena Wiberg, Deputy Wiberg's wife, be adopted and the Chairman be authorized to execute the same:

PROCLAMATION

WHEREAS, The Washoe County Sheriff's Office holds as its highest priority the safety of every citizen of Washoe County, and

WHEREAS, The men and women of the Washoe County Sheriff's Office are dedicated law enforcement professionals who place themselves as protectors of the community and perform their duties, sometimes at great personal risk, and

WHEREAS, During the early morning hours of Tuesday, May 11, 2004, the Washoe County community lost a protector and the Sheriff's Office lost a member of its law enforcement family when Deputy John Wiberg II was killed in a traffic accident while responding to an armed robbery call, and

WHEREAS, Deputy Wiberg was a 14 year veteran of the Sheriff's Office who made a significant contribution to this community's quality of life with his service and who was awarded a Bronze Star and a Lifesaving Award in 2001 for his actions during an arrest of a felon and a response to a traffic accident, respectively, and

WHEREAS, Deputy Wiberg was most importantly a family man who was loved by his wife Dena and four young daughters, Leysa, Rebecca, Heather and Victoria and many family and friends, and

WHEREAS, Washoe County would like to honor his memory and convey to his family their gratitude for Deputy Wiberg's years of service, and

WHEREAS, The Washoe County Board of County Commissioners would like to express their condolences to Deputy Wiberg's family, therefore, be it

PROCLAIMED, That the Washoe County Board of County Commissioners hereby honor the life of Deputy John N. Wiberg II and extend our condolences to his family, friends, and law enforcement family at the Washoe County Sheriff's Office.

Dena Wiberg thanked the Sheriff's Office and Washoe County for their support.

04-611 PUBLIC COMMENTS

Carter King, local attorney, spoke about the conflict of interest in the contract with Mr. Alian and quoted the Supreme Court Rule 157.2. He said there is a problem with the money paid to Mr. Alian for client expenses because, if he does not use the money for expenses, he gets to keep it; and this should be a separate fund. Mr. King said he felt the contract should be split into multiple parts and awarded to different lawyers to eliminate any conflict between codefendants.

Susan Lynn, local resident, said planning needs to consider social, financial, and environmental resources and that is not happening. Ms. Lynn requested an advisory ballot question be placed on a future Board agenda, and she asked the Board to consider establishing a growth committee that would be advisory to the ballot issue, to the Board, and to the region.

Guy Felton, local resident, said Board members do not adhere to the open meeting law, and he said he has received no response from the Board to past questions.

Steve Stremmel, Stremmel Auctions, spoke about the dispersal of surplus inventory and the State contract that governs the County's actions. He said some of the problems with TNT Auction is that they charge fees that do not agree with the fees stipulated in the State contract, that TNT is not a licensed realtor as required by the contract because it is all-inclusive, and that TNT uses a building owned by the County so they pay no insurance or property taxes. Mr. Stremmel said this makes it hard for someone who does have a building here to compete.

Chairman Shaw said the Board has the information and would have staff look into Mr. Stremmel's comments. Chairman Shaw read a letter from Jeff Pilliod, Anchor Auctions, Inc. stating they had never received notification of future bids as they had requested five years ago.

Andrea Manor, Verdi resident, said the existing ingress and egress to the Mogul and Verdi areas are very poor. She said the Regional Plan states, and the residents were assured, that Summerset's new Mogul area development would not include developing any roads with connections to existing roads, but residents have seen flags marking road construction. Ms. Manor said she is requesting the Board's help and asked this issue be put on the Board's agenda soon.

Doug Smith, Scenic Nevada, said they support the advisory ballot question suggested by Ms. Lynn. He said they also recommend the establishment of a Washoe County growth task force. He stated the task force should represent citizens, environmentalists, developers, business and gaming, health and social services, labor, and the academic community and should develop strategies on urban containment, natural resource conservation, public facilities planning, and intergovernmental coordination.

J. Edward Parker, local resident, said he has heard people comment about the lack of response from government agencies when they are presented with information a citizen considers important and that people feel ignored.

Al Hesson, local resident, spoke about President Bush's visit to Reno and about nuclear waste disposal at Yucca Mountain.

Gary Schmidt, local resident, said the Board should consider how they spend money on legal counsel. He felt a committee comprised of retired attorneys should advise the Board on contractual matters and pending litigation so they have an opinion besides that of the District Attorney. He requested a closed session to review the litigation involving the Board of Equalization be placed a Board agenda.

Sam Dehne, Reno City resident, stated his opinion of the new Reno City Hall and his opinion of the news organizations in Reno.

MANAGER'S/COMMISSIONERS' COMMENTS

Commissioner Humke said the Nevada Commission on Aging recently discussed regulations affecting medical professionals that treat Alzheimers patients, the lack of beds in Nevada for these patients, and the high cost of prescription drugs. He also said he would like to place two items on an upcoming agenda: An advisory ballot question as outlined by Susan Lynn and the creation of a management of growth committee modeled after Clark County.

Commissioner Galloway reminded staff that the Board had asked for an interim report on the Alian contract and for a second opinion by the District Attorney on conflicts. He said he would like this information for the July 13th meeting, or at a minimum, if the interim report is not available, the second opinion. He said he would like a future agenda item about the potential traffic flow through the Mogul area with a staff report on whether there is a potential violation of the agreement. Additionally, he would like a staff report about the surplus contract and how many other contracts are continuously renewed without rebid.

Commissioner Sferrazza also requested the advisory ballot question be on a future agenda, but he was concerned that the language is vague. He said he would also like to see a growth management committee created. Commissioner Sferrazza said if Stremmel Auctions could do the surplus auctions for the same or better price, it should be given to a local auctioneer. He said at a minimum, there should be an RFP process. Commissioner Sferrazza said he had two agenda items for July 13th: Discussion and possible direction to staff on the policy for County contributions to all nonprofit organizations and the development of policy on encouraging renewable sources of power generation.

Commissioner Weber also requested a staff report on the roads in Mogul. She said she spent last evening with the Cold Springs Citizen Advisory Board discussing area issues, and participated in a two-hour conference call on the V & T reconstruction. Commissioner Weber said the Joint Fire Advisory Committee has decided to have their meetings every three months.

Chairman Shaw said he, along with Commissioners Galloway and Humke, attended the Rodeo Foundation banquet where the Kids Kottage was presented with a symbolic check for the construction of recreational facilities. He reminded everyone the groundbreaking of the Mills Lane Justice Center would be Thursday at noon.

Commissioner Galloway suggested, since the Commissioners had included in their remarks items normally discussed in item 23, the two items be combined in the future. He said he had attended the Nevada Association of Counties meeting where unfunded mandates and how to put an end to them were discussed. He also provided the members with the Nevada Department Of Transportation report from the road-funding workshop held yesterday at Caucus.

04-612

**PROCLAMATION – RECOGNIZING MISS CHELSEA BIBB,
MISS WASHOE COUNTY 2004**

On motion by Commissioner Weber, seconded by Chairman Shaw, which motion duly carried, it was ordered that the following Proclamation, which Commissioner Weber read and presented to Miss Chelsea Bibb, Miss Washoe County 2004, be adopted and the Chairman be authorized to execute the same:

PROCLAMATION

WHEREAS, Miss Chelsea Bibb was named Miss Washoe County in February, 2004; and

WHEREAS, Miss Bibb has fulfilled the role of Miss Washoe County since that time making numerous appearances through Washoe County; and

WHEREAS, Miss Bibb has been an excellent ambassador for Washoe County in her role as Miss Washoe County; and

WHEREAS, Miss Bibb recently graduated from the University of Nevada, Reno with a B.A. in Journalism; and

WHEREAS, Miss Bibb will compete in Carson City on July 3rd for the title of Miss Nevada, now, therefore, be it

PROCLAIMED, That the Washoe County Board of Commissioners hereby congratulates Miss Bibb on her crowning as Miss Washoe County and wishes her the best in her upcoming competition for the Miss Nevada title.

Miss Bibb thanked the Board and spoke about her experiences since becoming Miss Washoe County.

04-613

**RECOGNITION – SIERRA ARTS FOUNDATION – WASHOE
COUNTY’S LOCAL ARTS AGENCY – COMMUNITY
RELATIONS**

Upon recommendation of Kathy Carter, Community Relations Director, through Katy Singlaub, County Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following Proclamation, which Chairman Shaw read and presented to Jill Berryman, Sierra Arts Foundation, be adopted and the Chairman be authorized to execute the same:

PROCLAMATION

WHEREAS, The National Endowment for the Arts defines local arts agencies as those that provide cultural programming, grant making, facility management, services to artists and arts organization, or community cultural planning; and

WHEREAS, The Sierra Arts Foundation provides cultural programming for Washoe County residents through the artist-in-residence programs at the County's juvenile detention facility, the McGee Center, through concerts, and through management of the fine arts galleries at the Northwest and South Valleys libraries; and

WHEREAS, That Sierra Arts Foundation provides support to artists through grant making and through their collaboration on the Riverside Artists' lofts facility; now, therefore, be it

PROCLAIMED, That Sierra Arts Foundation is recognized by the Board of County Commissioners as Washoe County's local arts agency.

04-614 PURCHASE REQUISITION – BUSINESS ENVIRONMENTAL PROGRAM AND DRY CLEANERS REBATE PROJECT - 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, it was ordered that purchase requisition #3000000851 in the amount of \$45,121 for Fiscal Year 2004/05 issued to the Board of Regents of the University and Community College System of Nevada on behalf of the Small Business Development Center for contractual services to support the Business Environmental Program and the Dry Cleaners Rebate Project funded by the Federal Environmental Protection Agency Grant on behalf of the Air Quality Management Division be approved.

04-615 PURCHASE REQUISITION - ENVIRONMENTAL SYSTEMS CORPORATION - AIR QUALITY MONITORING EQUIPMENT - 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, it was ordered that purchase requisition #1000003579 for Fiscal Year 2003/04 issued to Environmental Systems Corporation in the amount of \$36,666.60 for air quality monitoring equipment to support the Air Quality Monitoring Program funded by the Nevada Department of Motor Vehicles Excess Reserve Grant (10039) on behalf of the Air Quality Management Division be approved.

04-616 REMOVAL - 2002 RETURNED CHECKS WRITE-OFF - FINANCE

Upon recommendation of Robin Greco, Collections Administrator, through John Sherman, Finance Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the removal of \$1,266.50 from the Centralized Returned Check Account (8980-121013) be approved and that the Comptroller be directed to charge the contra revenue account (485300) for the following responsible cost centers:

Cost Center	Agency	Amount
116460	Business License	\$150.00
120231	Clerk/Judicial	\$12.00
127100	Juvenile Services	\$60.00
140300	Parks	\$949.50
60003	Public Works	\$55.00
165200	Roads	\$40.00

**04-617 LIBRARY ASSISTANT II AND LIBRARY AIDE POSITIONS -
INCLINE VILLAGE - LIBRARY**

Upon recommendation of Melody Ballard, Programs and Services Associate Library Director, through Nancy Cummings, Library Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the recommended staffing configuration for the Incline Village Library be approved thereby abolishing one Library Assistant II position, increasing an existing 21-hour per week Library Assistant II position to 30 hours, and creating three 15-hour per week Library Aide positions.

**04-618 LIBRARY AIDE AND LIBRARY ASSISTANT II POSITIONS -
LIBRARY**

Upon recommendation of Melody Ballard, Programs and Services Associate Library Director, through Nancy Cummings, Library Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that three vacant 21-hour per week Library Aide positions be abolished, six 15-hour per week Library Aide positions be created, two vacant 21-hour per week Library Assistant II positions be abolished and four 15-hour per week Library Assistant II positions be created.

**04-619 RETROACTIVE ALCOHOL WAIVER – MEMORIAL SERVICE
GENE MCDOWELL – RENO SENIOR SERVICES CENTER**

Upon recommendation of Marietta Bobba, Senior Services Director, through John Berkich, Assistant County Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that a retroactive alcohol waiver for the memorial service for former Washoe

County Commissioner Gene McDowell, held June 6, 2004 at the Reno Senior Services Center, be approved.

04-620 AUTHORIZE EXPENDITURES – CHILD PROTECTIVE SERVICES – FY 2004/05 – SOCIAL SERVICES

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Social Services Department be authorized to expend funds in the amount of \$95,000 in Fiscal Year 2004/05 from Children’s Services account, Referral Services, to benefit children and families to promote keeping families intact.

04-621 CHANGE ORDER NO. 1 – MOUNT ROSE TANK 4 PROJECT - WATER RESOURCES

Upon recommendation of Thomas Kelly, Senior Licensed Engineer, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Director of the Department of Water Resources be authorized to sign Change Order No. 1 for additional work at the Mt. Rose Tank 4 project in the amount of \$80,291.69.

04-622 ELECTION WORKERS COMPENSATION RATES - REGISTRAR OF VOTERS

Sam Dehne, local resident, suggested election workers should be paid a lot of money because of the importance of the positions. Commissioner Galloway responded that he hoped the satisfaction of performing a public service would outweigh the low pay.

Upon recommendation of Dan Burk, Registrar of Voters, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the following compensation rates for election workers, if recruited directly by the County and not through a temporary-hire agency, be approved:

Close of Registration at the County Libraries 10:00 a.m. – 6:00 p.m.	
August 4 thru 7 and September 28 thru October 7:	TOTAL: \$75 *
Early Voting Clerk at various locations throughout Washoe County 9:30 a.m. – 6:30 p.m.	
August 21 thru September 3 and October 16 through 30:	TOTAL: \$84*
Election Day Precinct and Poll Workers and Troubleshooters:	
Poll Worker: \$85 + 15 for training	TOTAL: \$100**
Chairperson: \$95 + \$15 for training	TOTAL: \$110**
Polling Place Managers: \$95 + \$25 for training	TOTAL: \$120**
Troubleshooters: \$95 + \$35 for training + mileage	TOTAL: \$130**

*Per Worker, Per Day
**Per Election Day

04-626

ACCEPTANCE OF CASH DONATIONS – CITIZEN HOMELAND SECURITY COUNCIL - SHERIFF

Upon recommendation of Valerie Gilmore, Fiscal Compliance Officer, through Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the anonymous donations in the amount of \$2,100 for the Sheriff’s Office Citizen Homeland Security Council be accepted with the gratitude of the Board and the Budget Division be directed to make the following account adjustments:

Account	Increase Amount
Revenue: 20044-484000	\$2,100
Expenditure: 20044-710300	\$2,100

04-627

ACCEPTANCE OF CASH DONATIONS – CREATIVE PERFORMING ARTS CENTER, INC. AND CARL M. HEBERT - KIDS CAMPUS ACTIVITY CENTER – SOCIAL SERVICES

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that donations from the Creative Performing Arts Center, Inc. (\$5,750) and Carl M. Hebert (\$5,000) in the amount of \$10,750 for construction of the Kids Campus Activity Center be accepted with the gratitude of the Board and the Finance Department be directed to make the following account adjustments:

Account	Increase Amount
Revenue: 20094-484000 Contributions	\$10,750
Expenditure: 20094-710500 Other Expenses	\$10,750

04-628

ACCEPTANCE OF JUROR FEE DONATIONS - KIDS KOTTAGE EMERGENCY SHELTERS – SOCIAL SERVICES

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that Juror Fee Donations in the amount of \$11,097, to benefit children who are in care at Kids Kottage Emergency Shelters, be accepted with the gratitude of the Board and the Comptroller be directed to make the following account adjustments and the Department of Social Services be authorized to expend the funds:

Account	Increase Amount
Revenue: 20026-484000 Donations - General	\$11,097
Expenditure: 20026-710300 Minor Furniture and Equipment	\$11,097

04-629

**ACCEPTANCE OF CASH DONATIONS - KIDS KOTTAGE
EMERGENCY SHELTERS – SOCIAL SERVICES**

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that cash donations from the following businesses and individuals in the amount of \$4,230.99 to benefit children who are in care at Kids Kottage Emergency Shelters be accepted with the gratitude of the Board:

Anonymous	\$40.00
Nye Hall	\$221.00
A & H Insurance	\$657.50
McDonald Carano Wilson LLP Charitable Fund	\$2,000.00
United Way	\$987.51
Wells Fargo Community Support Campaign	\$124.98
Patricia Langlie-Hess	\$200.00

It was further ordered that the Finance Department be directed to make the following account adjustments:

