

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

OCTOBER 26, 2004

PRESENT:

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

Amy Harvey, County Clerk
Katy Singlaub, County Manager
Melanie Foster, Legal Counsel

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:

04-1092 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the agenda for the October 26, 2004 meeting be approved.

04-1093 PUBLIC COMMENTS

Al Hesson, Reno resident, stated the upcoming election should be based on the record of George W. Bush and not the record of John Kerry.

Sam Dehne, area resident, said the voting system should be given over to the casinos, so the public could bet and vote at the same time.

Gary Schmidt, Washoe County resident, invited the Commissioners to the Board of Equalization (BOE) meeting on November 4, 2004. He commented on a letter he sent to Steven Sparks, BOE Chairman, which was placed on file with the Clerk.

04-1094 MANAGER'S/COMMISSIONERS' COMMENTS

Commissioner Humke commented on the town hall meeting held at the Community Center in Gerlach on Saturday, October 23, 2004. He read an article, which was placed on file with the Clerk, in honor of area resident, Richard Sorenson, who recently passed away. Commissioner Humke noted Mr. Sorenson was a Medal of Honor recipient for action he took during World War II.

Commissioner Galloway remarked at the last Joint Meeting with the Cities of Reno and Sparks it was decided a public forum would be scheduled to obtain public input on the property tax limitation proposals.

Commissioner Weber thanked staff for the maps and statistics received concerning open space and public lands.

Commissioner Sferrazza stated he had received a water quality report showing e-coli and other contaminates in the river near Lockwood, and he asked staff to share the report with the District Health Department.

Chairman Shaw noted his attendance at a presentation relating to the restoration of the Washoe County Courthouse.

**04-1095 PROCLAMATION – NATIONAL FAMILY CAREGIVER MONTH
SENIOR SERVICES**

Upon recommendation of Marietta Bobba, Senior Services Director, through John Berkich, Assistant County Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, it was ordered that the following Proclamation be approved and Chairman Shaw be authorized to execute the same:

PROCLAMATION

WHEREAS, Family caregivers provide more than 80% of all homecare services, and

WHEREAS, Collectively it is believed that these individuals contribute some \$257 billion annually to the nation's health care system by providing services and products significantly reducing the cost to Medicare, Medicaid, and private payers, and

WHEREAS, Caregivers are making a huge contribution in both time and resources, and

WHEREAS, Two-thirds of all caregivers are employed, both full-time or part-time, and

WHEREAS, Caregivers provide quality loving care despite substantial stresses and burdens as a consequence of caregiving duties, and

WHEREAS, Those who provide any for of care for another person seldom identify themselves as a caregiver, and

WHEREAS, There is always a need for information about available community services for caregivers and for those who need care; now, therefore be it

PROCLAIMED, By the Washoe County Board of Commissioners that November 2004, is "National Family Caregiver Month" and the Board encourages all citizens in the Truckee Meadows community to participate.

Chad Cornwall, Senior Services, thanked the Commissioners for the recognition of caregivers in the community.

04-1096 PROCLAMATION – WORLD TOWN PLANNING DAY

Upon recommendation of Mike Harper, Planning Manager, through Adrian Freund, Community Development Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, it was ordered that the following Proclamation be approved and Chairman Shaw be authorized to execute the same:

**PROCLAMATION BY THE WASHOE COUNTY, NEVADA
BOARD OF COUNTY COMMISSIONERS DECLARING
NOVEMBER 8, 2004 AS WORLD TOWN PLANNING DAY IN
WASHOE COUNTY**

WHEREAS; November 8th, 2004 is the 55th Anniversary of WORLD TOWN PLANNING DAY, and

WHEREAS; November 8th of each year has been celebrated as World Town Planning Day in many countries since its inception in 1949, and

WHEREAS; The American Institute of Certified Planners (AICP), acting for the over 14,000 members of the planning profession in America, a component of the 33,000-member American Planning Association, endorses World Town Planning Day as an opportunity to highlight the contributions sound planning makes to the quality of our settlements and environment and to celebrate American accomplishments in making collective decisions concerning our cities, counties and regions that bring quality and meaning to our lives, and

WHEREAS; World Town Planning Day is considered as a day to recognize planning programs and involved persons at all levels in which planning is performed: municipal, county, regional and state, and

WHEREAS; the celebration of World Town Planning Day gives the Washoe County Board of County Commissioners the opportunity to publicly recognize the participation and dedication of the members of the planning commission, board of adjustment and other citizen planners who have contributed their time and expertise to the improvement of the County, and

WHEREAS; the Board of County Commissioners recognizes the many valuable contributions made by the professional planning staff of Washoe County and further recognizes its continued commitment to public service,

NOW, THEREFORE, BE IT PROCLAIMED THAT; November 8, 2004, is hereby designated as:

WORLD TOWN PLANNING DAY

in the County of Washoe in conjunction with the worldwide celebration of WORLD TOWN PLANNING DAY.

Mr. Harper commented that good planning emanates from good leadership, and he recognized the support of the Board and management.

Gary Schmidt, Washoe County resident, acknowledged the planning work of the private sector.

04-1097 AUTHORIZE EXPENDITURE - NATIONAL AND SPRING ADOPTION DAYS – SOCIAL SERVICES

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that Social Services be authorized to expend a total of \$10,000 in fiscal year 2004/05 for the National Adoption Day in November 2004 and the Spring Adoption Day in May 2005. It was noted these funds would cover the costs of sponsoring adoption day activities including entertainment, decorations, a reception for adoptive families, public awareness, photographs, and video recording of adoption hearings.