Account	Increase Amount
Revenue: 20026-484000 Contributions	\$4,230.99
Expenditure: 20026-710300 Operating Supplies	\$4,230.99

04-630

**ACCEPTANCE OF CASH DONATIONS – IGT AND SIERRA
ASSOCIATION OF FOSTER FAMILIES – FOSTER CARE AND
ADOPTIVE FAMILIES – SOCIAL SERVICES**

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that cash donations from IGT (\$3,000) and Sierra Association of Foster Families (\$297.80) for a total amount of \$3,297.80 to support children in need of Foster Care and Adoptive Families be accepted with the gratitude of the Board and the Finance Department be directed to make the following account adjustments:

Account	Increase Amount
Revenue: 20095-484000 Contributions	\$3,297.80
Expenditure: 20095-710500 Other Expense	\$3,297.80

04-631

**ACCEPTANCE OF CASH DONATION – CITY OF RENO –
TEMPORARY ASSISTANCE FOR DISPLACED SENIORS –
SENIOR SERVICES**

Upon recommendation of Marietta Bobba, Senior Services Director, through John Berkich, Assistant County Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was

ordered that the cash donation from the City of Reno for the Temporary Assistance For Displaced Seniors (TADS) Program in the amount of \$4,500 be accepted with the gratitude of the Board and the Finance Department be directed to make the following account adjustments:

Account	Increase Amount
Revenue: 10365-433300 Local Contributions	\$4,500
Expenditure: 10365-710500 Other Expenses	\$4,500

04-632 ACCEPTANCE OF CASH DONATIONS – SENIORS PROGRAMS AND SERVICES – SENIOR SERVICES

Upon recommendation of Marietta Bobba, Senior Services Director, through John Berkich, Assistant County Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the cash donations to assist in programs and services for seniors from the following individuals and organizations from July 1, 2003 through June 2, 2004 in the amount of \$38,940.98 be accepted with the gratitude of the Board:

- \$2,324.42 United Way – to the department
- \$600.00 First Baptist Church – Nutrition Program
- \$1,100.00 Community Foundation of Western Nevada – Zonta Club – bus passes for use by senior women in pursuit of seeking employment
- \$21,350.00 Werner Klement Trust – Senior Law Project
- \$500.00 Franklin Gregersen – Mental Health Program
- \$150.00 Robert Boemler - Reno Center pool room general use
- \$310.00 Washoe Credit Union – department discretionary use for senior citizen needs
- \$59.56 Scolari’s Markets – continuing program of donations to local agencies
- \$100.00 Dee Schaeffer – Nutrition Program
- \$20.00 Henry LaPolla – Nutrition Program
- \$50.00 Marianne Hiser - Nutrition Program
- \$1,000.00 E.W. McKenzie - Home Delivered Meal Program. This foundation has made annual contributions to the department in excess of \$5,000.
- \$1,000.00 General and Vascular group - Adult Day Care Program
- \$50.00 Theta Master Chapter of Beta Sigma Phi – holiday decorations
- \$200.00 Edward Rolie – in memory of Dick Taylor who entertained the Daybreak and Center citizens for a number of years
- \$1,000.00 20th Century Club – Adult Day Care Program
- \$4,000.00 Washoe County Access to Justice – Senior Law Program to assist in staff expenses

- \$5,000.00 Nevada Law Foundation – Senior Law Program to assist in staff expenses
- \$40.00 Anonymous – Mental Health Program
- \$50.00 Northern Nevada Chapter California Credit Union League – to assist the department
- \$12.00 Elizabeth Scott – to assist the department
- \$25.00 Marjorie Tevernia – to assist the department

It was further ordered that the Finance Department be directed to make the following account adjustments:

Account	Increase Amount
Revenue:	
20046-484000 General Donations	\$3,656.42
20047-484000 Nutrition General Donations	\$2,262.93
20074-484000 Mental Health Donations	\$40.00
20051-484000 Sparks General Donations	\$381.63
20043-484000 Werner Klement Donation	\$21,350.00
20070-484000 Nevada Law Foundation	\$5,000.00
20134-484000 WC Access to Justice	\$4,000.00
20071-484000 Adult Day Care Donations	\$2,250.00
Expenditure:	
20046-710400 Payment to Other Agencies	3,656.42
20047-710592 Nutrition Program	\$2,262.93
20074-710400 Payment to Other Agencies	\$40.00
20051-710400 Payment to Other Agencies	\$381.63
20043-710700 Professional Services	\$21,350.00
20070-701110 Base Salaries	\$5,000.00
20134-710400 Payment to Other Agencies	\$4,000.00
20071-484000 Adult Day Care Donations	\$2,250.00

04-633 ACCEPTANCE OF CASH DONATIONS – PARKS AND RECREATION PROGRAMS AND FACILITIES – PARKS

Upon recommendation of Rosemarie Entsminger, Fiscal Compliance Officer, through Karen Mullen, Parks and Recreation Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that cash donations from various businesses, organizations, and individuals in the amount of \$60,691 for Parks and Recreation Department programs and facilities be accepted with the gratitude of the Board and the Budget Division be directed to make the following account adjustments:

Account	Increase Amount
Revenue: 20020-48400	\$13,563
20034-48400	\$47,128

04-634

ACCEPTANCE OF GRANT – NEVADA COMMISSION FOR CULTURAL AFFAIRS, HISTORIC PRESERVATION DIVISION – TRUCKEE MEADOWS REMEMBERED PROJECT - PARKS

Upon recommendation of Rosemarie Entsminger, Fiscal Compliance Officer, through Karen Mullen, Parks and Recreation Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the grant from Nevada Commission for Cultural Affairs, Nevada Historic Preservation Division in the amount of \$10,000 to support the Truckee Meadows Remembered Project to relocate five historic barn buildings to Bartley Ranch Regional Park be accepted. It was noted there is no County match only in-kind volunteer labor by the Truckee Meadows Remembered Citizens group.

04-635

ACCEPTANCE OF GRANT - DIVISION FOR AGING SERVICES – NUTRITION GRANT PROGRAM - SENIOR SERVICES

Upon recommendation of Marietta Bobba, Senior Services Director, through John Berkich, Assistant County Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the supplemental grant funding from the Division for Aging Services in the amount of \$54,612.80, as part of the Nutrition Service Incentive Program, be accepted and the Finance Department be authorized to make the following budget adjustments:

Account	Increase Amount
Revenue: 10165-431100 Federal Grants	\$54,612.80
Expenditure: 10165-710592 Nutrition Program	\$54,612.80

04-636

ACCEPTANCE OF GRANT – BRYNE GRANT AWARD – ARSON INSTRUMENT UPGRADE - SHERIFF

Upon recommendation of Will McHardy, Crime Laboratory, through Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Byrne Grant Award for arson instrument upgrade in the amount of \$26,770 with a County match of \$26,770 be accepted, the Chairman be authorized to execute the documents and to approve the sole source justification purchase of equipment necessary to upgrade the arson equipment. It was further ordered that the Finance Department be directed to make the following budget adjustments:

Account	Increase Amount
Revenue: 10415-431100	\$26,770
Expenditure: 10415-781004	\$26,770

**04-637 ACCEPTANCE OF GRANT – BRYNE GRANT AWARD – DNA
COMPUTER UPGRADE - SHERIFF**

Upon recommendation of Will McHardy, Crime Laboratory, through Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Byrne Grant Award #02-NC-048 for specified DNA Computer Equipment in the amount of \$25,561, with a County match of \$8,520, be accepted and the Chairman be authorized to execute the documents. It was further ordered that the Finance Department be directed to make the following budget adjustments:

Account	Increase Amount
Revenue: 10416-431100	\$25,561
Expenditure:	
10416-710300	\$11,250
10416-710509	\$1,893
10416-711504	\$12,418

**04-638 ACCEPTANCE OF GRANT – DEPARTMENT OF JUSTICE –
SMALL, RURAL COMMUNITIES ANTI-METHAMPHETAMINE -
SHERIFF**

Upon recommendation of Lt. Jim Forbus, Patrol Division, through Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Small, Rural Communities Anti-Methamphetamine grant in the amount of \$1,500 for registration and travel expenses for two deputies from the Consolidated Narcotics Unit to attend the California Narcotics Officers Association conference in Sacramento, California be accepted. It was further ordered that the Budget Division be directed to make the following budget adjustments:

Account	Increase Amount
Revenue: 10411-431100	\$1,500
Expenditure: 10411-710509	\$790
10411-711210	\$710

**04-639 ACCEPTANCE OF GRANT – NEVADA STATE EMERGENCY
RESPONSE COMMISSION - HAZARDOUS MATERIALS
EMERGENCY PREPAREDNESS TRAINING AND PLANNING -
SHERIFF**

Upon recommendation of Jim Lopey, Assistant Sheriff, through Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Hazardous Materials Emergency Preparedness Training and Planning (HMEP) grant award from the Nevada Emergency Response Commission in the amount of \$1,894.50 for four deputies to attend

the HazMat Explo7 Conference in Las Vegas, Nevada be accepted. It was further ordered that the Budget Division be directed to make the following budget adjustments:

Account	Increase Amount
Revenue: 10412-431100	\$1,894.50
Expenditure: 10412-711210	\$1,894.50

04-640 ACCEPTANCE OF GRANT – STATE EMERGENCY RESPONSE COMMISSION – COMPUTER EQUIPMENT - SHERIFF

Upon recommendation of Jim Lopey, Assistant Sheriff, and Tami Cummings, Admin I, through Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the State of Nevada: State Emergency Response Commission (SERC) Fiscal Year 2005 grant award of \$3,600 in computer equipment and software to the Washoe County Sheriff’s Office be accepted. It was noted that there is no County match required.

04-641 ACCEPTANCE OF GRANT – COMMUNITY EMERGENCY RESPONSE TEAM (CERT) - SHERIFF

Upon recommendation of Jim Lopey, Assistant Sheriff, and Tami Cummings, Admin I, through Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Federal Emergency Management Agency (FEMA) FFY 2002/03 Emergency Management Performance Grant Community Emergency Response Team (CERT) grant award in the amount of \$90,448 (no County match) be accepted. It was further ordered that the Budget Division be directed to make the following budget adjustments:

Account	Increase Amount
Revenue: 10413-431100	\$15,869
Expenditure: 10413-701300	\$15,869

It was noted that \$15,869 was to reimburse Sheriff’s Office employee time spent on the CERT program and that the Local Emergency Planning Committee paid for \$74,579 in training, equipment, software, and supplies.

04-642 ACCEPTANCE OF GRANT – EMERGENCY MANAGEMENT PERFORMANCE - CITIZEN CORPS COUNCIL - SHERIFF

Upon recommendation of Jim Lopey, Assistant Sheriff, and Tami Cummings, Admin I, through Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Federal Emergency Management Agency (FEMA) FFY 2002/03 Emergency Performance Grant Citizen Corps Council (CCC) grant award for software and supplies in the amount of \$26,295 be accepted.

**04-643 ACCEPTANCE OF GRANT – BRETZLAFF FOUNDATION –
PROJECT WALKABOUT - SHERIFF**

Upon recommendation of Valerie Gilmore, Fiscal Compliance Officer, through Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Bretzlaff Foundation grant award for Project Walkabout, June 10 through August 14, 2004, in the amount of \$10,000 with no County match be accepted. It was further ordered that the Budget Division be directed to make the following budget adjustments:

Account	Increase Amount
Revenue: 20222-484000	\$10,000
Expenditure: 20222-710400	\$10,000

**04-644 AGREEMENT – TECHNOLOGY MAINTENANCE AND SERVICE
CONTACTS - INFORMATION TECHNOLOGY/PURCHASING**

Upon recommendation of Matt Beckstedt, Information Technology Director, and John Balentine, Purchasing and Contracts Administrator, through Katy Singlaub, County Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the renewal of the technology maintenance and service contacts over \$25,000, as a group, that have been budgeted and approved by the District Attorney, Budget Office and Risk Management for Fiscal Year 2004/05 be authorized. It is further ordered that the Purchasing and Contracts Administrator be authorized to sign off on contract renewals as they come due after approval by the District Attorney, Budget Office and Risk Management.

**04-645 INTERLOCAL AGREEMENT – CITY OF RENO - ELECTION
SERVICES – REGISTRAR OF VOTERS**

Upon recommendation of Dan Burk, Registrar of Voters, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Interlocal Agreement between Washoe County and the City of Reno for election services provided by Washoe County be approved and Chairman Shaw be authorized to execute the same. It was noted the approximate reimbursement received by the County would vary according to number of candidate races and questions placed on the ballot by City of Reno.

**04-646 INTERLOCAL AGREEMENT – CITY OF SPARKS – ELECTION
SERVICES - REGISTRAR OF VOTERS**

Upon recommendation of Dan Burk, Registrar of Voters on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Interlocal Agreement between Washoe County and the City of Sparks for election services provided by Washoe County be approved and Chairman Shaw be authorized to execute the same. It was noted the approximate

reimbursement received by the County would vary according to number of candidate races and questions placed on the ballot by City of Sparks.

04-647 **INTERGOVERNMENTAL AGREEMENT – CITIES OF RENO
AND SPARKS - HOME CONSORTIUM – COMMUNITY
DEVELOPMENT**

Upon recommendation of Eric Young, Planner, through Adrian Freund, Community Development Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Washoe County HOME Consortium Intergovernmental Agreement between Washoe County, City of Reno and the City of Sparks be authorized and Chairman Shaw be authorized to execute the same.

04-648 **LEASE AGREEMENT – ASSISTANCE LEAGUE OF RENO-
SPARKS – RENO SENIOR CENTER - SENIOR SERVICES**

Upon recommendation of Marietta Bobba, Senior Services Director, through John Berkich, Assistant County Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Lease Agreement between Washoe County and the Assistance League of Reno-Sparks for lease of space in the Reno Senior Center from July 1, 2004 through June 30, 2005 be approved and Chairman Shaw be authorized to execute the same.

04-649 **AGREEMENT – MGD TECHNOLOGIES INC. - SPANISH
SPRINGS SEWER FLOW MONITORING - WATER RESOURCES**

Upon recommendation of John Collins, Utility Services Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the agreement between Washoe County and MGD Technologies Inc. in the amount of \$62,800 for sewer flow monitoring in Spanish Springs Valley be approved and Chairman Shaw be authorized to execute the same.

04-650 **INTERLOCAL CONTRACT – DEPARTMENT OF PUBLIC
SAFETY - SHERIFF**

Upon recommendation of Will McHardy, Forensic Science Division Captain, through Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that Amendment #1 of the Interlocal Contract between the Washoe County Sheriff's Office (Crime and Photo Lab) and the State of Nevada Department of Public Safety (Division of Highway Patrol) that extends the terms of original contract and costs for services in the amount of \$29,400 be approved and Chairman Shaw be authorized to execute the same.

04-651 INTERLOCAL AGREEMENT – UNIVERSITY OF NEVADA
POLICE DEPARTMENT – SWAT TEAM – SHERIFF

Upon recommendation of Dave Butko, Lieutenant, through Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Interlocal Agreement between the Washoe County Sheriff’s Office and the University of Nevada Reno Police Department (UNRPD) to assign two UNRPD Officers as operating members of the Washoe County SWAT team be approved and Chairman Shaw be authorized to execute the same.

04-652 AGREEMENT - EXECPRO SERVICES INC. – SECURITY FOR
INCLINE VILLAGE FOURTH OF JULY PARTY – SHERIFF

Upon recommendation of Michael Gross, Sergeant, through Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Security Agreement between the Washoe County Sheriff’s Office and Execpro Services Inc., to provide two uniformed Deputy Sheriffs for security at Incline Village for the Fourth of July Party, July 4, 2004, be approved and Chairman Shaw be authorized to execute the contract documents. It was noted the estimated security costs will be \$784 with reimbursement to the County to come from Execpro Services Inc.