04-1098 ACCEPTANCE OF GRANT – NEVADA JUVENILE JUSTICE COMMISSION – SHERIFF

Commissioner Humke disclosed he serves on the Nevada Juvenile Justice Commission and he approves grants. He explained this was a reoccurring grant focused on underage drinking.

Upon recommendation of Marshall Emerson, Captain, through Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the grant in the amount of \$17,000 from the Nevada Juvenile Justice Commission, to cover overtime costs incurred for enforcement of underage drinking laws (EUDL), be accepted and the Finance Department be directed to make the following budget adjustments:

Increase Revenues	Amount
10118-431100 (EUDL-Federal Grants)	\$17,000
Increase Expenditures	Amount
10118-701300 (EUDL-Overtime)	\$17,000

04-1099 AWARD OF BID – TRUCK MOUNT HOOK LIFT SYSTEMS - BID NO. 2455-04 – PUBLIC WORKS

This was the time to consider award of bid for new Truck Mount Hook Lift Systems for the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on September 17, 2004. Proof was made that due and legal Notice had been given.

A bid was received from Terex Utilities West.

Upon recommendation of Michael Sullens, Senior Buyer, through John Balentine, Purchasing and Contracts Administrator, and Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that Bid No. 2455-04 for new Truck Mount Hook Lift Systems for the Public Works Department be awarded to Terex Utilities West, in the amount of \$48,484.

04-1100 AMENDMENTS – SOLID WASTE AND RECYCLING PROGRAM BUDGET – HEALTH

Upon recommendation of Patsy Buxton, Health Analyst, through Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Galloway, seconded by Commissioner Humke, Chairman Shaw ordered that amendments totaling \$30,000 in both revenue and expenses to the adopted fiscal year 2004/05 District Health Department's Solid Waste and Recycling Program budget, in support of Other Professional Services funded by an Interlocal Contract from the State of Nevada, the Department of Conservation and Natural Resources, be approved and the Finance Department be directed to make the following budget adjustments:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE
2002-10435-432100	State Revenue	\$30,000
2002-10435-710100	Professional Services	\$30,000
	Total Expenses	\$30,000

04-1101 **AMENDMENT – INTERLOCAL AGREEMENT – STATE
WELFARE DIVISION - MASTERS SYSTEM – COURTS**

Upon recommendation of Darin Conforti, Assistant Court Administrator, through Ron Longtin, Court Administration, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the Amendment to the Interlocal Agreement for Masters System between Washoe County (Second Judicial District Family Court) and the State of Nevada, Welfare Division, Department of Human Resources, be ratified. It was noted that the amendment specifies the not to exceed budget authority of the contract.

04-1102 **AMENDMENT – INTERLOCAL AGREEMENT – STATE
WELFARE DIVISION - ACCESS AND VISITATION PROGRAM –
COURTS**

Upon recommendation of Phil Bushard, Family Mediation Program, through Ron Longtin, Court Administrator, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the Amendment to the Interlocal Agreement for the Access and Visitation Program between Washoe County (Second Judicial District Family Court) and the State of Nevada, Welfare Division, Department of Human Resources, be ratified. It was noted the Amendment conforms the contract in form to a recent change adopted by the State Board of Examiners.

04-1103 **INTERLOCAL AGREEMENT – CITY OF RENO – FUTURE
TRUCKEE RIVER RESTORATION ACTIVITIES - WATER
RESOURCES**

Upon recommendation of Jeanne Ruefer, Water Resources Planning Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Interlocal Agreement between Washoe County and the City of Reno, to stockpile rock at the former Lockwood Trailer Park site for future restoration activities on the lower Truckee River, be approved and Chairman Shaw be authorized to execute the same.

04-1104 **CHANGE ORDER NO. 2 – MT. ROSE TANK 4 PROJECT –
WATER RESOURCES**

Upon recommendation of Thomas Kelly, Senior Engineer, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that Change Order No. 2, concerning additional work at the Mt. Rose Tank 4 Project in the amount of \$19,447, be approved and the Water Resources Director be authorized to execute the same.

**04-1105 CORRECTION OF FACTUAL AND CLERICAL ERRORS –
ASSESSOR**

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

PROPERTY OWNER	ID NO.	AMOUNT	ROLL
Motel 6 #740	2/065-014	[-\$571.24]	2003 Unsecured
High Mountain Bookkeeping	2/102-409	[-\$43.26]	2003 Unsecured
Ian F. Burns & Associations	2/103-109	[-\$137.36]	2003 Unsecured
LWC Inc.	2/114-416	[-\$452.96]	2003 Unsecured
American Structural Composites	2/117-444	[-\$5,335.43]	2003 Unsecured
America West Drilling Supply Inc.	2/235-058	[-\$1,155.22]	2003 Unsecured
Spectrasite Communications Inc.	2/470-261	[-\$342.48]	2001 Unsecured

**04-1106 NEVADA HUMANE SOCIETY'S FUNDRAISER EVENT –
COMMUNITY RELATIONS/PUBLIC WORKS**

In response to Sam Dehne, local resident, County Manager Katy Singlaub explained the event benefits a County project and County employees were to be honored at the event. She noted the television advertisements were privately produced and sponsored by the Nevada Humane Society.

Commissioner Sferrazza said there was different treatment of different groups, and he repeated his previous request for a discussion on the funding of outside groups. Ms. Singlaub confirmed there would be a workshop on November 8, 2004 to discuss the County's donation policy with the Board.

Commissioner Galloway said the law states when the County gives to a public service organization, the County has to find a benefit for the citizens of Washoe County. He asked staff to prepare ideas for establishing a standardized benefit process to create a fair system.

Upon recommendation of Kathy Carter, Community Relations Director, and Tom Gadd, Public Works Director, through Ms. Singlaub, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the purchase of two tables at the Nevada Humane Society's Fundraiser Event on November 5, 2004 in the amount of \$1,400 be approved.

04-1107 ACCEPTANCE OF GRANT – DNA EQUIPMENT – SHERIFF

Upon recommendation of Will McHardy, Captain, through Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner

Humke, which motion duly carried, Chairman Shaw ordered that the DNA Automation Grant, in the amount of \$247,357 with an in-kind match of \$82,818, be approved. It was further ordered that the sole source justification purchases of equipment necessary to upgrade the DNA equipment be approved, and the Budget Division be directed to make the following budget adjustments:

Account No.	Grant Award	Increase Revenues /Amt.
10447-431100	NIJ Congress Directed Award - Federal grants	\$247,357
		Increase Expenditures
10447-710300	NIJ Congress Directed Award - Operating Supplies	\$ 1,073
10447-710500	NIJ Congress Directed Award - Other Expenses	\$ 28,022
10447-781004	NIJ Congress Directed Award - Equip>\$10,000	\$218,262

04-1108 RESOLUTION – ROUND VI SUBMITTALS – SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT – PARKS

Upon recommendation of Karen Mullen, Parks and Recreation Director, through Michelle Pochè, Assistant County Manager, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the following Resolution for Round VI submittals, supporting the protection of environmentally sensitive lands and access to Federal Lands through the Southern Nevada Public Land Management Act program administered by the Bureau of Land Management, be adopted and Chairman Shaw be authorized to execute the same:

**RESOLUTION OF SUPPORT
SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT - ROUND VI**

WHEREAS, The Southern Nevada Public Land Management Act of 1998 provides, from proceeds derived from the orderly disposal of certain Federal lands in Clark County, Nevada, acquisition opportunities for environmentally sensitive lands throughout the State of Nevada; and

WHEREAS, The 3.54-acre TAHOE SHORELINE property in Washoe County is considered important for its 1200 linear feet of Tahoe lake frontage, scenic views, wildlife habitat, Tahoe bike path alignment and adjacency to US Forest Service land; and

WHEREAS, The 777.79-acre INCLINE LAKES property in Washoe County is considered unique for its watershed, wetlands, lake, stream corridors, wildlife habitat, access to the Tahoe Rim Trail, recreational values, scenic values, and access to the surrounding U. S. Forest Service lands; and

WHEREAS, The 40-acre WEST TRUCKEE RIVER CANYON/SPPC property in Washoe County is considered important for protection of water quality and the habitat associated with forested uplands adjacent to the Truckee River, its mule deer winter range and as a scenic backdrop to the I-80 corridor; and

WHEREAS, The 69.14-acres CASEY/WINTERS RANCH property in Washoe County are considered important as the last of this larger land purchase and for its mule deer wintering habitat, public access to adjacent U.S. Forest Service lands, as a key trail connection point between Davis Creek and Bowers Mansion Regional Parks and as part of the scenic viewshed of Bowers Mansion historic site; and

WHEREAS, The 113.46-acre EAST TRUCKEE RIVER/EAST TRUCKEE CANYON PROPERTIES LLC property is considered unique for adjacency to Truckee River and for its protection of the Lower Truckee River riparian habitat including the protection and restoration of the Lahontan Cuthroat Trout and Cui-ui fisheries and is significant for its recreational trail and river access values; and

WHEREAS, The 44.37-acre EAST TRUCKEE RIVER/NATURE CONSERVANCY property in Washoe County contains .8 miles of Truckee River frontage on the Lower Truckee River and is adjacent to Bureau of Land Management property upstream of Derby Dan and is significant for the protection of the Lower Truckee River riparian habitat including the protection and restoration of Lahontan Cuthroat Trout and Cui-ui fisheries and Northern Leopard Frog habitat; is suitable land for river, wetland, and riparian restoration and; is significant for its open space, river access, and recreational value; and

WHEREAS, The 12-acre STEAMBOAT HILLS property in Washoe County is considered important because it is habitat for the endangered Steamboat Buckwheat and is adjacent to the Steamboat Terrace area managed by Washoe County; and

WHEREAS, The 320-acre HOG GULCH property in Northern Washoe County is considered unique because of its ten springs and seeps providing water resources and lush habitat for wildlife, including pronghorn, big-horn sheep, sage grouse, and passerine birds, and its acquisition would enhance public access to the Hays Range; and

WHEREAS, There is broad public support for the protection of the above properties within Washoe County and the Washoe County Board of County Commissioners remains committed to the implementation of the Washoe County Regional Open Space Plan adopted by Washoe County, the City of Reno, and the City of Sparks in 1994;

NOW, THEREFORE, be it resolved That the Washoe County Board of County Commissioners supports the protection of these environmentally sensitive lands

through the Southern Nevada Public Land Management Act program administered by the Bureau of Land Management.