04-653 ROLL CHANGE REQUESTS FOR CLERICAL AND FACTUAL
ERRORS - ASSESSOR

Upon recommendation of Tom Sokol, Personal Property Supervisor, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the following Roll Change Requests, correcting factual errors on tax bills and the Order directing the Treasurer to correct the error, be approved and Chairman Shaw be authorized to execute the same:

PROPERTY OWNER	ID NUMBER	AMOUNT	ROLL
Marilyn Gerken Graphic Design	2/112-149	[-\$39.64]	2002 Unsecured.
Kennedy Studios	2/291-150	[-\$24.81]	2002 Unsecured
Brent Begley	2/103-696	[-\$43.60]	2003 Unsecured.
Alere Medical	2/108-637	[-\$840.91]	2003 Unsecured
Marilyn Gerken Graphic Design	2/112-149	[-\$29.05]	2003 Unsecured.
Swissport Fueling of Nevada Inc.	2/119-012	[-\$463.14]	2003 Unsecured
First Home Care Corp	2/160-727	[-\$81.45]	2003 Unsecured
Spanish Springs Veterinary Hospital	2/160-733	[-\$1,005.83]	2003 Unsecured
SNCA Cath Lab LLC	2/160-944	[-\$7, 476.79]	2003 Unsecured
St. Mary’s Foundation	2/161-185	[-\$2, 247.57]	2003 Unsecured
I O S Capital	2/190-283	[-\$183.78]	2003 Unsecured
Zevex Inc.	2/191-351	[-\$41.34]	2003 Unsecured
Harry’s Quality Cars	2/200-319	[-\$72.73]	2003 Unsecured
Payless Shoe Source #5390PP	2/200-374	[-\$46.11]	2003 Unsecured
Cingular	2/200-514	[-\$94.91]	2003 Unsecured
Cingular	2/200-515	[-\$100.95]	2003 Unsecured

PROPERTY OWNER	ID NUMBER	AMOUNT	ROLL
Longs Drug Store #404	2/200-533	[-\$671.24]	2003 Unsecured
99 Cent or Up & Cigarettes Store	2/202-042	[-49.61]	2003 Unsecured
Stein Mart Shoe Dept.	2/202-451	[-\$115.06]	2003 Unsecured
Payless Shoe Source #1180PP	2246019	[-\$765.28]	2003 Unsecured
Teddy Bear Havis Inc.	2/267-018	[-\$48.40]	2003 Unsecured
Kennedy Studios	2/291-150	[-\$21.61]	2003 Unsecured
T L C Builders	2/461-403	[-38.09]	2003 Unsecured
Redi Call Inc./Toppo	2/599-032	[-\$95.00]	2003 Unsecured
Business Air Management	51/00-604	[-\$555.90]	2003 Unsecured

04-654 AGREEMENT – COMMITTEE TO AID ABUSED WOMEN – SOCIAL SERVICES

Commissioner Sferrazza requested a copy of the contract and said he had a standing request for copies of all contracts. Commissioner Sferrazza asked how the Committee to Aid Abused Women (CAAW) could represent both applicants and respondents and he requested they change their name to reflect that they represent both men and women.

Mike Capello, Social Services Director, said all of the participants, including the District Attorney’s Office and the judges, feel CAAW provides the same necessary services whether the applicant is a man or a woman.

Marge Littlejohns, CAAW, said CAAW was established in the late 1970s to help women and children fleeing domestic violence. The name of the organization will not change but the organization does help men who are victims of domestic violence as well as women. The applicants or the respondents are not defended by CAAW; they are only helped to fill out their application paperwork, prepared on how to talk to the judges, and have the court proceedings are explained. She stated national statistics show 95 percent of domestic victims are women and five percent are men.

In response to Commissioner Sferrazza, Barbara Spring, Protection Order Project Director, said they provide respondents information on how to proceed to file motions for protection orders so they can get a hearing and can help them file an application on their own behalf.

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, it was ordered that the agreement between Washoe County and the Committee to Aid Abused Women (CAAW) for Fiscal Year 2004/05 to provide services to applicants and respondents for orders of protection against domestic violence in the amount of \$70,080 be authorized and Chairman Shaw be authorized to execute the same. It is further ordered that Finance be directed to make the appropriate budget adjustments.

**REPORT - CHARTING OUR COURSE INVESTING IN OUR
FUTURE COMMITTEE - FINANCE**

John Moore, Charting Our Course (COC) Committee Chairman, said the final document contains specific deliverables including evaluation criteria to be used to establish program priorities, to identify and evaluate new revenue opportunities, methods to maximize the performance of existing revenue sources, and to identify an implementation plan for increasing revenue efficiencies. Mr. Moore said the Committee was divided into three subcommittees and each Subcommittee Chairman is here to present their report.

Dick Gammick, Program Prioritization Process Chairman, spoke about the subcommittee's findings as outlined in the report. He stated this is not an end-all recommendation to the Board; it is a tool to use when making budget decisions. Mr. Gammick described the three questions that need to be asked about each program and the process used to assign weights to the 17 program evaluation criteria. He said the COC Committee recommends that the Board recall them after the next budget cycle to reevaluate and make any necessary changes.

Commissioner Sferrazza stated he believed a program mandated by citizen vote should be higher than an unfunded mandate.

Mr. Moore said the reason the unfunded mandate came out number one is because it is the law and the County is required to do whatever the Legislature, Federal government, or the Courts tell the County to do. In response to Commissioner Sferrazza, he said 12 people assigned a Program Evaluation Criteria value and the values were averaged. Numbers one, four, and six were the three highest with only a .33 difference between them. He said there are legally mandated programs that do not have a mandated service level so there is no penalty for not having a set level of service.

Mr. Moore said the COC would like the Board to adopt the report and look at it again after the next budget session.

Commissioner Weber said she would like the COC members to participate in a workshop with the Commissioners prior to the next budget cycle to help familiarize the Commissioners with the report. Commissioner Galloway agreed and said it was a great guideline, and it should be adopted with the understanding there will be an implementation program.

Commissioner Humke agreed. He said looking at the scoring he sees some trends where ordinances have low scores. These ordinances should be looked at to see if they could be repealed or updated. Commissioner Humke said he saw the main issue as being how does the Board make use of this report to keep positive change going so the Board is proactive to policies rather than reactive.

Mr. Gammick said the department's financial analyst along with the department heads need to make sure selected evaluation criteria applies to the program. If this could be implemented and smoothed out through use, it could become an integral part of the financial system. He also thanked the people who assisted the committee and was in turn thanked by Chairman Shaw.

Commissioner Sferrazza requested that planning and growth management be added to the list of examples of what local government does.

Carol Vilaro, Revenue Subcommittee Chair, spoke about the subcommittee's findings as addressed in the report including revenue priorities, revenue collection, asset management, and a fiscal policy and procedures manual.

Commissioner Humke said the most important thing the Board does is manage the budgeting process and how they spend taxpayer dollars. He said he was very interested in how the value of intellectual property is managed. Ms. Vilaro said software programs being written by government agencies are proprietary to the agency but has a value if it is sold. She said in her opinion asset management is a major issue in determining money that must be spent and money that potentially can be received, but it must be remembered that this money is one time money and cannot be used to fund ongoing needs.

Chairman Shaw said the "yellow pages" test would be very helpful in reviewing some of the issues that have to be dealt with now and during future budget cycles. Ms. Vilaro said this test is especially important during bad economic times; but during good times, it is important to prepare for downturns.

Commissioner Galloway said it is important to actually use the results from this report during the next budget cycle.

Gene Brockman, Operating Efficiencies, Consolidations and Outsourcing Subcommittee Chair, said many of the recommendations in this report are already in place in the County, but they were included to stress their importance. He said to increase the efficiency of County government, staff should be directed to implement the plan and should be held responsible for the results. He said the subcommittee felt their task was to identify the initiatives not decide how they should be implemented.

Mr. Moore concluded the COC report by thanking staff and the Commissioners and, if asked to come back, the COC would certainly try to accommodate the request.

Commissioner Sferrazza said he wants to go through the weighting before being held to the plan for budgeting. Commissioner Humke said the recommendation is to accept the report. The report is a living document that only has relevance if used. The most important first step is to accept the report and it is a great starting point but use may

indicate tweaking is needed. Commissioner Sferrazza said, if this is the case, he accepts the recommendation.

Katy Singlaub, County Manager, thanked the COC members for their time commitment. Chairman Shaw read and presented Certificates of Appreciation to the Charting Our Course Committee Members who were present and said he would make sure those not present received their certificates.

Commissioner Weber said there should be a workshop to talk about implementation. Commissioners Galloway and Sferrazza agreed.

Upon recommendation of John Sherman, Finance Director, on motion by Commissioner Humke, seconded by Commissioner Weber, it was ordered that the final report from the Charting Our Course Investing in Our Future Committee be accepted and staff be directed to develop an implementation plan for subsequent review and approval by the Board.

04-656 AWARD OF BID - 800 MHZ COMMUNICATION SYSTEM TEST EQUIPMENT – NO. 2446-004 - PURCHASING

This was the time to consider award of bid for the 800 MHz Communication System Test Equipment for the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on May 12, 2004. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

Aeroflex Witchita, Inc
Tessco Inc
Holzberg Communications Inc

Upon recommendation of Michael Sullens, Senior Buyer, through John Balentine, Purchasing and Contracts Administrator, and Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that bid no. 2446-04 for the 800 MHz Communication System Test Equipment be awarded to low bidders Aeroflex Witchita, Inc. (bid items 1-10, \$45,516); Tessco Inc. (bid items 11-13, 15-19, 21-40, 45-49, \$106,619.33); and Holzberg Communications Inc. (bid items 14, 20 and 41-44, \$4,516) for a total bid award of \$156,651.33.

04-657 AWARD OF BID - PUBLIC SAFETY ANSWERING POINT PHASE II UPGRADE AND MAINTENANCE – NO. 2447-04 - PURCHASING

This was the time to consider award of bid for the Public Safety Answering Point Phase II Upgrade and Maintenance for the Telecommunications

Division. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on May 13, 2004. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

Verizon California Inc.
SBC Communications Inc.

Upon recommendation of Michael Sullens, Senior Buyer, through John Balentine, Purchasing and Contracts Administrator, Susan Harris, E-911 Emergency Response Advisory Committee Chairman, and R. Richard Bareuther, E-911 Evaluation Committee Chairman, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that Proposal No. 2447-04 for the Public Safety Answering Point Phase II Upgrade and Maintenance be awarded to SBC Communications Inc. in an amount not to exceed \$533,874.92 and equipment maintenance for five years in an amount not to exceed \$414,452.16 for a total award not to exceed \$948,327.08 and the Finance Department be directed to make the following budget adjustments to cover the cost of the capital:

Account	Increase Amount
Revenue:	
800801-710200 Services and Supply	\$40,000
710508	\$39,000
Expenditure: 781004 Capital	\$79,000

04-658 **BUDGET AMENDMENT - FY 2004/05 - CHILD ABUSE PREVENTION OUTREACH & MARKETING PROGRAM - HEALTH**

Upon recommendation of Pamela Fine, Health Analyst, through Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the amendments to the adopted FY 2004/05 District Health Department's Child Abuse Prevention Outreach and Marketing Program budget totaling \$300,000, in accordance with NRS 354.615, be approved and the Finance Department be directed to make the following budget adjustments:

ACCOUNT NUMBER	DESCRIPTION	INCREASE AMOUNT
Revenue		
2002-IO-10410-432100	State	\$300,000
Expenses:		
2002-IO-10410-710100	Other Professional Services	\$277,000
2002-IO-10410-710500	Special Awards	\$10,000
2002-IO-10410-710502	Printing	\$10,000
2002-IO-10410-711210	Travel	<u>\$3,000</u>
	Total	\$300,000

04-659

**BUDGET AMENDMENT – FY 2003/04 - SUPPLEMENTAL
NUTRITION PROGRAM FOR WOMEN, INFANTS, AND
CHILDREN – HEALTH**

Upon recommendation of Patsy Buxton, Health Analyst, through Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the amendments to the adopted FY 2003/04 District Health Department's Women, Infants and Children Program (WIC) budget in the amount of \$74,465, in accordance with NRS 354.615, be approved and the Finance Department be authorized to make the following budget adjustments:

ACCOUNT NUMBER	DESCRIPTION	INCREASE AMOUNT
Revenue:		
2002-IO-10031-431100	Federal	\$74,465
Expenses:		
2002-IO-10031-701110	Base Salaries	\$38,823
2002-IO-10031-705210	Retirement	\$7,279
2002-IO-10031-705230	Medicare	\$563
2002-IO-10031-710100	Other Professional Services	\$1,500
2002-IO-10031-710205	Repairs and Maintenance	\$250
2002-IO-10031-710300	Operating Supplies	(\$1,700)
2002-IO-10031-710350	Office Supplies	\$5,000
2002-IO-10031-710355	Books and Subscriptions	\$200
2002-IO-10031-710500	Other Expense	\$700
2002-IO-10031-710509	Seminars and Meetings	\$1,500
2002-IO-10031-710512	Auto Expense	\$1,000
2002-IO-10031-710600	Leases	\$5,500
2002-IO-10031-710502	Printing	\$1,500
2002-IO-10031-710503	Licenses and Permits	\$350
2002-IO-10031-711210	Travel	<u>\$12,000</u>
	Total	\$74,465

04-660

**BUDGET AMENDMENT – FY 2003/04 – ENVIRONMENTAL
PROTECTION AGENCY (EPA) CARRYOVER PROGRAM –
HEALTH**

Upon recommendation of Pamela Fine, Health Analyst, through Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that that the amendments to the adopted FY 2003/04 District Health Department's EPA Carryover Program Budget totaling \$183,244, in accordance with NRS 354.615, be approved and the Finance Department be directed to make the following budget adjustments:

ACCOUNT NUMBER	DESCRIPTION	INCREASE AMOUNT
Revenue: 2002-IO-10020-431100	Federal	\$183,244
Expenses: 2002-IO-10020-710100	Other Professional Services	\$123,244
2002-IO-10020-710504	Minor Equipment	\$5,000
2002-IO-10020-710509	Registration	\$5,000
2002-IO-10020-711210	Travel	\$10,000
2002-IO-10020-781004	Capital Equipment	<u>\$40,000</u>
	Total	\$183,244

**04-661 GRANT ACCEPTANCE – OFFICE OF DOMESTIC
PREPAREDNESS – FY 2003 PHASE II EQUIPMENT - SHERIFF**

Upon recommendation of Jim Lopey, Assistant Sheriff, and Tami Cummings, Admin I, through Dennis Balaam, Sheriff, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the \$635,057 in equipment received through the Office of Domestic Preparedness FY 2003 Phase II Equipment Grant Award to the Washoe County Sheriff's Office be approved.

**04-662 GRANT ACCEPTANCE – OFFICE OF DOMESTIC
PREPAREDNESS – FY 2003 PHASE I EQUIPMENT AND
SUPPLIES - SHERIFF**

Upon recommendation of Jim Lopey, Assistant Sheriff, and Tami Cummings, Admin I, through Dennis Balaam, Sheriff, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the \$246,054 in equipment and supplies received through the Office of Domestic Preparedness FY 2003 Phase I Equipment Grant Award to the Washoe County Sheriff's Office be approved.

**04-663 GRANT ACCEPTANCE – BYRNE GRANT AWARD – DIGITAL
PHOTO SYSTEM - SHERIFF**

Upon recommendation of Will McHardy, Crime Laboratory Captain, through Dennis Balaam, Sheriff, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Byrne Grant Award for a Digital Photo System in the amount of \$148,800 be accepted and the Chairman be authorized to execute the documents. It was further ordered that the Budget Division be directed to make the following budget adjustments:

Account	Increase Amount
Revenue: 10417-431100	\$148,800

Expenditures:	
10417-710300	\$ 2,250
10417-781004	\$146,550

**04-664 RESOLUTION – FEDERAL LAND AND WATER
CONSERVATION FUND ACT GRANT APPLICATION – CAMP
WE-CH-ME – PARKS**

Upon recommendation of Rosemarie Entsminger, Fiscal Compliance Officer, through Karen Mullen, Parks and Recreation Director, 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 AUTHORIZING FILING OF
FEDERAL LAND AND WATER CONSERVATION
FUND ACT APPLICATION GALENA CREEK CAMP
WE-CH-ME RESTROOM PROJECT**

WHEREAS, the Federal Land and Water Conservation Fun Act (P.L. 88-578) provides financial assistance to the State of Nevada for outdoor recreation purposes, and

WHEREAS, the Washoe County Parks and Recreation Department desires financial assistance under the Land and Water Conservation Fund Program to install utilities, construct a restroom and pave a parking lot at Galena Creek Camp We-Ch-Me.

NOW THEREFORE, BE IT RESOLVED by the Washoe County Board of Commissioners as follows:

1. That the Washoe County Board of County Commissioners hereby approved filing an application of Land and Water Conservation Fund financial assistance.
2. That Karen Mullen, Director, is hereby authorized and directed to execute and file an application with the Nevada Division of State Parks.
3. That the Washoe County Board of County Commissioners hereby does agree to finance 100 percent of the project cost, one-half of which will be reimbursed as follows: Galena Creek Camp We-Ch-Me Restroom project \$166,506 which is presently appropriated in the fiscal 03/04 budget and has been re-appropriated and approved in the fiscal 04/05 budget and \$165,000 grant request, for a total estimated project cost of \$331,506.

4. **BE IT FURTHER RESOLVED** that the Washoe County Board of County Commissioners does hereby appoint Karen Mullen, Director, Parks and Recreation Department, as agent of the Washoe County Board of County Commissioners to conduct all negotiations, execute and submit all documents including applications, agreements, billing statements and so on which may be necessary for the completion of the above project.

04-665

**RESOLUTION – SPARKS JUSTICE COURT BUILDING –
MEDIUM-TERM OBLIGATION BUILDING BONDS - FINANCE**

Upon recommendation of John Sherman, Finance Director, 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

A RESOLUTION CONCERNING MEDIUM-TERM OBLIGATIONS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$13,900,000 FOR THE PURPOSE OF FINANCING A SPARKS JUSTICE COURT BUILDING PROJECT; DIRECTING THE PUBLICATION OF A NOTICE OF INTENTION TO AUTHORIZE MEDIUM-TERM OBLIGATIONS; PROVIDING CERTAIN DETAILS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the Board of County Commissioners of Washoe County, Nevada (the "Board," "County," and "State," respectively) proposes to issue general obligation medium-term notes or bonds of the County (the "Obligations") under Sections 350.087 through 350.095 of Nevada Revised Statutes ("NRS"), bearing interest at a rate or rates which do not exceed by more than 3% the "Index of Twenty Bonds" most recently published in The Bond Buyer before bids are received for such medium-term obligations or a negotiated offer is accepted, and maturing within 10 years of the date of issuance thereof, in order to pay all or a portion of the cost of acquiring, improving, equipping, and constructing a building project, including a public building or complex of buildings to accommodate or house lawful County activities, including, without limitation, courts, records, County personnel, offices, supplies and equipment (the "Project"); and

WHEREAS, the Board has determined and hereby determines that legally available funds of the County will at least equal the amount required in each year for the payment of interest and principal on such Obligations; and

WHEREAS, the County pursuant to Subsection 2 of NRS 350.087, proposes to publish a notice of its intention to act upon a resolution authorizing medium-term obligation; and

WHEREAS, the Board proposes to incur this general obligation after adoption of an authorization resolution at a public hearing held at least 10 days after publication of the notice described above.

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

Section 1. All action, proceedings, matters and things heretofore taken, had and done by the Board, and the officers thereof (not inconsistent with the provisions of this resolution) directed toward the issuance of the Obligations, be and the same hereby are, ratified, approved and confirmed.

Section 2. The County Clerk be, and she hereby is, directed to publish a notice of intention to incur medium-term obligations in substantially the form placed on file with the Clerk.

Section 3. The Board shall meet on the date, at the time and in the place designated in such notice to conduct the hearing therein mentioned.

Section 4. The Board hereby declares its intent to reimburse any expenditures it makes on the Project prior to the issuance of the Obligations with the proceeds of the Obligations.

Section 5. All resolutions, or parts thereof, in conflict with the provisions of this resolution, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution, or part thereof, heretofore repealed.

Section 6. If any section, paragraph, clause or other provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this resolution.

Section 7. This resolution shall become effective and be in force immediately upon its adoption.

04-666 AGREEMENT – COLD SPRINGS WATER RECLAMATION FACILITY EXPANSION - WATER RESOURCES

Upon recommendation of John Collins, Utility Services Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried,

it was ordered that the agreement between Washoe County and Woodland Village North, LLC for construction of facilities related to the expansion of the Cold Springs Water Reclamation Facility be approved and the Chairman be authorized to execute the same.

Later in the meeting, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that this item be reconsidered and placed on the meeting agenda for July 13, 2004.

04-667 WATER RIGHTS DEED – RENO 307 AND WATER SALE AGREEMENT – AMERICAN LAND CONSERVANCY

Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following actions be taken in support of a future parcel map to be created by the American Land Conservancy:

1. The Water Rights Deed for 2.00 acre-feet of groundwater rights from Permit Permits 25971 and 31287 between Reno 307 and Washoe County be approved and Chairman Shaw be authorized to execute;
2. The corresponding Water Sale agreement between Washoe County and the American Land Conservancy be approved and Chairman Shaw be authorized to execute;
3. The Engineering Manager be directed to record the Water Rights Deed and corresponding Water Sale Agreement with the County Recorder.

04-668 WARM SPRINGS RANCH WASTEWATER FACILITY PLAN – WATER RESOURCES

Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the Warm Springs Ranch Wastewater Facility Plan and the recommended wastewater treatment alternative be approved.

4:20 p.m The Board recessed.

4:45 p.m. The meeting reconvened with all members presents.

04-669 2002 REGIONAL PLAN SETTLEMENTS – VERDI – COLD SPRINGS

Chairman Shaw explained that public comment would be heard concerning the Verdi issues followed by the Cold Springs matter.

Adrian Freund, Community Development Director, noted that he received many calls from Citizen Advisory Board (CAB) members throughout the County concerning the issues relating to Verdi and Cold Springs. He reviewed the agenda memorandum dated June 18, 2004 addressing a possible basis for appealing the Regional Planning Commission's decision to approve the Verdi Development Standards Handbook and zoning to the Regional Planning Governing Board. He said the Board could direct an appeal at the meeting today or at the July 13, 2004 meeting and be within the timeframes established for an appeal.

In response to Commissioner Galloway, Eric Young, Community Development, said the Settlement Agreement does have specific guidelines for commercial development of a maximum of 300 acres and there is no mention of square footage. Commissioner Galloway inquired if the designation commercial is compatible with the types of uses contemplated under the proposal that was approved. Mr. Freund explained the numbers in the staff report were specifically used as assumptions in the fiscal analysis and the traffic study. He stated it would be difficult to know how to translate the 300 acres in the Settlement Agreement to square footage. Commissioner Galloway asked if a tourist oriented retail development was compatible with the type of commercial that was contemplated in the Settlement Agreement. Mr. Freund replied the hotel commercial that was assumed in the traffic study was not directly convertible to retail, neighborhood, or arterial commercial.

Andy Manor, Reno resident, spoke about impact fees on schools and roads. She said growth is an important part of any community, but it needs to be managed. She voiced her support of an appeal on the Verdi issue.

Patrick McLaughlin, Verdi resident, read an e-mail, which was placed on file with the Clerk, and noted Commissioner Weber's response. He acknowledged that the people of Verdi want Washoe County to preserve and effectively plan and manage the use of natural resources. He asked the Commission to plan appropriately for the growth in the Verdi community.

Gene Gardella, Verdi resident, spoke about the public input process the Verdi community has experienced. He explained that during the approval process only the Truckee Meadows Regional Planning staff did a complete and balanced evaluation of zoning, zoning density, and the Verdi Development Standards Handbook. He stated he fully supported the Truckee Meadows Regional Planning staff recommendation for denial, and he approved of Washoe County carrying forth an appeal.

Dee Ann Radcliffe, Verdi resident, commented that she has been a part of every discussion regarding the Handbook, and she highlighted traffic concerns that have not been addressed in the Handbook. She expressed her support of the County's staff report and encouraged the Board to appeal the decision by the Regional Planning Commission.

Cheryl Maher, Verdi resident, stated the zoning and the Handbook are intertwined. She said an issue that frequently comes back to the community is the density not being compatible with the rest of Verdi. She asked the Board to appeal the decision of the Regional Planning Commission.

Sam Dehne, Reno resident, said Reno is gobbling up all the land, and Verdi is a blitz by Reno being lead by the big money people. He stated this needs to end, and the public needs to tell this to the Reno City Council. He voiced his support for the appeal.

Maurice Palermo, Verdi resident, confirmed he was in favor of an appeal and said the plans are vague and not set out as a master plan. He noted more comprehensive maps are desired to identify wildlife corridors, ground water recharge areas, and prominent ridgeline areas. Mr. Palermo acknowledged that good land-use planning is needed for the Verdi area, and he stated the traffic impact of Cabella's should be publicly and fully addressed.

J. Edward Parker, Spanish Springs resident, said what happens in Verdi impacts where he lives in regard to water, sewer and road resources. He inquired how the City of Reno proposes to mitigate these circumstances on areas they are not serving. He remarked that Reno wants to annex these properties because Reno is financing its expansion with sewer and water hook-ups.

Al Harman, Reno resident, commented on the additional building proposed in the Wedge Parkway/Mt. Rose area and the poor planning for the increase of traffic. He said when residents went to the Planning Commission with their concerns, they were not heard. He asked the Board for help to fight a zoning change from a commercial district to a very high-density condominium development to be built in that area.

Gary Feero, Washoe County resident, explained that, in order to get a standards handbook passed, developers place beautiful things in it; but by the time build-out occurs so many amendments have taken place that the citizens do not recognize the completed development. He stated, if an appeal of the decision is desired, it would be critical that the County Commission have amendment or veto power over any amendments that the City of Reno would put forward for their standards handbook, allowing the County to keep the City of Reno's handbook correct.

Diana Langs, Sun Valley General Improvement District, stated it is time to take the politics out of planning and to do away with the Regional Plan and the Regional Planning Commission. She said planning is not happening in the County, only politics.

Commissioner Galloway commented that he hoped the public understands work is being done politically, but he does not believe the citizens of Reno want their City Council to be doing what it is doing to the citizens or the surrounding areas. He urged the public to go to the Reno City Council to possibly obtain a reversal on this

matter. He stated it does not help the citizens of Reno if their services are spread thinner over all the areas that are annexed. He said it is short-term gain resulting in long-term loss, and the City of Reno is selling the future to pay for the present.

Commissioner Weber invited the public to speak to the Regional Planning Governing Board, as that would be the Board to hear the appeal.

Mr. Freund and Madelyn Shipman, Legal Counsel, explained the timeline and appeal process. Mr. Freund directed the public to the Truckee Meadows Regional Planning Agency's website to confirm when the agenda item would be discussed. He said it would also be on the County website.

Commissioner Galloway commented on the influence the public could have by appearing before the Reno City Council, the Sparks City Council and the Planning Commission to point out the error of the voting Commissioners on this issue.

Commissioner Humke stated he was proud of Mr. Harman for acknowledging that, if this can happen in one area of the County, it can happen in other areas also. Commissioner Humke said it would require everyone working together to challenge this action.

Commissioner Sferrazza said he supports the appeal. He explained that Regional Planning was created by the Legislature for the benefit of the developers in the community. He confirmed that the law should be abolished. He noted the Reno City Council does not have to be responsive to the people of Verdi because they do not vote for the City Council representatives. He said he favors a type of consolidation where everyone in the County would vote for all of the officials and that would lead to a more responsive government. Commissioner Sferrazza stated that Cabella's is not a great deal for the County, and he voted against the tax exemption for Cabella's.

Chairman Shaw confirmed his support for an appeal, and he agreed with the comments of Ms. Lang about the Regional Plan and the Regional Planning Commission. He encouraged citizens to make their presence known at the Reno City Council meeting on June 23, 2004.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that staff be directed to file an appeal of the decision of the Regional Planning Commission concerning the approval of the Verdi Development Standards Handbook and the action of the Reno City Council regarding the zoning of the Verdi property. It was further ordered that staff present an update for the Board at the July 13, 2004 meeting.

Mr. Freund reviewed the agenda memorandum dated June 16, 2004 giving background on an annexation request to the City of Reno relating to 7,561 acres of property located in the eastern half of Cold Springs Valley and the northwestern part of Lemmon Valley.

Commissioner Sferrazza asked that this be reconsidered in the light of the County's approval of 2,100 units in the existing Woodland Village North in Cold Springs. He said it was not right to go to the City of Reno and tell them to stop their annexation plans when the County is approving additional homes in Cold Springs.

Mr. Freund commented that the approval of the additional homes was for the existing Woodland Village development only. The Cold Springs Water Reclamation Facility is for the 2,081 residential units in the approved Woodland Village and not for an additional 2,100 homes. He said the approved homes are at overall densities of less than three units per acre, which is consistent with the Regional Plan.

In response to Commissioner Galloway, Mr. Freund explained that the area was set up as a common, open-space subdivision, and densities were drawn off the surrounding properties.

Richard Boykin, Cold Springs resident, submitted and reviewed his letter, which was placed on file with the Clerk. He inquired as to why developers always win in these situations. He noted the stresses to the infrastructure, traffic and water that additional development would cause. He stated annexation would not benefit anyone except tax collectors and developers.

Elizabeth Howe, Silver Knolls resident, confirmed that she was not in support of annexation. She voiced her concerns about imported water becoming available to developers, which could lead to more homes being built in the Silver Knolls area. She said the residents of Silver Knolls are happy with the County services they receive, and they are not interested in being annexed into the City of Reno.

Lynette Preka, Cold Springs resident, expressed that she was offended that the City of Reno did not have the decency to send out any public notices to the residents they intend to annex. She stated fiscal inequity is not a reason for annexation. She implored the Board to go to the Legislature to communicate that Regional Planning is not working.

Paul Herman, Cold Springs resident, explained the community spent a lot of time with County staff working on a plan for the development of the area. He noted there are many policies involved in development, and the City of Reno should have consulted with the County before the information about the annexation was announced to the public in the news.

Sarah Chvilicek, Chair of the North Valleys Citizen Advisory Board (CAB), voiced her dismay about learning of the annexation proposal after receiving a letter from Community Development and reading an article in the *Reno Gazette-Journal*. She said that recent events have caused her a great deal of unease, and these events have demonstrated that local governments are not interested in what the citizens are experiencing. She stated at the North Valleys CAB meeting on June 14, 2004 no mention was offered regarding this action. She confirmed that this proposal is a thinly veiled land

grab that holds to a statement that was voiced by a City of Reno Planning staff member when he said, "We will not stop until we reach both borders of California." She called for the Board to consider planned, manageable growth and to work toward a model where local governments come together to engage in meaningful debate and where the voice of the citizen is valued and politics are put aside.

Pauline Cutter, Cold Springs, expressed that she and her neighbors do not want to be thrown out of Washoe County, and she inquired of the Board what action should be taken to stop the annexation.

Chairman Shaw explained to Ms. Cutter that the Board has the ability to go forward with an appeal, and the public could call the City of Reno and attend their meetings to voice their concerns. Commissioner Galloway encouraged Ms. Cutter to go before the Reno and Sparks City Councils to speak of her alarm about the annexation.

County Manager Katy Singlaub further explained to Ms. Cutter that there is currently no right under State law for Washoe County to prevent the annexation, so the course the County has to follow is an appeal process. She directed Ms. Cutter and her neighbors to go to the Reno City Council, as they have the right to make the decision to stop the annexation.

Commissioner Sferrazza said Ms. Cutter's property would remain in the County, but the developer's property would be annexed if the annexation is approved. He stated the City of Reno has not voted on it, and approval is not confirmed. Chairman Shaw clarified for Ms. Cutter how she could put together letters from neighbors to express their disapproval of the proposed annexation. He explained to her that the letters should be delivered to the City of Reno.

Henry King, Cold Springs resident, stated he was opposed to the annexation in Cold Springs. He said the way the City of Reno has thrust this upon the citizens speaks to the reason why they do not want to be in the City of Reno.

Joan Liscom, resident of Cold Springs, said the community would like this to be placed on a ballot for a vote by the affected populations. She questioned if the County, with the backing of the residents, could seek an injunction against the City of Reno. She inquired if the citizens could ask for help from legislators to change the situation where a City is allowed to hold a County at ransom. Ms. Liscom expressed that this appears to be a power play with no regard for the trail of destruction created by over development.

J. Edward Parker, Spanish Springs resident, explained that on April 26, 2004 the City of Sparks proposed relocating gaming to Spanish Springs. He said the Council faced 28 people who were opposed to it, and the Council did not go forward with the gaming at that point. He encouraged the residents to work together to make their voices heard.