04-1109 RESOLUTION – TRAFFIC SAFETY – U.S. HIGHWAY 395

Commissioners Humke and Sferrazza commended David Jones and other citizens of the Andrew Lane/Pleasant Valley area for their work concerning traffic safety on U.S. Highway 395. Commissioner Humke noted the Sheriff's Office and other entities offered facilities to step-up enforcement to increase traffic safety in the area.

Upon recommendation of Tom Gadd, Public Works Director, through Michelle Pochè, Assistant County Manager, it was ordered that the following Resolution be adopted and Chairman Shaw be authorized to execute the same:

RESOLUTION

WHEREAS, traffic safety is a primary concern of the Board of County Commissioners; and

WHEREAS, U.S. Highway 395 is the only access into and out of the residential areas of Pleasant Valley, Steamboat and Washoe City; and

WHEREAS, large volumes of traffic have made ingress and egress hazardous and has created long delays; and

WHEREAS, traffic safety can be improved with enforcement, traffic engineering design, education and emergency response strategies; and

WHEREAS, Washoe County residents of Pleasant Valley, Steamboat and Washoe City have contacted the Nevada Department of Transportation and requested they take action to improve traffic safety on U.S. Highway 395; and

WHEREAS, the Nevada Department of Transportation has employed a facilitator and has held a focus group meeting with representatives from concerned government agencies and conducted a workshop with the affected citizens; and

WHEREAS, I-580 from Mt. Rose Highway to the Bowers Mansion exit will open in 2008 thus providing an alternate route to U.S. Highway 395, which will change the character and function of U.S. Highway 395, and be an opportunity to revise the function and modify U.S. Highway 395 to incorporate safety features; and

NOW, THEREFORE BE IT RESOLVED the Washoe County Board of County Commissioners adopt and execute a resolution commending the work done by NDOT and the residential groups to evaluate traffic safety concerns on U.S. Highway 395 between Bowers Mansion and Mt. Rose Highway and to support further efforts to improve traffic safety.

04-1110 AWARD CONTRACT – DETENTION FACILITY EXPANSION – PUBLIC WORKS

Commissioner Humke disclosed he met with Dan Carne and a representative from Ganthner Melby LLC months ago. He noted Commissioner Galloway served on the selection committee to review the architecture proposals.

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, it was ordered that the design contract for the "Detention Facility Expansion," in the amount of \$1,465,500, be awarded to Ganthner Melby LLC, and Chairman Shaw be authorized to execute the contract upon presentation.

04-1111 SOLE SOURCE DESIGNATION – CARSON PUMP – WATER RESOURCES

Upon recommendation of John Collins, Utility Services Division Manger, and Jess Coffman, Utility Operations Chief, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the sole source designation of Carson Pump for emergency services for fiscal year 2004/05 in amounts greater than \$25, 000 be approved.

04-1112 SOLE SOURCE DESIGNATION – SIERRA CONTROL SYSTEMS – WATER RESOURCES

Upon recommendation of John Collins, Utility Services Division Manger, and Jess Coffman, Utility Operations Chief, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the continued sole source designation of Sierra Control Systems for preventative maintenance, repair and replacement, emergency electrical service and purchase of Supervisory Control and Data Acquisition (SCADA) systems be approved.

2:45 p.m. Commissioner Sferrazza temporarily left the meeting.

04-1113 RESOLUTION – RALPH SHEARER – DONATIONS TO MAY ARBORETUM – PARKS

Lynda Nelson, Horticulturist, received the Resolution from Chairman Shaw, thanked Ralph Shearer for his generous support, and explained the history of his generosity toward the May Arboretum.

Upon recommendation of Ms. Nelson, through Karen Mullen, Parks and Recreation Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza temporarily absent, it

was ordered that the following Resolution be adopted and Chairman Shaw be authorized to execute the same:

RESOLUTION OF APPRECIATION

RALPH SHEARER

WHEREAS, Ralph Shearer has donated over \$41,000 to the May Arboretum and Botanical Garden; and

WHEREAS, Ralph's donations to the maintenance of the Arboretum's Rock and Rose Gardens has made it possible to install new irrigation, mulch and borders; and

WHEREAS, Ralph's individual donations far exceed those by any other individual donor in support of maintenance in the Arboretum; and

WHEREAS, Ralph's generosity is based in love and memory of his wife Marie Jeannette Thomas Shearer; and

WHEREAS, Ralph sets a model for individual support in the community, now therefore, be it

RESOLVED, That the Washoe County Board of Commissioners expresses their appreciation and respect for the example Ralph Shearer has shown in support of the May Arboretum and Botanical Garden.

2:55 p.m. Commissioner Sferrazza returned during the following item.

04-1114 APPEARANCE – NEVADA ROCK ART FOUNDATION – PARKS

Tom Stevens, Board member of Nevada Rock Art Foundation, and Alanna Woody, Head of Anthropology Collections of the Nevada State Museum, offered a PowerPoint presentation, which was placed on file with the Clerk, concerning the Court of Antiquity Rock Art project by the Nevada Rock Art Foundation. Mr. Stevens explained the Foundation desires to obtain the support of the Board to include the multi-use sight in the Washoe County Parks system once it has been developed with private funds and government grants.

Discussion ensued where it was noted that the Cities of Reno and Sparks, the Reno-Sparks Convention and Visitors Authority, and the Tribes expressed support for the project.

Commissioner Galloway inquired if ranger presence would be necessary to protect the area, and Ms. Woody stated unsupervised visitation was the cause of most problems at archeological sites.