Gary Feero, Washoe County resident, acknowledged his distress that this could go through on a legal technicality. He stated these acreages were talked about in the Regional Plan and it is appropriate to look at it under a future Regional Plan update. He said he did agree with others that the Regional Plan is flawed and should be abolished. He expressed that it would do no good to go to the City of Reno because the residents of Cold Springs do not vote for the members and have no voice with the Council.

Chairman Shaw read comments and noted letters from the following Cold Springs residents who voiced their opposition to the proposed annexation: John and Gail Dornstauber, David Boily, Roland and Kay Zier, Robert Mooney, Ronald Violette, Sam Dehne, Pat Bollman, Pat Rosaschi, the Hope family, Justin Stites, Steve Stiffler, George and Marilyn Lessard, Larry and Nancy Beaman, Angie Gerbig, Frank Faulkner, William Surtees, Ursula and Ralph Jellison, Kenneth Jellison, Donna Owen, Sonya Crawford, Edith Adams, and Claudia VanLydegraf. Chairman Shaw acknowledged that a number of e-mails had been received from citizens who were unable to be in attendance further expressing opposition in reference to the proposed annexation in Cold Springs.

Marie Calzada, Cold Springs resident, said that there are nine full blocks and five partial blocks that the City of Reno does not want because of fire responsibilities. She stated she did not move out to Cold Springs to live in the City.

Frank Schenk, area resident, acknowledged all the people in attendance and said he was distressed by what could happen to Cold Springs if the annexation is approved. He pleaded with Lifestyle Homes to back out of the annexation proposal.

Janice Boykin, Cold Springs resident, declared that the application for annexation is only the start of the negative impact upon Cold Springs Valley and its residents. She said it would be only a matter of time before the City of Reno swallows up the rest of the Valley and forces the remaining property owners into the City of Reno. Ms. Boykin stated that, as development in the Valley continues, the unnatural raising of the water table would cause major and expensive problems for the property owners who live in the lower elevations of the Valley.

Commissioner Weber noted her attendance at the Cold Springs CAB meeting on June 21, 2004. She commented that a proposal of this size would divide the community, and she asked the developer to consider the impact the proposal would have on Cold Springs. She explained that the Commissioners were informed of the proposed annexation at the Board meeting on June 15, 2004. Commissioner Weber said the Board directed staff to notify every property owner that would be impacted by the request. She confirmed that the best effort was made to get the information out to the citizens. She added that the developer has every right to go to the City of Reno under annexation. She encouraged all the citizens to work with the Board and to contact the Cities of Reno and Sparks and all elected officials to voice their support or opposition of the proposed annexation.

Roland Zerr, Washoe County resident, commented that this was a subject on Paul Harvey's news broadcast at noon today.

Chairman Shaw said a copy of all the letters from citizens would be forwarded to the City of Reno.

Ms. Shipman explained that the notice sent to the citizens was County notice. She clarified the City of Reno is required under the Settlement Agreement to notify people within 750 feet of the exterior boundary of any area being annexed. She said the Settlement Agreement does not specify whether they must notify citizens before the introduction or before the public hearing. She added there is an appeal process the County could follow that is based upon criteria in the Settlement Agreement that shows that the City was not following the criteria in the proposed annexation.

Mr. Freund noted that staff mailed out notices to over 3,300 property owners at the direction of the Board.

Chairman Shaw acknowledged a letter from Karen Mullen, Parks and Recreation Director, concerning the impact the Cold Springs Annexation would have on the parks in that area, which was placed on file with the Clerk.

Commissioner Sferrazza said he would strongly support opposing the annexation before the City Council, and he planned to be in attendance at the meeting to voice his concerns.

Commissioner Galloway commented that staff, Commissioners, and the public could advocate to the City of Reno the negative impacts the proposed annexation would have on the community. He said he would be in attendance at the July 7, 2004 first reading to appeal to the public of Reno to reign in their City Council to not approve the annexation. He stated he would request public opinion questions for the ballot in November of 2004 asking if Regional Planning is working to protect the region, and inquiring if the public believes chain annexation should be allowed. Commissioner Galloway noted he had a schedule conflict and would not be able to attend the Reno City Council meeting on June 23, 2004.

Chairman Shaw said he would attend the Reno City Council meeting on June 23, 2004 to speak in reference to this meeting and to indicate to the Council members the displeasure of the citizens regarding the proposed annexation in Cold Springs.

Commissioner Weber desired to attend the meeting also, but inquired of Legal Counsel if all three Commissioners could attend the meeting. Ms. Shipman explained that they could be in attendance, but they should not sit together or discuss this item collectively.

In reference to earlier public comment, Commissioner Humke said he does not have the right to request bill drafts directly, but there could be a bill draft available as a possibility. Ms. Shipman reminded the Board that Advisory Questions were not mentioned in the Settlement Agreement. She said it was agreed that none of the parties would introduce legislation inconsistent with the Settlement Agreement, and the 670 annexations are authorized. Commissioner Humke stated that those running for the Legislature have the right to request bill drafts. He said he would attend the meeting tomorrow.

In response to Commissioner Weber, Mr. Freund explained that the blackout period does not apply if land being annexed is all unimproved land. He said the blackout period prevents only the recordation of the annexation prior to the election and not City Council action on an ordinance.

Ms. Shipman clarified that the black out period applies in this case because there are two residents within the property, so the two residents that are a part of the proposed annexation would be taken out of the unimproved property. She said, without a development proposal immediately in hand, there is no benefit to the City or the developer to be processed quickly into the City because the City does not obtain any benefit until the following tax year. She stated there is no rational basis to push this through in July 2004.

Commissioner Galloway pointed out that the area to be annexed almost surrounds a community of existing residents, and a few more annexations could completely turn their community into an island that would force them, in time, to be brought into the City of Reno without the citizens ever having an opportunity to vote on the situation.

On motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that staff be directed to forward all letters, cards and comments from Commissioners and the public to the Reno City Council concerning the proposed Cold Springs annexation. It was further ordered that the City of Reno be asked to delay the consideration of the annexation proposal until the citizens of Cold Springs have an opportunity to review the proposal, and County staff has time to verify and analyze the ramifications of such a proposal.

**04-670 AWARD OF BID – SELF-FUNDED GROUP HEALTH PLAN –
RISK MANAGEMENT**

This was the time to consider award of Request For Proposal (RFP) No. 2432-04 for third-party claims administration of Washoe County for the Risk Management Department. The RFP was published in the *Reno Gazette-Journal* on March 24, 2004. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

CDS Group Health
American Benefit Plan Administrators
Benefit Planners

Commissioner Sferrazza stated he would not vote on the award of bid due to his negative experiences with CDS Group Health. Commissioner Humke recounted a negative experience within his family concerning CDS Group Health.

Jim Jeppson, Risk Management Division Manager, said that Risk Management would like to receive any negative complaints concerning CDS Group Health for follow-up purposes. He noted the experience with CDS Group Health for County employees and retirees has been excellent with only a few complaints. He noted the local office responds quickly to concerns; and if any problems occur, Risk Management needs to be notified.

J. Edward Parker, retired Washoe County employee, voiced periodic problems with CDS Group Health concerning responses to calls, responses to requests for information and responses in payment of claims. He said he has received complaints about lack of payment from those who provide him services.

Commissioner Sferrazza said he has requested an appeal and has not received an appeal as of this time.

Commissioner Galloway asked what would happen if the contract was not approved at this meeting. Mr. Jeppson replied that the contract expires June 30, 2004, and he could attempt to negotiate a month-to-month extension of the contract with CDS Group Health.

Mr. Jeppson said there are many transactions involved and few complaints. He offered to put together a count for the Board, and said his experience has been that the complaints are resolved quickly. He acknowledged there was a period of time between October 2002 through April 2003 when the Health Benefit Plan selected a new preferred provider organization and there were many problems for several months.

Upon recommendation of Mr. Jeppson, through John Sherman, Finance Director, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried with Commissioners Humke and Sferrazza abstaining, Chairman Shaw ordered that RFP No. 2432-04 for third-party claims administration of Washoe County's Self-Funded Group Health Plan for the Risk Management Department be awarded to the lowest responsive, responsible bidder CDS Group Health, in the estimated amount for the first year of \$374,000 and the Risk Manager be authorized to execute the same.

It was further ordered that, on a sampling basis, staff be directed to conduct a satisfaction survey during the coming year of CDS Group Health and compile a list of complaints that would be analyzed to see how the company compares with other administrators. It was noted that this information would be copied through Risk Management.

**04-671 APPOINTMENTS - EAST TRUCKEE CANYON CITIZEN
ADVISORY BOARD**

On motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that Bambi Van Dyke, Anthony Monroe and Harold Duke be appointed to serve as at-large representatives on the East Truckee Canyon Citizen Advisory Board with terms from July 1, 2004 to June 30, 2005 and Tom Spiteri and Carolyn Adams be appointed to serve with terms from July 1, 2004 to June 30, 2006.

**04-672 BOARD OF EQUALIZATION REPORT – ACCEPT
RESIGNATION – APPOINTMENTS**

Steven Sparks, Chairman of the Board of Equalization (BOE), presented a report, which was placed on file with the Clerk, addressing general procedures for 2004 and issues for future BOE workshops.

Commissioner Weber commented that she had attended the June 10, 2004 BOE workshop and found it to be informative. She said it would be beneficial to have a training through SNCAT to inform the public concerning appeals to the BOE. She noted the benefits of having a specific place for the meetings, and Mr. Sparks mentioned that the Board would like to find a location that would be less intimidating for the petitioner.

Gary Schmidt, BOE member, thanked Mr. Sparks for his service. He said the two common complaints of citizens have been inadequate noticing of hearings and access to records from the Assessor. He added these would be addressed in future workshops and recommendations would be brought forward to the State BOE and the State Department of Taxation. He thanked Commissioner Weber for her attendance at the meeting.

J. Edward Parker, Spanish Springs resident, spoke about his experience working as an appraiser for the County and discussed the costs involved in processing appeals. He said appraisers must work with taxpayers to address problems to avoid the appeals process. He encouraged the Commission to study the entire process and give the Assessor assistance in making the process more efficient.

Chairman Shaw noted comment cards from Les Barta and Ted Harris, Washoe County residents, who both requested that Marcia McCormick not be appointed to serve on the BOE.

On motion by Commissioner Humke, seconded by Chairman Shaw, which motion duly carried, it was ordered that the resignation of Jon Obester be accepted effective June 30, 2004.

Following discussion, Chairman Shaw nominated Richard Grauvogel to be appointed to serve on the BOE. On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, the Board approved the Chairman's nomination in accordance with procedure.

Commissioner Galloway said he was mindful of citizens that have expressed opposition to Ms. McCormick serving on the BOE. He put forward William Brush, Jerry Hogan and Lawrence Nicholson as alternates to serve on the BOE. Chairman Shaw recommended the nomination of Mr. Brush as first alternate, Mr. Nicholson as second alternate, and Mr. Hogan as third alternate.

Commissioner Sferrazza spoke in defense of Ms. McCormick and said she should be able to serve as an alternate. Commissioner Galloway stated he would not support her appointment.

Commissioner Galloway moved to accept Chairman Shaw's recommendation that Mr. Brush, Mr. Hogan and Mr. Nicholson be appointed to serve as alternates on the BOE. The motion died for lack of a second.

Commissioner Humke commented that he has heard criticisms concerning Ms. McCormick, but they do not rise to the level that should disallow her service on the BOE as an alternate. He said the Commissioners need to take care of the volunteers that step forward to serve.

On motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Galloway voting "no," Chairman Shaw ordered that Mr. Brush be appointed first alternate, Mr. Hogan be appointed second alternate, Mr. Nicholson be appointed third alternate, and Ms. McCormick be appointed fourth alternate to serve on the BOE for one-year terms.

County Manager Katy Singlaub explained that currently there were not enough applicants to impanel a second BOE. She said staff would continue to pursue alternate applicants.

Chairman Shaw thanked Mr. Sparks for his detailed presentation, and he acknowledged his service on the BOE along with Mr. Schmidt.

04-673 RESOLUTION – ACQUISITION OF 350 S. CENTER STREET

John Sherman, Finance Director, reviewed the agenda memorandum dated June 3, 2004 giving background on the Resolution concerning the financing of the acquisition and improvement of an office building located at 350 S. Center Street.

In response to Commissioner Galloway, Mr. Sherman explained that staff is currently doing a present value analysis of the cash flows under a lease scenario, and all costs would be taken into account. He said the feasibility analysis would be brought back to the Board in July 2004.

Commissioner Sferrazza stated the Board should not move forward on this item until all documentation is presented. He said he would like to see alternative proposals for construction on other County owned properties. Mr. Sherman confirmed that staff is looking at a build option. He explained the timeline involved with gaining financing for the building and plans to move in and occupy the building by November or December 2004.

Upon recommendation of Mr. Sherman, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza voting "no," it was ordered that the following resolution be adopted and Chairman Shaw be authorized to execute the same:

RESOLUTION NO. 04-673

A RESOLUTION CONCERNING THE FINANCING OF THE ACQUISITION AND IMPROVEMENT OF AN OFFICE BUILDING LOCATED AT 350 SOUTH CENTER STREET; DIRECTING THE CLERK TO NOTIFY THE WASHOE COUNTY DEBT MANAGEMENT COMMISSION OF THE COUNTY'S PROPOSAL TO ISSUE GENERAL OBLIGATION BUILDING BONDS ADDITIONALLY SECURED BY PLEDGED REVENUES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$11,900,000; SETTING FORTH THE INTENT TO REIMBURSE CERTAIN EXPENDITURES WITH BOND PROCEEDS; PROVIDING CERTAIN DETAILS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, Washoe County, Nevada (the "County") was created as a county pursuant to Section 243.340 of Nevada Revised Statutes ("NRS"), and, pursuant to NRS §§ 244A.011 to 244A.065, inclusive (the "County Bond Law"), is authorized to acquire, improve, and equip building projects within the County, including public buildings to accommodate or house lawful county activities including, without limitation, records, county personnel, offices, supplies, and equipment, as provided in NRS 244A.019 (the "Project"); and

WHEREAS, the Board of County Commissioners (the "Board") of the County proposes to issue the County's general obligation (limited tax) building bonds additionally secured by pledged revenues (the "Bonds"); and

WHEREAS, pursuant to § 350.020(3) (subject to the approval of the proposal to issue general obligations by the Washoe County Debt Management Commission), proposes to adopt and publish notices of public hearing and adoption of a resolution of intent to issue the Bonds additionally secured by pledged revenues consisting of certain of the consolidated tax revenues received by the County pursuant to NRS 377.080 (the "Pledged Revenues"); and

WHEREAS, the Board anticipates making a determination that the Pledged Revenues will at least equal the amount required in each year for the payment of interest on and principal of the Bonds; and

WHEREAS, the Board proposes to issue the Bonds without an election unless a petition signed by the requisite number of registered voters of the County is presented to the Board requiring the Board to submit to the qualified electors of the County for their approval or disapproval the following proposal:

**GENERAL OBLIGATION BUILDING BOND
ADDITIONALLY SECURED BY PLEDGED
REVENUES PROPOSAL:**

Shall the Board of County Commissioners of Washoe County in the State of Nevada, be authorized to incur a general obligation indebtedness on behalf of the County by the issuance at one time, or from time to time, of the County's general obligation (limited tax) building bonds, in one series or more, in the aggregate principal amount of not exceeding \$11,900,000 for the purpose of financing, wholly or in part, the acquisition, construction, improvement and equipment of building projects, including public buildings to accommodate or house lawful county activities including, without limitation, records, county personnel, offices, supplies, and equipment, as provided in NRS 244A.019, the bonds to mature commencing not later than five (5) years from the date or respective dates of the bonds and ending not later than thirty (30) years therefrom, to bear interest at a rate or rates not in excess of the statutory maximum rate in effect at the time bonds are sold, to be payable from general (ad valorem) taxes (except to the extent pledged revenues and other moneys are available therefor), and to be issued and sold at par, or below or above par, and otherwise in

such manner, upon such terms and conditions, and with such other detail as the Board may determine, including at its option but not necessarily limited to provisions for the redemption of bonds prior to maturity without or with the payment of a premium?