Karen Mullen, Parks and Recreation Director, said an amendment to the Master Plan was needed, and the support of the Board was necessary to move forward to add this to the District 2C Master Plan.

Chairman Shaw asked if the East Truckee River Canyon Citizen Advisory Board (CAB) had been notified about the project, and Ms. Mullen said the project would be presented to the CAB.

Upon recommendation of Jennifer Budge, Park Planner, through Ms. Mullen, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the Court of Antiquity project be supported and staff be directed to proceed to include it in the East Truckee Canyon District 2C Master Plan update.

It was noted a tour of the site for the Board and CAB representatives was requested.

04-1115 APPEARANCE – ANNE CORY – UNITED WAY – FEASIBILITY STUDY

Anne Cory, President of the United Way representing the Reno Area Alliance for the Homeless, reviewed the agenda memorandum dated October 11, 2004, and the Master Plan for the Reno Community Assistance Center. She noted a change to the Master Plan that included the addition of a Triage Center, and she explained the purpose of the facility. Ms. Cory outlined the need in the community for the Women and Family Shelter and the Community Resource Center. She said, in order to succeed at raising funds to build the facility, a capital campaign feasibility study must be conducted; and she detailed what the study would identify. County Manager Katy Singlaub clarified if the Board desires to support the project, the Board would ask staff to come back with a specific funding request for future Board action.

Commissioner Sferrazza asked for the request to go through the process to be adopted at the workshop on November 8, 2004 concerning grants and funding.

Chairman Shaw inquired if this project was presented to the Human Services Consortium, and Ms. Cory said the Consortium was not approached for capital funds for the proposal.

In response to Commissioner Galloway, Ms. Cory explained the City of Reno was funding the development of the men's shelter, the Reno-Sparks Gospel Mission building, and the St. Vincent's dining room.

Commissioner Humke said he would like to see the contributions of the Cities of Reno and Sparks and other area agencies.

Sam Dehne, local resident, voiced his support for the feasibility study, and he noted the \$17,000 was justified.

Upon recommendation of Gabrielle Enfield, Grants Administrator, through Ms. Singlaub, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the development of a Feasibility Study for the Reno Women and Family Shelter and Community Center be supported in concept, staff be directed to return to the Board with a specific proposal, and the project go through the evaluation to be adopted concerning grants and funds at the November 8, 2004 workshop.

3:25 p.m. The Board recessed.

3:45 p.m. The Board reconvened with Commissioner Sferrazza temporarily absent.

04-1116 **FIRST READING – BILL NO. 1432 – AMENDING WCC**
CHAPTER 80 – ELIMINATING POSITION – PUBLIC WORKS

Bill No. 1432, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ELIMINATING THE POSITION OF DEPUTY DIRECTOR OF PUBLIC WORKS," was introduced by Commissioner Weber, the title read to the Board and legal notice for final action of adoption directed.

04-1117 **TRANSPORTATION EQUITY ACT ENHANCEMENT FUNDS –**
COMMUNITY DEVELOPMENT

Mike Harper, Planning Manager, outlined the agenda memorandum dated September 29, 2004 giving background on the review and prioritization of Washoe County applications for Transportation Equity Act (TEA) enhancement funds. He noted there were two lists for approval, and the lists were developed by Tom Gadd, Public Works Director, Karen Mullen, Parks and Recreation Director, and Clara Lawson, Engineering Division.

In response to Commissioner Galloway, Mr. Harper explained the plans for a task force, separate from the Incline Village Citizen Advisory Board, were in process to redevelop or revise the pedestrian path project.

Upon recommendation of Mr. Harper, through Adrian Freund, Community Development Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Shaw ordered that the Regional Transportation Commission list and the Tahoe list be approved and submitted to the Nevada Department of Transportation for TEA enhancement funds.

**04-1118 RESOLUTION – POWER OF EMINENT DOMAIN – RUNNING
BEAR DRIVE – PUBLIC WORKS**

County Manager Katy Singlaub stated Special Assessment District 31 (SAD) had been formed by the neighbors in the area to improve the roadway, but the SAD 31 project cannot be completed without the acquisition of approximately 25 feet of roadway on Running Bear Drive.

Tom Gadd, Public Works Director, outlined the agenda memorandum dated October 26, 2004 concerning the process used to approve the disbursement of Alturas Mitigation funds for construction of Spearhead/Running Bear SAD 31.

Commissioner Weber voiced she was uncomfortable moving forward without hearing from residents in Golden Valley regarding the use of the Alturas Mitigation funds for these purposes. Ms. Singlaub said the task force that was appointed to make the recommendations supported this project; it was brought forward to the County Commission; and the County Commission took action to adopt that as a project.

Mr. Gadd stated the project description sheet that was prepared in September of 2000 was brought forward by the Golden Valley/Panther Valley Citizen Advisory Board (CAB) members, and there are records from the County Commission that the CAB endorsed and approved the project. He said the County Commission agreed to utilize the funds toward this particular project, and it was the Board who decided where the funds would be dedicated.

Ed Griffith, Golden Valley resident, said he was on the committee in 2000 that was managing the distribution of the \$500,000. The funds were to be split between Golden Valley and Panther Valley. He stated the Panther Valley representatives wanted their \$250,000 immediately, and he did not know how their funds were used. Mr. Griffith said Golden Valley worked together to determine how the community wanted to utilize the \$250,000. It was brought before the Homeowner's Association, the community was asked to offer suggestions, and it was agreed that part of the funds should be spent on this project. He noted the Homeowner's Association and the committee agreed and supported this project.

Upon recommendation of David Price, County Engineer, through Mr. Gadd, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza temporarily absent, it was ordered that the following Resolution be adopted and Chairman Shaw be authorized to execute the same:

RESOLUTION NO. 04-1118

**A RESOLUTION DECLARING THE PUBLIC INTEREST
AND NECESSITY IN THE AUTHORIZATION OF A
LAWSUIT TO EXERCISE THE POWER OF EMINENT**

DOMAIN TO ACQUIRE TITLE TO APPROXIMATELY 4,135 SQUARE FEET OF LAND WHICH IS A PORTION OF APN 552-040-20 LOCATED AT 3405 RUNNING BEAR DRIVE AND OWNED BY WILLIAM A. McCARTNEY, AND VICKIE L. McCARTNEY, HUSBAND AND WIFE, AND HAZEL M. CREEL FOR THE CONSTRUCTION OF RUNNING BEAR DRIVE AND TO AUTHORIZE A STIPULATION TO ENTRY ON TO THE LAND, AND TO AUTHORIZE ALL OTHER ACTIONS NECESSARY TO ACCOMPLISH THE ACQUISITION.

WHEREAS, Washoe County is authorized pursuant to Chapter 37, Nevada Revised Statutes, to exercise the power of eminent domain over property within Washoe County; and

WHEREAS, property owners in the area of Spearhead Way and Running Bear Drive petitioned Washoe County to form a Special Assessment District ("SAD") pursuant to Chapter 271 of NRS to improve existing dirt roadways, namely Spearhead Way and Running Bear Drive located in Golden Valley, Washoe County, with asphalt paving meeting Washoe County standards (the "Project"); and

WHEREAS, Washoe County provisionally ordered the acquisition of SAD No. 31 Spearhead Way and Running Bear Drive Road Improvements on January 22, 2002 through Resolution No. 02-79; and

WHEREAS, after hearing public testimony on March 12, 2002, the Board of County Commissioners approved Resolution 02-279 disposing of protests and authorized the preparation of final construction drawings; and

WHEREAS, the Washoe County Board of Commissioners approved Ordinance No. 1158 on March 26, 2002, creating SAD 31 which is located wholly outside the boundaries of any incorporated city; and

WHEREAS, twenty-two (22) parcels front the project roadways (Spearhead Way and Running Bear Drive) with each parcel encumbered with an existing ingress and egress easement; and

WHEREAS, the right-of-way required to be obtained by Washoe County to construct the Project encompasses the existing ingress and egress easement area; and

WHEREAS, Washoe County has acquired the right-of-way from owners of twenty one (21) of the twenty two (22) parcels fronting the Project; and

WHEREAS, acquisition of fee simple title to a certain parcel of real property not presently owned or controlled by the County is needed for the Project; and

WHEREAS, William A. McCartney, Vickie L. McCartney and Hazel M. Creel are the owners of a parcel of land in Washoe County which is hereinafter referred to as the Owners' Parcel and is known as 3405 Running Bear Drive and APN 552-040-20, is approximately 54,349 square feet in size and is more particularly described as follows:

All that certain tract, piece or parcel of land situate, lying and being in Section 11, T.20N., R.19E., M.D.B. & M., being more particularly described as the West 1/2 of the Southwest 1/4, of the Southwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 11, T.20N., R.19E., M.D.B. & M., as described in Document No. 1848028 recorded in the Office of the Washoe County Recorder, Reno, Nevada, on November 8, 1994.

ASSESSOR'S PARCEL NO. 552-040-20.

WHEREAS, negotiations with the current owners of the Owners' Parcel for the acquisition through purchase of the portion of the Owners' Parcel necessary for the Project (the "Necessary Parcel") have not succeeded;

WHEREAS, an appraisal of the Necessary Parcel was made by Johnson-Perkins & Associates, Inc., Real Estate Appraisers & Consultants, on June 24, 2003, which determined that the just compensation for the acquisition of the Necessary Parcel, as defined below, is Four Hundred Fifty Five Dollars (\$455.00),

NOW, THEREFORE BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE COUNTY, IN THE STATE OF NEVADA ("the Board"):

1. The majority of property owners within the boundary of SAD 31 being in support of the Project, the approval of the Project by the Board of County Commissioners, the professional opinions of county officials and experts hired by the county, and the information and testimony presented to the Board of County Commissioners at the public hearing held on the day of the adoption of this resolution demonstrate that the public interest and necessity require the acquisition of a fee simple absolute interest in the Necessary Parcel for public use for the purpose of constructing, operating and maintaining certain portions of the Project;
2. The parcel shown on the shaded portion of Exhibit 1 and described by the legal description attached as Exhibit A (to the original resolution) is the Necessary Parcel, and is presently a portion of the Owners' Parcel. The Board of County Commissioners finds it necessary that the county acquire fee simple title to the Necessary Parcel.
3. The Project is to be located and is planned in a manner which is most compatible with the greatest public good and the least private injury and not harmful to historic landmarks or features.

4. The Necessary Parcel as specified above will be used for a public purpose as a roadway and is necessary for the roadway use.

5. The Board directs that the power of eminent domain be exercised against any and all necessary parties to acquire the fee simple title to the Necessary Parcel and the board finds that the acquisition is for the purpose of construction, repair and maintenance of certain portions of the Project.