(the "Bond Proposal"); and

WHEREAS, subsection 1 of NRS § 350.014 provides, in relevant part, as follows: "1. Before any proposal to issue general obligation debt . . . may be submitted to the electors of a municipality, or before any other formal action may be taken preliminary to the issuance of any general obligation debt, the proposed incurrence . . . must receive the favorable vote of two-thirds of the members of the [debt management] commission of each county in which the municipality is situated. . . ."; and

WHEREAS, subsection 1 of NRS § 350.0145 provides, in relevant part, as follows: "1. The governing body of the municipality proposing to incur general obligation debt. . . shall notify the secretary of each appropriate commission, and shall submit a statement of its proposal in sufficient number of copies for each member of the commission. . . ."

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

Section 1. All action, proceedings, matters and things heretofore taken, had and done by the Board, and the officers thereof (not inconsistent with the provisions of this resolution) directed toward the Project and the financing thereof be, and the same hereby is, ratified, approved and confirmed.

Section 2. The County Clerk shall be, and she hereby is, authorized and directed to notify immediately the Secretary of the Washoe County Debt Management Commission of the County's Proposal, and to submit to said Secretary a statement of the Proposal in sufficient number of copies for each member of the Commission. The County Director of Finance is authorized to update or amend the County's plan for capital improvements if necessary to reflect the Project and the Bonds and to file the information as required by NRS § 350.013 to the extent required to comply with NRS § 350.013.

Section 3. In order to permit the County to reimburse itself for prior expenditures relating to the Project with the proceeds of Bonds, the Board hereby determines and declares as follows:

(i) The County reasonably expects to incur expenditures with respect to the financing of the Project prior to the issuance of Bonds and to reimburse those expenditures from the issuance of Bonds; and

(ii) The maximum principal amount of Bonds expected to be used to reimburse such expenditures is \$11,900,000.

Section 4. All resolutions, or parts thereof, in conflict with the provisions of this resolution, are hereby repealed to the extent only of such inconsistency. This repealer shall not be constructed to revive any resolution, or part thereof, heretofore repealed.

Section 5. If any section, paragraph, clause or other provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this resolution.

Section 6. This resolution shall become effective and be in force immediately upon its adoption.

**04-674 TRAFFIC SIGNAL - GOLDEN VIEW DRIVE AND PYRAMID
HIGHWAY SR 445 – PUBLIC WORKS**

Tom Gadd, Public Works Director, reviewed the agenda memorandum dated June 9, 2004 giving updated information on the possible traffic signal installation at Golden View Drive and Pyramid Highway, and he outlined the additional alternatives offered in the staff report. He said staff would desire to continue exploring alternatives and return to the Board with further information.

Chairman Shaw commented that at a recent Regional Transportation Commission (RTC) meeting he spoke to Jeff Fontain, Nevada Department of Transportation (NDOT) representative, and requested a meeting to discuss the issue of the traffic signal. Chairman Shaw said Mr. Fontain was willing to meet with him and Steve Bond, Pastor of Summit Christian Church. Chairman Shaw inquired if it would be beneficial for the Board to adopt a resolution requesting that NDOT play a greater role in the funding of the traffic signal, and Mr. Gadd confirmed it would be helpful.

Commissioner Galloway agreed NDOT should play a larger role if the traffic signal is to be completed. He questioned if future connectivities were taken into account, and he noted it was only one day of the week that there would be this increase in traffic. Mr. Gadd clarified that the church is planning on building an extension and a school, so the traffic flow would be beyond one day a week.

Further discussion ensued concerning the map, which was placed on file with the Clerk, and future traffic signals in the area.

Pastor Bond stated he would appreciate continuing advocacy concerning the traffic signal and a resolution from the Commission to encourage ongoing dialog with NDOT. He said he would welcome the opportunity to interact face to face with Mr.

Fontain. He added that the church is willing to do whatever is necessary to see this project come to completion.

J. Edward Parker, Spanish Springs resident, noted there has been a promise from an entity for a signal at that intersection for the past six years. He said in the six-year period there have been eight deaths and numerous accidents at the intersection. He voiced his support for the traffic signal, but stated residents should not have to pay for the light.

Vallea Rose, Spanish Springs resident, expressed her opposition to the traffic signal, and she recommended an alternative to a traffic light.

Katy Singlaub, County Manager, remarked that staff and the County Commission are concerned about the safety of residents. She said the challenge is there are many places throughout Washoe County where there are State roads that have dangerous situations, but County taxpayer resources cannot be expended to fund safety improvements on State roads.

Chairman Shaw asked Mr. Gadd to set up a meeting with NDOT for himself and Pastor Bond. Mr. Gadd inquired if he should go forward with a survey of the citizens, and the Board directed him to begin with the NDOT meeting and postpone a survey at this time.

04-675 ADVISORY QUESTION – LEGISLATION TO IMPOSE SALES TAX

John Sherman, Finance Director, reviewed the agenda memorandum dated June 2, 2004 giving background on the development of an advisory question that would ask the voters at the November 2, 2004 general election if they would support the County seeking legislation to impose a sales tax of 1/8 of one percent to be used for open space and trails acquisition, regional parks, natural resources management, and historic and cultural facilities. He pointed out the sample advisory ballot question that was included in the staff report, and he explained the Board would need to pass a resolution by July 13, 2004 in order to meet the November 2004 election deadline.

Commissioner Humke spoke in favor of the use of the proceeds from the sales tax going towards improvements to existing parks and maintenance of new parks. He said the County should achieve a balance between acquiring new acres of open space and developing the park space that the County already possesses. He stated the County is uneven as to how parks are developed, with some remaining as bare land and some parks being richly developed.

In response to Commissioner Humke, Mr. Sherman said the proceeds would be allocated at the Board's discretion. County Manager Katy Singlaub explained it was not intended that the proceeds be divided evenly among the categories.

Commissioner Sferrazza stated his concern about the diluting of open space. Ms. Singlaub reviewed the survey results, as outlined in the staff report dated June 2, 2004, pointing out that a high percentage of citizens do support expanding the use of the sales tax for the benefit of open space. She explained the concern is that the region is reaching the property tax cap and there would not be other opportunities to fund various quality of life initiatives. She said, because of the magnitude of the revenues that are generated, the County could expand these uses and finish projects citizens desire to see completed.

Chairman Shaw noted there was a high percentage of support in the survey for open space, trails, regional parks, natural resources, and historic and cultural facilities. He said these provide a broad umbrella that would appeal to most people.

In response to Commissioner Sferrazza, Ms. Singlaub said it does generate \$7,500,000 a year presently and that would provide bonding capacity for a significant number of acquisitions. She added it is important to address as many needs of citizens as possible to gain majority support for this type of initiative.

Commissioner Galloway requested that the words "historic preservation" be an allowed use because he was not sure that "historic facilities" would incorporate the same meaning. He discussed the possible percentage breakdowns the Board could consider for the sales tax proceeds.

Commissioner Humke confirmed he supports all of the items listed, including open space. He said there is a message from the Parks Department that it is incumbent upon Commissioners to go to their District and tell their constituents that if they want something completed in their park, they will have to raise private funds to bring it about. He said the concept of leveraging for private sector dollars is a factor.

Commissioner Weber agreed with Commissioner Humke that improvements to existing parks and maintenance for all parks needs to be considered when anything is done with the Parks Department. She declared that a sales and use tax is a big deal; and, when she ran for office, she campaigned that she did not support increasing taxes. Commissioner Weber said, even though the purpose of the tax would be for open space, it is still a tax that would be taken from the people. She noted the survey represented a group of people, but it does not represent every voter. She acknowledged the people should vote on an increase of taxes.

Commissioner Sferrazza requested that the improvements to existing parks and maintenance for new parks be throughout the Cities and the County. He said he would not support it if it was only for the unincorporated County. He asked that acquisition of drainage ways be included, and the money be fairly distributed throughout the County.

Ms. Singlaub said regional parks had been specified, and the Parks Director had made a plea that the Countywide ballot question focus on regional parks.

She commented it is anticipated that these funds would be available for projects within the Cities, such as drainage ways and urban trails, and regional parks within the Cities. She noted the concern for maintenance of existing neighborhood parks.

Commissioner Galloway stated the parks referred to for improvements and maintenance should be regional parks only. He cautioned that, if the County becomes involved with neighborhood parks, people would be taxed for services they would not be receiving.

Commissioner Humke remarked that support of the advisory question does not show support to increase taxes, but it shows a support for voters to have their say. He noted the sales tax impacts the tourist base, so tourists would also be contributing to improvements to the area.

Upon recommendation of Mr. Sherman, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that staff be directed to develop an advisory question for future Board consideration that would ask the voters if they support the County seeking legislation to impose a sales tax of 1/8 of one percent to be used for open space and trails acquisition, regional parks, natural resources management, and historical and cultural facilities. It was further ordered that the allocation recommended by staff be accepted and the inclusion of historical preservation as a use be added. It was also ordered that the funds be used in a non-discriminatory fashion throughout the incorporated and unincorporated County for regional parks only.

**04-676 RECONVEYANCE – MT. ROSE DEVELOPMENT COMPANY –
SLIDE MOUNTAIN SKI AREA – CONTINUED**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on June 11, and 14-16, 2004 to consider possible reconveyance of Slide Mountain ski area land. Proof was made that due and legal Notice had been given.

Chairman Shaw opened the public hearing by calling on anyone wishing to speak for or against the reconveyance. He noted a comment card in favor of the item from Robert Cameron who was no longer in attendance at the meeting.

On motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the public hearing on Mt. Rose Development Company's request to Washoe County for potential reconveyance of approximately 62 acres of APN 048-112-05, known as the Slide Mountain ski area, be continued to July 27, 2004.

OUTDOOR FESTIVAL BUSINESS LICENSE APPLICATION –
RENO -TAHOE OPEN 2004 GOLF TOURNAMENT –
COMMUNITY DEVELOPMENT

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on June 11, 2004 to consider the application for an outdoor festival business license for the Reno-Tahoe Open 2004 Golf Tournament. The Reno-Tahoe Open 2004 is to be held on August 16-22, 2004. The event is proposed to be held at the Montreux Golf and country Club (Assessors Parcel Numbers 148-010-25, 148-010-31, 148-010-32, 148-061-65, 148-100-02 and 148-140-11) with additional off-site parking located on a vacant parcel generally located south of the intersection of State Route 431 and Wedge Parkway (Assessor's Parcel Number 144-070-03) and on the southern right-of-way extension of U.S. Highway 395 south of State Route 431. Tournament volunteer staff will be parking at Galena High School (Assessor's Parcel Number 144-010-01). The Reno-Tahoe Open 2004 is a PGA tour sanctioned golf tournament and this event marks the sixth year for the tournament. Event organizers estimate that a maximum of 10,000 spectators will participate in the event on a single day with a total of 35,000 spectators for the week.

Bob Webb, Community Development, reviewed the agenda memorandum dated June 1, 2004 giving background on the business license application for the Reno-Tahoe Open 2004 Golf Tournament. In response to Chairman Shaw, Mr. Webb confirmed that the application was similar to the previous applications of the past five years, with added conditions from the District Health Department and the Sheriff's Office.

Chairman Shaw opened the public hearing by calling on anyone wishing to speak. There being no one wishing to speak the public hearing was closed.

On motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the outdoor festival business license for the Reno-Tahoe Open 2004 Golf Tournament to be held August 16-22, 2004 at the Montreux Golf and Country Club be approved, subject to the following conditions:

LICENSING REQUIREMENTS FOR AN OUTDOOR FESTIVAL BUSINESS
LICENSE RENO-TAHOE OPEN 2004 GOLF TOURNAMENT

AT THE PUBLIC HEARING HELD ON JUNE 22, 2004 AS REQUIRED UNDER WASHOE COUNTY CODE §25.277, THE WASHOE COUNTY BOARD OF COMMISSIONERS (BOARD) ESTABLISHED CONDITIONS WHICH MUST BE MET PRIOR TO THE ISSUANCE OF ANY OUTDOOR FESTIVAL BUSINESS LICENSE PURSUANT TO WASHOE COUNTY CODE §25.263 TO §25.305, INCLUSIVE. SUCH CONDITIONS MAY BE IMPOSED BY THE BOARD UNDER THE COUNTY'S GENERAL POLICE POWER AS MAY BE NECESSARY UNDER ALL THE CIRCUMSTANCES NECESSARY FOR THE PROTECTION OF THE

HEALTH, WELFARE, SAFETY AND PROPERTY OF LOCAL RESIDENTS AND PERSONS ATTENDING AN OUTDOOR FESTIVAL IN THE COUNTY, INCLUDING, WITHOUT LIMITATION, THE CONDITIONS SPECIFIED IN WASHOE COUNTY CODE §25.291 TO §25.305, INCLUSIVE (SEE CONDITIONS LISTED BELOW). COMPLIANCE WITH THE CONDITIONS OF THIS LICENSE IS THE RESPONSIBILITY OF THE LICENSEE AT THE LICENSEE'S EXPENSE. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED BY THE COUNTY COMMISSION MAY CAUSE WASHOE COUNTY TO NOT ISSUE THE BUSINESS LICENSE OR FOR THE COUNTY TO TAKE APPROPRIATE MEASURES TO REVOKE OR SUSPEND THE BUSINESS LICENSE.

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

THE APPLICANT SHALL SUBMIT ALL REQUIRED PLANS, PERMITS, DOCUMENTATION, ETC. TO THE IDENTIFIED RESPONSIBLE AGENCY. THE APPLICANT SHALL PROVIDE WASHOE COUNTY BUSINESS LICENSE WITH PROOF OF COMPLIANCE PURSUANT TO WASHOE COUNTY CODE §25.283(1) WITH ALL CONDITIONS BY AUGUST 6, 2004. WASHOE COUNTY BUSINESS LICENSE WILL ISSUE THE OUTDOOR FESTIVAL BUSINESS LICENSE AFTER DETERMINING THAT ALL OF THESE CONDITIONS HAVE BEEN MET AND THAT ALL APPLICABLE FEES AND DEPOSITS HAVE BEEN PAID.

GENERAL CONDITIONS

1. Police protection (Sheriff):
(Staff contact: Deputy Ron Breaux, 328-6328; 2:00 p.m. - 10:00 p.m. workdays except Monday)
 - a. Applicant will contract with either a private security firm licensed in the State of Nevada or with the Washoe County Sheriff's Office to provide security. All security personnel employed by a private security firm will have current Washoe County security guard work permits. The number and type of security personnel to provide for the preservation of order and protection of persons and property in and around the place of the event shall be determined and specified by the Sheriff.
 - b. Applicant will also be responsible for all costs incurred by the Washoe County Sheriff's Office (WCSO) to provide police protection for the event and the community. To ensure personnel and equipment costs are met by the licensee, a cash bond of the estimated cost will be required to be placed with the Sheriff's Office.

- c. Security personnel will have radio communication with the WCSO as all times and authority and control of this augmented security force will be subordinate to all on-scene law enforcement personnel.
 - d. Vehicle and pedestrian access controls will be established to the satisfaction of the WCSO.
 - e. Hours of operation will be enforced by on-site security personnel and the WCSO.
 - f. Centrally located sites for a command post and staging area for the WCSO will be provided, including power and telephone service.
2. Food concessions and attendant sanitary facilities (District Health):
(Staff contact: Jeffrey M. Brasel, 328-2620)
- a. Adequate supply water from a specified and approved water source shall be provided for the food service operations of Hole-in-One Catering. The promoter shall arrange to tend to their water supply for the duration of the event.
 - b. 5-gallon jugs of water are only acceptable for transport to the food establishments if the jugs are food grade (e.g., drinking water jugs).
 - c. All food-service operations shall be at a minimum of 50 feet from portable toilet facilities.
 - d. All food-service operations shall be situated to prevent potential flooding and/or contamination from sprinkler spray or runoff, non-potable water spray (e.g., dust control), or portable toilets.
 - e. Garbage containers at all food-service operations shall have flip lids (to abate fly attraction). Waste from garbage containers at all food-service operations will be removed every half-hour (continuous runs) from 10:00 a.m. until 1:00 p.m. daily from Thursday (August 19th) through Sunday (August 22nd).
 - f. Fans will be provided on all food service lines to keep flies away from food products.
 - g. All water lines or hoses used for the Temporary Food Service Operations shall be food grade and equipped with an approved back-flow prevention device.
 - h. Hole-in-One Catering shall secure Temporary Food Establishment permits for the event no later than August 1, 2004. The permits are obtained through the Environmental Health Services Division of the Washoe County District Health Department and shall meet all of the requirements of Temporary Food Service Establishment operations of the Regulations of the Washoe County District Board of Health Governing Food Establishments.
 - i. Adequate refrigeration shall be provided for or by Hole-in-One Catering for overnight storage of food.
 - j. Any other vendors selling or sampling food and/or beverage items shall contact the Environmental Health Services Division of the Washoe County District Health Department regarding permit requirements at least 7 days prior to the event.