6. The Board approves the taking of necessary action to accomplish the acquisition of the Necessary Parcel as stated above including, without limitation, obtaining any additional property appraisals or updates to existing appraisals, the hiring of experts to assist in the preparation and trial of the suit, the filing of a lawsuit in the proper court, the filing of a stipulation permitting the county to take possession of the Necessary Parcel, obtaining the right of entry which may be necessary for construction of the Project, and the deposit with the court of a sum of money equal to the just compensation for the acquisition of the Necessary Parcel as determined by Johnson-Perkins & Associates, Inc., Real Estate Appraisers & Consultants, on June 24, 2003, namely Four Hundred Fifty Five Dollars (\$455.00).

7. The exhibits to this resolution consist of the following: Exhibit A (Legal description) and Exhibit B (Map to Support Legal Description), which were placed on file with the Clerk.

4:02 p.m. Commissioner Sferrazza returned to the meeting.

04-1119 **ORDINANCE NO. 1252 – BILL NO. 1433 – GENERAL OBLIGATION BONDS – 350 S. CENTER**

Sam Dehne, local resident, questioned the \$12-million cost to purchase the building, commenting on the location and size of the building.

John Sherman, Finance Director, explained staff completed a due diligence process concerning the building. He said an appraisal was completed on the building and the parking garage and they were appraised at \$9.7-million. He noted the balance of the debt would be used to rehabilitate the building. He confirmed the County would save money by owning the building.

Commissioner Galloway asked for a comparison in size and condition to the City of Reno's building at One First East Street. Mr. Sherman said staff had not completed a comparative analysis of cost per square foot to the City of Reno's building.

Commissioner Sferrazza confirmed in the past he did not support the purchase of this building due to excessive cost; however, in the long term he believes it would save the County money to own the building.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that Ordinance No. 1252, Bill No. 1433, entitled, **"AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE COUNTY OF ITS NEGOTIABLE "WASHOE COUNTY, NEVADA, GENERAL OBLIGATION (LIMITED TAX) BUILDING BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2004," IN THE AGGREGATE PRINCIPAL AMOUNT OF \$11,900,000 FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING BUILDING PROJECTS WITHIN THE COUNTY (350 S. CENTER STREET); PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS AND OTHER DETAILS IN CONNECTION THEREWITH; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL GENERAL (AD VALOREM) TAXES FOR THE PAYMENT THEREOF; ADDITIONALLY SECURING THEIR PAYMENT BY A PLEDGE OF CERTAIN REVENUES; RATIFYING ACTION PREVIOUSLY TAKEN TOWARD ISSUING THE PROPOSED BONDS AND EFFECTING THE PURPOSE OF THEIR ISSUANCE; PROVIDING OTHER MATTERS RELATING THERETO; ADOPTING IT AS IF AN EMERGENCY EXISTS; AND PROVIDING THE EFFECTIVE DATE HEREOF,** be approved, adopted as if an emergency exists and published in accordance with NRS 244.100.

04-1120 ORDINANCE NO. 1253 – BILL NO. 1434 – SPECIAL ASSESSMENT DISTRICT NO. 29 (MT. ROSE SEWER PHASE I)

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that Ordinance No. 1253, Bill No. 1434, entitled, **"AN ORDINANCE AUTHORIZING THE ISSUANCE OF REGISTERED LOCAL IMPROVEMENT DISTRICT BONDS, SERIES 2004, FOR WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 29 (MT. ROSE SEWER PHASE I) IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$1,293,473.69 TO FINANCE THE CONSTRUCTION OF SANITARY SEWER IMPROVEMENTS; AND BY DECLARING THIS ORDINANCE PERTAINS TO THE SALE, ISSUANCE AND PAYMENT OF THE BONDS, PROVIDING FOR ITS ADOPTION AS IF AN EMERGENCY EXISTS; AND PROVIDING THE EFFECTIVE DATE HEREOF,"** be approved, adopted as if an emergency exists and published in accordance with NRS 244.100.

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Commissioner Humke recognized the members of Boy Scout Troop 609 from the Galena area who were in attendance to earn their citizenship in the community badge. Each member was called forward to introduce themselves to the Board.

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**04-1121 PERSONAL SERVICES CONTRACT FOR CONFLICT CASES –
PUBLIC DEFENDER**

Mike Specchio, Public Defender, referenced the agenda memorandum dated October 13, 2004 referring to the projected request for proposals (RFP) for a personal services contract for Public Defender conflict cases.

Commissioner Sferrazza inquired how the County cost for the RFP could exceed \$2-million. Mr. Specchio explained the number and types of cases to be handled and the costs involved. He stated if the contract were presently put out to bid, no one would be able to match the cost of the current contract. Mr. Specchio pointed out the contract cannot be awarded solely on dollar amounts, as competency also has to be considered.

Commissioner Sferrazza requested outside counsel review the RFP before Board approval, as the District Attorney's Office in their memorandum indicated they have a potential conflict of interest in this matter. He said he had difficulties with the memorandum and the RFP.

Melanie Foster, Legal Counsel, stated the conflict of interest would be based upon litigation, which would include some of the discussion from past meetings. She said outside counsel would be welcomed.

Discussion ensued between Commissioner Galloway and Mr. Specchio concerning the RFP and the information to be included if it were put out to bid.

Commissioner Humke voiced his support of the staff recommendation, and he made a motion to direct staff to use the proposed RFP in a future process to solicit proposals upon the conclusion of the existing contract with Jack Alian. Commissioner Weber seconded the motion.