- k. Recycling containers for plastic bottles (PTE) must be placed alongside garbage cans and cardboard from the vendors must be separated and recycled.
3. Solid Waste Disposal (District Health)
(Staff contact: Jeffrey M. Brasel, 328-2620)
- a. The minimum required sanitation facilities must be approved by District Health to include twelve 250-gallon holding tanks for gray water storage (serviced twice per day) and provisions for dumping, or pumping out, RV and food vender holding tanks.
4. Medical services (District Health)
(Staff contact: Stephanie Beck, 328-2420)
- a. The applicant shall provide a dedicated ALS ambulance at the tournament site whenever vendors or spectators are present.
 - b. The applicant will provide summary data on medical contacts for the tournament to the EMS Coordinator at the District Health Department, P.O. Box 11130, Reno, Nevada 89520 within two weeks after the close of the event.
 - c. Biological waste containers (red bags for waste and appropriate sharp containers) are to be provided in the medical van and the two first aid tents. Arrangements shall be made for the disposal of these wastes, either through a hazardous waste vendor or the medical providers.
 - d. Prior to the event, the applicant shall provide the District Health Department with a copy of the final map that indicates the sites for medical care.
 - e. Prior to the event, the applicant shall provide the District Health Department with copies of the letters sent to the Emergency Department Managers at Washoe Medical Center, Washoe Medical Center South Meadows, St. Mary's Regional Medical Center and Northern Nevada Medical Center notifying them of the tournament and its dates.
 - f. The provision of any documentation noted above is the responsibility of the applicant, not of service subcontractors.
5. Illumination (Building and Safety):
(Staff contact: Charlene Parish, 328-2039)
- a. Applicant must apply for permits for power provision from the Building and Safety Department.
6. Access, traffic, and parking (Public Works)
(Staff contact: Clara Lawson, 328-3603)
- a. The event organizer shall provide the latest annual average daily traffic counts from NDOT for the Mt. Rose Highway. The counts must include the year in which the data was collected.
 - b. The event organizer shall provide signed letters of approval from Galena High School for the use of its parking lot and from Caithness Operating Company for access to the freeway parking lot.

7. Hours of Operation (Community Development)
(Staff contact: Bob Webb, 328-3623)
 - a. The event shall operate only between the hours of 6:30 a.m. until 8:00 p.m. each day from August 16, 2004 until August 22, 2004.
8. Licensing and Inspections (Community Development)
(Staff contact: Bob Webb, 328-3623 or Karin Kremers, 328-3733)
 - a. PGA TOUR Apparel shall obtain an appropriate Washoe County business license.
 - b. Hole-in-One Catering shall obtain appropriate Washoe County business and intoxicating liquor licenses.
 - c. The applicant shall provide Washoe County Code Enforcement with a vehicle pass to gain access to the tournament sites, to include all parking areas, for inspections to verify compliance with these conditions and issued business/liquor licenses.
9. Fire protection (Nevada Division of Forestry):
(Staff contact: Rich Riolo, 849-2376)

The following conditions shall be met subject to the approval of the Forestry Division:

 - a. Grass and weeds on parking lots at Callahan and freeway shall be cut to a minimum height of 2 inches. A water truck shall water the areas at least once a day, depending on the use and temperatures on a given day.
 - b. Fire extinguishers must be provided for tents, cooking areas and on-site parking areas.
 - c. Applicant must provide a schematic of the location of generators and associated electrical wiring.
10. Indemnification and insurance (Risk Management):
(Staff contact: Jim Jeppson, 328-2075)
 - a. Applicant must provide a copy of a current insurance certificate valid for the duration of the Reno Tahoe Open 2004 tournament to Risk Management.
 - b. The sponsor will have all volunteers sign a waiver. Risk Management will review the volunteer application form and accompanying waiver before it is distributed.
11. Performance Security (District Attorney)
(Staff contact: Jim Barnes, 328-3412)
 - a. The applicant will be responsible for total clean up of the sites. A performance bond pursuant to Washoe County Code §25.305(1) in the amount of \$4,000.00 shall be posted with the Department of Community Development prior to August 6, 2004. The applicant shall provide a written statement with the performance bond guaranteeing the cleanup and restoration of the site to pre-event condition.
 - b. The site will be inspected by and approved as to the adequacy of cleanup by the Department of Community Development prior to release of the performance bond.

**COMPREHENSIVE PLAN AMENDMENT CASE NO. CPA04-002 –
SOUTHEAST TRUCKEE MEADOWS AREA PLAN – GEIGER
GRADE AND TOLL ROAD**

5:30 p.m. This was the time set in a Notice of Public Hearing mailed to affected property owners on June 10, 2004 and published in the *Reno Gazette-Journal* on June 11, 2004 to consider a request to amend the Southeast Truckee Meadows Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment request would re-designate Assessor's Parcel Number 017-051-01 from the land use category of Medium Density Suburban (MDS) to General Commercial (GC). The subject property is located on Geiger Grade (SR-341) on the south side of the highway, approximately one mile east of the intersection of Geiger Grade and Toll Road. The subject parcel is within the Truckee Meadows Hydrographic Basin, within a portion of Sections 27 and 34, T18N, R20E, MDM. The subject parcel is within the Truckee Meadows Service Area (TMSA) and the City of Reno Area of Interest of the Regional Plan, however, outside the Rural Development Area (RDA), and outside the Development Constraints Area (DCA). Administrative changes to the Area Plan are necessary to reflect a revised Table of Land Uses.

Sandra Dutton, Planner, described the requested amendment, provided background information and displayed maps of the subject on the overhead screen. She noted an e-mail, which was placed on file with the Clerk, from C.B. Maddox, area resident, who stated his opposition to the requested zone change.

Chairman Shaw opened the public hearing by calling on anyone wishing to speak regarding Comprehensive Plan Amendment Case No. CPA04-002.

John Krimpotic, of Jeff Codega Planning & Design, on behalf of the applicant, stated much work had been completed to build public support for the amendment request.

Commissioner Sferrazza inquired about the people who had voiced their opposition at the Planning Commission meeting. Mr. Krimpotic said the people were in disagreement because they had interest in having a personal storage business. He explained that, in terms of compatibility, there is no one located to the south, east or west; and the business would be a low intensity, general commercial use. He said the buffering standards that have been proposed would eliminate the issue of compatibility.

In response to Commissioner Galloway, Mr. Krimpotic replied that a building permit would have to be obtained in order to place a storage facility on the land. Commissioner Galloway noted that it is a busy road and he could not imagine it being desirable for a single-family residence. Mr. Krimpotic explained that the 1997 designation was general commercial, and the inability to sell the property for the use that it had been zoned for the past seven years speaks to a mis-designation.

Bruce Bacon, Washoe County resident, inquired if there would be provisions for the traffic impact of the business. He asked about the access off of Geiger Grade to one of the parcels, and he said that was not addressed on any of the maps in the staff report.

Ms. Dutton explained that currently it is not project driven, so it cannot be conditioned. She said when it is reviewed by the Engineering Division, the Nevada Department of Transportation and the Regional Transportation Commission (RTC) all requirements for access and distances from existing egress onto a property would be examined. She noted comments from RTC were in the staff report.

In response to Mr. Bacon, Mr. Krimpotic said if any legal access requirement had been overlooked, they would work with the property owner if he possesses legal access through the area.

Sharon Kvas, Planning Manager, acknowledged the Engineering Division has all the recorded maps; and, if there were any easements in that area, staff would share them with Mr. Bacon.

In response to Commissioner Sferrazza, Mr. Bacon stated he was not in opposition to the project. He said he was only concerned that there may be an access easement issue that is not being addressed.

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

Commissioner Sferrazza said he would abstain from the vote because he did not know what happened to the people who were in opposition to the amendment.

Having made the following findings, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza abstaining, Chairman Shaw ordered that Comprehensive Plan Amendment Case No. CPA04-002 be approved:

1. The proposed amendment to the Southeast Truckee Meadows Area Plan is in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan.
2. The proposed amendment to the Southeast Truckee Meadows Area Plan will provide for land uses compatible with existing and planned adjacent land uses and will not adversely impact the public health, safety or welfare.
3. The proposed amendment to the Southeast Truckee Meadows Area Plan responds to changed conditions that have occurred since the plan was

adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.

4. The proposed amendment to the Southeast Truckee Meadows Area Plan will promote the desired pattern for orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
5. The proposed amendment to the Southeast Truckee Meadows Area Plan is the first amendment to the Southeast Truckee Meadows Area Plan in 2004, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.
6. That the Planning Commission has reviewed the required regional findings in Article 822 for conformance with the Regional Plan, including Section 822.25, findings for Regional Form and Pattern; Section 822.35, findings of Concurrency, Timing and Phasing of Infrastructure; Section 822.40, findings for Public Service Levels and Fiscal Effect.
7. That this recommendation is based upon due and careful consideration of the information provided within the staff report, other written testimony received and the testimony presented at the public hearing.
8. The Washoe County Commission gave reasoned consideration to the information transmitted from the Washoe County Planning Commission and to the information received during the Washoe County Commission public hearing.

**04-679 COMPREHENSIVE PLAN AMENDMENT CASE NO. CPA04-004 –
SUN VALLEY AREA PLAN – CHOCOLATE DRIVE**

5:30 p.m. This was the time set in a Notice of Public Hearing mailed to affected property owners on June 10, 2004 and published in the *Reno Gazette-Journal* on June 11, 2004 to consider a request to amend the Sun Valley Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment request would re-designate Assessor's Parcel Number 502-250-09 from the land use category of General Rural (GR) to Medium Density Suburban (MDS). The net change in development potential equals a maximum of 136 new potential residential lots. The ±45.5-acre property is located on the west side of Chocolate Drive, between 2nd Street and West 5th Street. The subject parcel is within the Cities of Reno and Sparks Areas of Interest of the Regional Plan, within the Truckee Meadows Service Area (TMSA), however, outside the Development Constraints Area (DCA) and outside the Rural Development Area (RDA).

Sandra Dutton, Planner, described the requested amendment, provided background information and displayed maps of the subject on the overhead screen. In response to Commissioner Weber, Ms. Dutton confirmed that the Sun Valley Citizen Advisory Board (CAB) unanimously approved the amendment on two separate occasions.

Chairman Shaw opened the public hearing by calling on anyone wishing to speak regarding Comprehensive Plan Amendment Case No. CPA04-004.

David Snelgrove, Principal Planner of Gary & Associates, stated he was in favor of the application and in agreement with the County staff report. He pointed out that the 45.5-acre property was carved out of a bigger holding that was previously held by the American Land Conservancy. It was specifically set aside as a potentially developable property. He noted the remainder of the site was recently redesignated to open space and the 45.5-acre property was left as general rural.

Greg Evangelatos, owner's representative for Landmark Homes, said this is the company's second Sun Valley project, and he added that Landmark Homes desires to make an investment in the Sun Valley area. He voiced his agreement with the recommendation of staff and the findings.

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

Having made the following findings, on motion by Commissioner Weber, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that Comprehensive Plan Amendment Case No. CPA04-004 be approved:

1. The proposed amendment to the Sun Valley Area Plan is in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan.
2. The proposed amendment to the Sun Valley Area Plan will provide for land uses compatible with existing and planned adjacent land uses, and will not adversely impact the public health, safety or welfare.
3. The proposed amendment to the Sun Valley Area Plan responds to changed conditions that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
4. The proposed amendment to the Sun Valley Area Plan will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

5. The proposed amendment to the Sun Valley Area Plan is the first amendment to the Sun Valley Area Plan in 2004, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.
6. That the Planning Commission has reviewed the required regional findings in Article 822 for conformance with the Regional Plan, including Section 822.25, findings for Regional Form and Pattern; Section 822.30, findings for Housing; Section 822.35, findings for Concurrency, Timing and Phasing of Infrastructure; Section 822.40, findings for Public Service Levels and Fiscal Effect.
7. That this recommendation is based upon due and careful consideration of the information provided within the staff report, other written testimony received and the testimony presented at the public hearing.
8. The Washoe County Board of County Commissioners gave reasoned consideration to information transmitted from the Washoe County Planning Commission and to the information received during the public hearing.

04-680 APPEAL – APN 050-170-04 – OFF-PREMISE SIGN STRUCTURE

5:30 p.m. This was the time set in a Notice of Public Hearing mailed to affected property owners to consider an appeal to reverse the action by the Washoe County Board of Adjustment (BOA) to uphold the decisions of the Director of Community Development concerning an off-premise sign structure on APN 050-170-04, located south of U.S. Highway 395 in the vicinity of Washoe Hill.

Bob Webb, Community Development Planning Manager, reviewed the agenda memorandum dated May 26, 2004 giving background information on the appeal to reverse the action by the BOA to uphold the decisions of the Community Development Director concerning an off-premise sign structure. Mr. Webb summarized the actions leading to the Community Development Director's decision and the subsequent appeal to the BOA. He presented photos of the site reinforcing the lack of advertising media on the structure for a period of 12 months. He outlined the BOA findings that were the basis for the denial of the appeal.

In response to Chairman Shaw, Mr. Webb confirmed there was adequate time provided to make the corrections required and there was ample notification to know the rules and regulations concerning the off-premise sign.

Chairman Shaw opened the public hearing by calling on anyone wishing to speak concerning the appeal.

Ken McKenna, attorney representing the landowners, Howard and Elva Yarborough, and Sierra Display, Inc., gave a history of the sign dating back to 1970. He said the property was useless for any kind of development, but Mr. Yarborough bought the property because it had the billboard structure on it, which provided potential revenue. He explained the Yarboroughs had a number of clients advertised on the sign, but a break down occurred in the 1990's when a client desired to place signage on the billboard and the County could not locate the original permit in the archives. He declared that it was not the fault of the landowners that the sign lacked advertising, but the fault of County record keeping that occurred in this situation.

Mr. McKenna stated his arguments regarding staff's use of Section 110.904.20, which is non-conforming use of land. He argued that, in his opinion, Section 110.502.35 should have been used, which outlines sign regulations and conditions to terminate signs. He disagreed with the conclusion that no advertising copy on a billboard for a 12-month period of time should bring about the loss of the nonconforming use. He declared there was no law or regulation to support this, and he did not agree with staff's response that they were relying on the general law in the land use area of the Development Code. Mr. McKenna refuted that advertising is not the use, but it is a billboard structure that is the non-conforming use. He said when staff concluded there was a ceasing of the non-conforming use for 12 months, that is not true because the structure has always been there. He added, if staff takes the position that failure to advertise on the sign for a 12-month period is not using the sign, then that will be litigated because there are many signs in the community that remain blank for periods in excess of 12 months. He said the sign was blank for a period of time due to poor records and the business decisions made by the Yarboroughs and Sierra Display, Inc. He noted that if the staff recommendation is upheld then the value of the property would be wiped out, and the County would pay condemnation money to the landowners. The Yarboroughs have an 80-year lease with Sierra Display, Inc. that amounts to a substantial amount of money.

Gary Schmidt, Washoe County resident, said he was in agreement with Mr. McKenna, and he offered illustrations to support the case. He questioned the evidence staff presented to prove that no advertising existed on the structure in a 12-month period.

J. Edward Parker, Spanish Springs resident, stated he was familiar with the sign and he noted the cost that has gone into the appeal. He questioned why the County is concerned about a sign when down the road a few feet sits a building that has been vacant for 30 years.

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

Commissioner Galloway asked staff to respond to the allegation that the structure itself is the use. Mr. Webb referred to the staff report that addressed nonconforming types that are within the Development Code. He explained that this

particular use falls under nonconforming use of the land, and he quoted the definition. He said it is a use that does not involve a structure, which was legal when brought into existence, but it does not conform to current uses allowed in the regulatory zone where it was located. He reviewed Article 502 that defines where off-premise signs are located and noted off-premise signs cannot be located in this particular zoning.

In response to Commissioner Galloway, Madelyn Shipman, Legal Counsel, stated it is not a sign if it does not have a board or something that would indicate that it is ready and prepared to have advertising copy on it. She noted it does fit into the nonconforming use section of the Development Code, and the word discontinuance is important because it is a full year discontinuance, as opposed to a typical or traditional six months abandonment. She said discontinuance means that the evidence indicates this structure was not utilized or used for the purpose intended for a 12-month period of time. She suggested that it may not have been a lawful permitted use in the first place, but all uses and all signs that appeared on the County inventory were deemed to be lawful.

Commissioner Galloway asked if someone had a blank board and they never placed anything on it for a year, would that also constitute nonuse for advertising that could cause a loss of nonconforming status. Ms. Shipman said that could happen, but the bottom line in this case was that the sign was not being used, and it is a use of land that is being dealt with. Commissioner Galloway inquired what would happen if the County enforces on this sign and not on others. Ms. Shipman stated that is an entirely different situation, and there is no issue from a legal standpoint of an equal protection. She stated if the Board wanted to grant the appeal, the next action might as well be to remove the nonconforming section of the Development Code.

Chairman Shaw inquired if staff was aware of the signs Mr. McKenna mentioned. Mr. Webb replied that the BOA had discussed several signs, and he described the different circumstances involved with the signs and steps taken by the owners to make the required corrections.

Commissioner Sferrazza inquired if staff was enforcing this ordinance against blank boards. Mr. Webb explained there would be steps that staff would follow equitably before any decision would be made to take down a sign. Commissioner Sferrazza asked about Mr. McKenna's argument that the appellant tried to comply, but the permit for the sign was lost. Mr. Webb said he could not speak to that, as it was the first he had heard of the situation. He noted, if that had been the case, the appellant should have applied for a building permit when the letters went out in May of 2002 and August of 2002 because the letters clearly stated the appellant should gain a building permit.

Ms. Shipman declared there is nothing in the record, except for Mr. McKenna's statement, that there are signs in the community that have been blank for a year or more. She said his statements are unsupported by any evidence that was

presented either to the BOA or to this Board, and this is not before the Board as proof that is to be relied upon.

Chairman Shaw asked Robin Reeves, Sierra Display, Inc., why he took no action in response to staff's attempts to notify him about the potential problems concerning the billboard. Mr. Reeves said once notification was received it was acted upon immediately.

Mr. McKenna clarified that the original notification went to Mr. Yarborough. He said many months later Sierra Display, Inc. was notified, and within two months they had advertising copy on the sign. Mr. McKenna clarified there was never an agreement with the legal position regarding the advertising copy on the sign.

Chairman Shaw further inquired of Mr. Reeves about his inaction concerning the notification. Mr. Reeves said when it was brought to their attention, they did act to rectify the situation. Chairman Shaw asked Mr. Webb if he concurred with that, and Mr. Webb explained that staff wrote the property owner on May 5, 2003, a response was received from Mr. Reeves on May 13, 2003, and on July 17, 2003 Mr. Webb and Mr. Reeves had a meeting. At the meeting Mr. Reeves talked about putting fascia panels on the board, and Mr. Webb told him to not put anything on the support structures until Mr. Reeves spoke with the building official because there may be a building permit required. Mr. Webb spoke to Ms. Shipman, and that is what prompted the letter he sent on August 13, 2003; and that letter was answered through Mr. McKenna.

Commissioner Humke inquired if the desire to put up a board triggers a building permit, and Mr. Webb answered that anything other than routine maintenance on an off-premise sign requires discussion with the building official, which could generate a building permit. Commissioner Humke presented different scenarios to Mr. Webb to determine what actions would bring about building permits. He asked Mr. Webb about the photos displayed earlier that showed certain items being added to the backside of the structure, and questioned if his testimony was that those actions would require a building permit application. Mr. Webb said he asked that of the building official and did not receive a response. He stated he did not know if that would have required a building permit, but the intent of the letters to the landowners was to direct them to speak to the building official to verify if any permit was needed.

Commissioner Sferrazza noted that Mr. Reeves wrote a letter on May 13, 2003 saying that Sierra Display, Inc. would be submitting the necessary forms and drawings within the next week to the Building Department to secure a building permit to reconstruct the sign. Mr. Webb said there was no application made to the Building Department.

Mr. McKenna refuted Ms. Shipman's comment that there is no equal protection issue. He said if this sign is found to lose its nonconforming use because it did not have advertising for 12 months then every sign in the City that has not had

advertising for 12 months has to go down as well. He said if this is not done the County has an equal protection issue. Mr. McKenna explained the additional materials were placed on the structure to update it and to repair wind damage. He said it was concluded by the parties involved that a building permit was not necessary to complete the work.

Commissioner Sferrazza inquired about the response to staff from Sierra Display, Inc. that there would be a building permit obtained to reconstruct the sign. Mr. McKenna affirmed that they received a notice that said the 12 months had expired, the status was nonconforming, and the notice said to not touch the sign. He stated, if the County would have directed that they place something on the sign, they would have complied, but the County did not say that.

Commissioner Galloway said he believes that if no advertising is positioned on a sign, it is not being used for advertising. He stated he would support the denial of the appeal, and he added it is another issue to argue if the County is not enforcing the ordinance in other cases.

Chairman Shaw commented the staff report illustrates that the opportunity was given to remedy the situation, but the appellant did not take action to correct the circumstance.

Commissioner Sferrazza said he agreed with the Chairman, but he did not agree with the position that failure to advertise for one year or more deprives the owner use of the sign. He believes the 90-day notice was properly given, and the appellant failed to comply within the 90-days.

Commissioner Humke commented the fact that the structure is there proves it is an advertising structure. He said he sees ambiguity in how staff informed the landowner, Sierra Display, Inc., and Mr. McKenna.

Commissioner Weber said the Development Code is not clear in this case. She questioned if Mr. McKenna knew the Development Code was available to him because one of his first comments was that there was no regulation or law in regard to this case, and yet, the Development Code is a law.

Commissioner Sferrazza said he would make a motion to deny the appeal on the basis that notice was given that the structure had been abandoned, and the appellant had opportunity to dispute that notice. He noted the sign had to be damaged or abandoned, and he believes there was an admission on the record to support the case. Chairman Shaw seconded the motion.

Ms. Shipman said, if the basis for the motion is that the appellant did not abide by the rules to gain a building permit, then the motion would be that the finding is not a discontinued, nonconforming use. Commissioner Sferrazza withdrew his motion.

Commissioner Galloway made a motion to deny the appeal on the grounds that the use was abandoned for a period of more than 12 months. Chairman Shaw seconded the motion.

Commissioner Sferrazza inquired as to what constitutes abandonment. Ms. Shipman said the Development Code speaks to discontinuance or nonuse as opposed to abandonment. She explained that abandonment does have a specific meaning in the law and it requires intent to abandon. She noted abandonment was deliberately not used in the code language; therefore, the word abandonment is not appropriate. She added what would be suitable would be that the use as a sign was not utilized for 12 months or more.

Commissioner Galloway rephrased his motion to deny the appeal on the grounds that there was a discontinuance of the nonconforming use of the sign, and it was not used as a sign for a period of 12 months or more. Chairman Shaw seconded the motion.

Commissioner Humke inquired if the piece of real property was under lease to the sign company during the time period staff had presented. Mr. McKenna explained it was a 40-year lease, with a 40-year option, for a total of 80 years that the landowner had income that could be generated from the sign. Commissioner Humke said the fact that there was a legal agreement of a lease would show intent to not give up the use of the sign. Ms. Shipman noted the legal agreement was not presented and not part of the record before the BOA or this Board. Mr. McKenna said he was deprived of the opportunity to appear before the BOA because his request for continuance was denied.

In response to Commissioner Sferrazza, Ms. Shipman clarified that the section on continuous use was the section that was being utilized by staff for the determination, and Commissioner Galloway noted it was Section 110.904.20 that deals with nonconforming land use.

Commissioner Weber stated she would not support the motion because the issues were unclear. Commissioner Sferrazza said he would support the motion on the basis of noncompliance of the Development Code, and he noted the changes that were made to the sign to enable it to be used did not exist for a period of over 12 months.

On call for the question, the motion carried on a 3 to 2 vote with Commissioners Galloway, Shaw and Sferrazza voting "yes," and Commissioners Humke and Weber voting "no."

**04-681 APPEAL CASE NO. AX04-007 – MARURI AND BRACKETT -
OLSON PARCEL MAPS**

5:30 p.m This was the time set in a Notice of Public Hearing mailed to affected property owners on June 10, 2004 to consider an appeal of the Parcel Map Review Committee's approval of parcel map case numbers PM-04-003 and PM04-004, to create

seven parcels ranging in size from 5.02 to 7.43 acres. Five of the parcels will be zoned Medium Density Rural (MDR) and Open Space (OS). The property is located approximately 1/4 of a mile southeast of the intersection of Fawn Lane and the Mount Rose Highway. The property is designated Medium Density Rural (MDR) and Open Space (OS) within the Forest Area Plan. The parcel is located within Section 36, T18N, R19E, MDM, Washoe County, Nevada.

Roger Pelham, Planner, reviewed the agenda memorandum dated June 2, 2004 providing background on the appeal to overturn the Washoe County Parcel Map Review Committee's decision based on the location of the access to the applicant's seven-lot development. He displayed maps of the subject on the overhead screen, which were placed on file with the Clerk. Mr. Pelham stated the project accesses proposed by Mr. Olson are within legal, public access easements, and staff recommends that the Board uphold the decision of the Parcel Map Review Committee by denying Appeal Case No. AX04-007.

Mr. Pelham explained it was clear to the Parcel Map Review Committee that access and utility easements exist on the subject parcel and have been perpetuated on subsequent divisions of land. The easements are not noted to be private on those maps and are public access easements according to Nevada law. He acknowledged that certain structures and improvements have been made within and directly adjacent to those easements over the years, and it would be the hope of staff that the applicant would attempt to minimize the impact on those improvements at the final design stage.

Commissioner Sferrazza inquired if it was true that Mr. Olson has several alternate routes accessible to him, all of which have minimal housing and landscape. Mr. Pelham said most of the parcels have access easements on the edges, as most of them were created by government patent. He confirmed the access easements were removed from one parcel that is owned by the U. S. Forest Service (USFS).

Jeff Cruz, Engineer, said he spoke with the USFS and confirmed there is access, but at this time it is not documented for Mr. Olson; and it is not suitable for residential development. He described the USFS easements and the impact of these in the area.

Chairman Shaw opened the public hearing by calling on anyone wishing to speak regarding the appeal.

Geri Maruri, appellant, said she and her husband have lived in the area for 30 years and they have worked hard to build seven homes on nine acres. She confirmed they have made improvements on the easement in question. She described the area that would be impacted by the approval of the parcel maps and the costs. Ms. Maruri acknowledged that Mr. Olson has alternate ways of accessing his property, which would prevent a safety and traffic hazard and the destruction of costly improvements and established trees. She said she believes the additional residential users would overburden the proposed easement. She added that to have anyone destroy the costly improvements

would be unfair and unjust. She confirmed she and her husband are appealing the access Mr. Olson is proposing to utilize, not the creation of the seven parcels.

In response to Commissioner Sferrazza, Ms. Maruri established that there are easements on both sides of their property; and she pointed out the easements that would have the least destructive impact if utilized.

Commissioner Galloway inquired if the Maruris could have offered to trade with Mr. Olson, so he would not have to go next to their house. Antonio Maruri, appellant, said they offered the easement to the north. Ms. Maruri discussed the easements further and questioned how an easement could be revoked when there are papers confirming that the grants do not expire until 2008.

Francine Maruri, area resident, said she agreed with what had been spoken and she was against the approval of the parcel maps.

Dorothy Brackett, appellant, explained she has documents relating to the grants of the easements that do not expire until 2008. She said she has the deed to her property that states the 33-foot easement ends at her parcel. She acknowledged there is a barn on the easement that was approved by the County in 1974.

In response to Commissioner Galloway, Mr. Pelham said there is an easement that is 33-feet on either side, and it is currently being utilized as a driveway mainly for the Maruri property. He clarified that is the one easement being proposed for access to the seven-lot subdivision. Discussion followed regarding the various easements and options for access.

Commissioner Galloway and Madelyn Shipman, Legal Counsel, discussed the definition of public roads, and Commissioner Galloway stated that building on a public road or not using the public road does not invalidate it as a public road.

Jeff Church, area property owner, said there are five different access avenues to the property and he described them. He acknowledged that he respects Mr. Olson's right to develop the property, although when the easements were granted, the property was identified as being one home site. Mr. Church said there is a possibility that an easement could be given up, but the problem is that the residents have never been allowed to present what they believed to be the best access. He inquired if the Board could direct Mr. Olson to look into the Mt. Rose access, lay the project aside, and return to the Board at a later date.

George Georgeson, CSA, Inc. Engineer, used the map to identify the portions of properties in question. He discussed the USFS road and said that no conclusion has been reached as to whether the USFS would allow use of the road. He pointed out on the map options they have been analyzing to take into consideration rules, laws, regulations, economics, and minimal disturbance to the area. Mr. Georgeson stated

that he had a meeting with the Maruris at their request and without any public people in attendance, and it was not a respectful meeting.

Questions arose as to whether the appellants, neighbors, and County staff were clear on the proposed primary access. Mr. Georgeson said Mr. Maruri was informed that they would work with him to use his area as only a secondary, emergency access.

Paul Olson, applicant, said an application was submitted for a special use permit for roadway grading that does show the plan that Mr. Georgeson had explained to the Commissioners. Mr. Pelham confirmed that a special use permit for grading and improvements was submitted on June 15, 2004.

Mr. Cruz stated the Parcel Map Review Committee was approving that the parcel had documented access and Mr. Olson was able to use it for his purposes. He said the task of the Committee was not to examine or approve easements.

Commissioner Weber requested that Mr. Georgeson point out to the appellants and neighbors the area on the map he had identified as the locale Mr. Olson desired to use for access. Mr. Georgeson complied and the residents viewed the maps and the proposed plan. Discussion ensued between the residents and Mr. Georgeson regarding the options and plans. Chairman Shaw encouraged a meeting to attempt to resolve the situation for all parties involved.

Commissioner Galloway said a more specific parcel map is needed to show the primary and secondary entrances. He asked if this could be sent back to the Committee to be reworked. Ms. Shipman said that has never been done, and there is no provision in the Code to do it.

Commissioner Humke stated he would be willing to meet with all of the parties to attempt to resolve the situation. He requested staff be involved to provide maps and technical information.

Stephanie Sharp, attorney for Mr. Olson, stated they would be willing to negotiate on the final public and emergency access issue, but what is before the Board is the appeal. She declared there is no legal basis for granting the appeal.

Chairman Shaw inquired if Ms. Sharp and Mr. Olson would be willing to meet with Commissioner Humke as proposed to discuss the easements. She confirmed they would be willing to have a meeting.

Commissioner Sferrazza said with every tentative map the Board has the right to approve the streets and accesses, and he asked how this case was different. He confirmed he would reject the map because the Board could not give their input. He would like to see a map displaying the primary access described by Mr. Georgeson.

Commissioner Humke acknowledged that, in order for the Board to resolve the dispute, it needs to have the information on the street plan that was filed on June 15, 2004. He declared the Board has the right to continue the item to obtain the complete information from staff.

Commissioner Weber stated she would like to ask for continuance of this item to allow time for a meeting with all parties to work to resolve the issues.

Ms. Sharp requested, if the item was continued, that it be dealt with in an expedited manner and be heard early at the July 13, 2004 meeting. She further requested the meeting with Commissioner Humke be held well before the meeting, and Commissioner Humke agreed.

Commissioner Galloway said it would have been possible to deny the tentative map completely if the impacts of the primary and secondary accesses were too excessive on the surrounding properties.

Ms. Brackett stated that Mr. Georgeson and Mr. Olson had never come to talk to her about the situation, and Mr. Georgeson clarified that he had not tried to talk to Ms. Brackett.

Mr. Olson commented that there are no improvements that are being proposed on the map that are not within a documented easement.

Commissioner Humke disclosed that he previously spoke with Ms. Brackett and members of the Maruri family, and he has known Mr. Georgeson for 15 years.

On motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that Appeal Case No. AX04-007 be continued to the July 13, 2004 meeting at a time certain of 2:30 p.m.

* * * * *

There being no further business to come before the Board, the meeting adjourned at 11:30 p.m.

JAMES M. SHAW, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Jan Frazzetta, Deputy County Clerk
Lori Rowe, Deputy County Clerk*