Chairman Shaw stated the contract for Mr. Alian was approved on May 11, 2004, and he said the RFP should be considered at a future time.

Commissioner Sferrazza said he could support the staff recommendation, but he requested the contract be put out to RFP at present to determine if there was a desire in the community to fulfill the contract.

Ms. Singlaub explained it would be difficult for any business owner to make a commitment through an RFP process three years into the future. She said it would be better to direct staff to return with an RFP process no later than a date that would allow for the process to take place by June 30, 2007. She stated such Board direction would be specific and binding on staff.

Commissioner Weber suggested the RFP process could wait until January 2007 because it would be disingenuous to the person who is presently fulfilling the

contract to set an earlier date. Commissioner Weber requested to amend the motion to add no later than January 15, 2007. Commissioner Humke accepted the amendment to the motion.

Gary Schmidt, Washoe County resident, advised the Board to seek outside counsel on this matter, and he voiced his support for a new District Attorney.

Commissioner Galloway stated he would like to see open bidding for the contract, as that has not taken place in years.

Commissioner Sferrazza made a motion to amend the motion on the floor to delete the timeframe from the original motion and leave the timeframe up to a future Board. Commissioner Galloway seconded the amendment.

In response to Ms. Singlaub, Commissioner Sferrazza clarified his amendment to the motion was to direct staff to use the proposed RFP in a future process to solicit proposals one year prior to the conclusion of the existing contract with Mr. Alian.

Mr. Specchio said if an RFP was issued July 1, 2006, which would be the start of the final year of the contract, the County would not be in violation of the Alian contract or be subject to any liability. Commissioner Sferrazza stated he did not want a specific date, only to specify one year prior to termination. Commissioner Galloway commented that if a future Board wanted to terminate the contract, Commissioner Sferrazza's motion would require that they could not do that until they have an RFP in place one year ahead of time.

Commissioner Humke acknowledged that Mr. Alian was a competent attorney for the contract and he currently had no intention to terminate the contract early.

Chairman Shaw called for a vote on Commissioner Sferrazza's motion to amend the motion. The motion carried with Chairman Shaw voting "no."

Chairman Shaw called for a vote on Commissioner Humke's original motion with the amendment. The motion carried unanimously.

**04-1122 RESOLUTION – PURCHASE OF EAST STEELE RANCH –
WATER RESOURCES**

Commissioner Galloway requested that each time the County completes an acquisition, staff pursue the possibility of keeping the property on the tax roll.

In response to Commissioner Sferrazza, Paul Urban, Flood Control Manager, explained this was an important first step of construction and implementation of the flood project. He said after the purchase of this property, it would remain open space; and it would become part of the flood project to be used for flood conveyance.

Upon recommendation of Mr. Urban, and Jeanne Ruefer, Water Resources Planning Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Shaw be authorized to execute the same:

**TRUCKEE RIVER FLOOD MANAGEMENT PROJECT
EARLY LAND ACQUISITION
RESOLUTION NO. 2004-1
(East Steel Ranch - Acquisition of Land)**

WHEREAS, On March 11, 2003 the Board of County Commissioners (BCC) approved the "Land Acquisition and Early Project Implementation Plan" for the Truckee River Flood Management Project; and

WHEREAS, On September 23, 2003 the BCC approved the "Early Land Acquisition Plan -Real Property List," dated September 5, 2003, for the Truckee River Flood Management Project; and

WHEREAS, On September 14, 2004 the BCC approved an agreement with GBLW to purchase certain properties, including the East Steel Ranch, to implement the Early Land Acquisition Plan; and

WHEREAS, On September 14, 2004 the BCC approved a resolution approving the use of a list of appraisers for appraising land to be purchased by GBLW and assigned to Washoe County for use in the Truckee River Flood Management Project; and

WHEREAS, Under their agreement with Washoe County to Implement the Early Land Acquisition Plan Great Basin Land and Water has purchased an option to buy the East Steele Ranch, (APN 12-250-25) comprised of approximately 26.054 acres of real property located in Washoe County, Nevada, which is included on the list of approved parcels to be acquired for the Truckee River Flood Management Project (the Early Land Acquisition Plan - Real Property List"); and

WHEREAS, as part of the implementation of the Early Land Acquisition Plan Great Basin Land and water desires to assign the purchase of the East Steele Ranch to Washoe County before the transaction closes;

NOW, THEREFORE, be it resolved that Steve Bradhurst, the Director of the Washoe County Department of Water Resources, is hereby authorized to execute and deliver any and all instruments and funds, including without limitation, contracts, agreements, notices, escrow instructions, deeds, leases, checks, and warrants as may be necessary or appropriate to accomplish the acquisition of the East Steele Ranch land in the name of and on behalf of Washoe County.

REPORTS/UPDATES FROM COUNTY COMMISSION MEMBERS

Commissioner Weber reported on the town hall meeting held at the Community Center in Gerlach on October 23, 2004. She thanked Commissioner Humke for attending.

Chairman Shaw commended Commissioner Weber for her efforts to serve the Gerlach community. He acknowledged the Lazy Five Water Park dedication that was held on October 22, 2004 and thanked Commissioner Weber and County Manager Katy Singlaub for attending.

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There being no further business to come before the Board, the meeting adjourned at 5:20 p.m. to a closed session for the purpose of discussing negotiations with employee organizations.

JAMES M. SHAW, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Lori Rowe, Deputy County Clerk*