

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

JANUARY 13, 2004

PRESENT:

David Humke, Chairman

Jim Shaw, Vice Chairman

Jim Galloway, Commissioner

Pete Sferrazza, Commissioner

Bonnie Weber, Commissioner

Amy Harvey, County Clerk

Katy Singlaub, County Manager

Madelyn Shipman, 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:

04-03 AGENDA

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

04-04 ELECTION OF CHAIRMAN

Commissioner Weber nominated Commissioner Shaw to serve as Chairman. Commissioner Humke seconded the motion. Commissioner Sferrazza nominated Commissioner Galloway. Commissioner Galloway respectfully declined the nomination, however he requested a nomination for Vice Chairman. On motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, the nominations were closed.

Sam Dehne, Reno resident, stated the most qualified person was not nominated for the position, and he said Jim Shaw would probably be okay.

The Board then unanimously elected Commissioner Shaw as Chairman of the Board of County Commissioners. Chairman Shaw then assumed the gavel.

04-05 ELECTION OF VICE CHAIRMAN

Commissioner Humke nominated Commissioner Weber to serve as Vice Chairman. Chairman Shaw seconded the motion. Commissioner Sferrazza nominated Commissioner Galloway. Chairman Shaw closed the nominations.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Commissioner Weber was unanimously elected as Vice Chairman of the Board of County Commissioners.

Chairman Shaw presided over the meeting as follows:

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

04-06 PRESENTATION OF APPRECIATION – CHAIRMAN HUMKE

Chairman Shaw presented a plaque of appreciation to Commissioner Humke for his service as Chairman of the Board from January 2003 to January 2004. Commissioner Humke thanked the Board, and said he enjoyed the role of Chairman.

PUBLIC COMMENTS

Sam Dehne, local resident, welcomed Commissioner Shaw as Chairman, and acknowledged the work of Commissioner Humke as the previous Board Chairman. He stated that the Mayor of Reno wants to stop televising the Reno City Council meetings because of the \$3,600 cost per year, and he strongly opposes the idea.

Barlane "Ike" Eichbaum, Reno resident, stated he was opposed to the merging of the water utilities. He said he has had serious problems with Truckee Meadows Water Authority in his area including high rate increases, unfriendly attitudes of company representatives, damaged lines and no consideration for people on fixed incomes.

Gary Schmidt, Washoe County resident, spoke of the inconsistency in the County codes in regard to holding a liquor license in Washoe County. He stated the codes are unconstitutional.

Al Hesson, Reno resident, congratulated Chairman Shaw in his new position and acknowledged the work of Commissioner Humke in his service as Chairman in 2003. He spoke against the presidency of George W. Bush and stated he feels less secure today than one day after September 11, 2001.

MANAGER'S/COMMISSIONERS' COMMENTS

Chairman Shaw thanked the Commissioners for their confidence and support in electing him as Chairman for 2004.

Commissioner Sferrazza announced he would be attending the National Association of Counties (NACo) local board meeting in Eureka in February, and he requested the Commissioners give him any topics they would like presented. He informed the Board he would be absent from the January 20 and January 27, 2004 meetings. He would also be attending the National NACo board meeting in February where a vote will take place for which county will host the 2010 National Convention. He asked Commissioners to contact fellow Commissioners and seek their support for the Convention coming to Washoe County in 2010. He asked staff to explore the codes in regard to licensing, evaluate Gary Schmidt's comments spoken today and bring back recommendations for making the licensing requirements consistent for all people.

Commissioner Galloway said, at the request of Tahoe Regional Planning Agency (TRPA) management, he made a recent proposal of wording for a policy in regard to public safety and the role of TRPA. He suggested wording to allow public discussion of this topic. His proposal requests a policy statement that TRPA affirms public safety in the mission of TRPA and its actions, and no ordinance or action by TRPA should diminish public safety. He stated he is hopeful TRPA would agree with his proposal.

Chairman Shaw informed the Board that he would use a timer during the meetings to monitor time limits, instead of having the Clerk staff run the clock, in accordance with the Management Checklist rules that have been discussed.

County Manager Katy Singlaub announced she would not be in attendance at the January 27, 2004 meeting because she would be speaking at the International Economic Development Council meeting on the topic of consensus building.

04-07 MINUTES

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the minutes of the regular meetings of November 25, December 9 and December 16, 2003 be approved.

04-08 ACCEPTANCE OF DONATION – CANYON SOLUTIONS, INC. – JUVENILE SERVICES

Commissioner Galloway thanked Canyon Solutions, Inc. for their donation and acknowledged their assistance to the youth of the community.

Upon recommendation of Leonard Pugh, Juvenile Services Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly

carried, Chairman Shaw ordered that the donation of two servers and SQL server licensing fees in the amount of \$9,037.63 from Canyon Solutions, Inc. for Juvenile Services be accepted with the Board's gratitude.

04-09 DISINTERMENT OF HUMAN REMAINS - HEALTH

In response to Sam Dehne, Reno resident, Commissioner Humke explained requests for disinterment of human remains.

Upon recommendation of Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the request from Sila Alvim Junqueira of New York City, NY, to disinter and remove the remains of Paulo A. Junqueira, her brother, who died on January 26, 1981 be approved and Chairman Shaw be authorized to sign the disinterment permit.

It was noted that the death certificate indicates the death was not due to a communicable disease.

It was further ordered that the request from Bernard DiOrio of Las Vegas, NV, to disinter and remove the remains of Baby Boy DiOrio, his child, who died on August 21, 1963 be approved and Chairman Shaw be authorized to sign the disinterment permit.

It was further noted that the death certificate indicates the death was not due to a communicable disease.

04-10 INCREASE – ADULT GROUP CARE RATE – SOCIAL SERVICES

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the new Adult Group Care (AGC) rate of \$914 per month and a per diem rate not to exceed \$60 per client per month for those clients who have care needs above the typical AGC resident be approved.

It was noted that the fiscal impact for the current caseload of 59 clients would be an annual cost of approximately \$29,736 in the AGC program, and staff anticipates that the increase would be offset by lower costs in the Nursing Home program.

**04-11 WATER RIGHTS DEED – TRUCKEE MEADOWS WATER
AUTHORITY – WATER RESOURCES**

Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the

following actions be taken in support of future development by South Meadows Properties, Limited Partnership:

1. The Water Rights Deed for 122.65 acre-feet of surface water rights from a portion of permits and claim: 41661, originating from Orr Ditch Decree Claim 493, being 23.53 acre-feet; 41665, originating from Orr Ditch Decree Claim 232 being 1.94 acre-feet; 41667, originating from Orr Ditch Decree Claim 232, being 31.33 acre-feet; 41668, originating from Orr Ditch Decree Claim 244, being 32.32 acre-feet; 63620, originating from Orr Ditch Decree Claim 191, being 0.23 acre-feet and Orr Ditch Decree Claim 111, being 33.30 acre-feet between Truckee Meadows Water Authority, as Grantor, and Washoe County, as Grantee, be approved and Chairman Shaw be authorized to execute; and
2. The Engineering Manager be directed to record the Water Rights Deed with the Washoe County Recorder.

**04-12 PERMISSION TO TRAVEL – NON-COUNTY EMPLOYEE –
SECOND JUDICIAL DISTRICT COURT**

Upon recommendation of Ron Longtin, Court Administrator, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the Request for Permission to Travel Form for a state psychiatric caseworker to attend a required Mental Health Court conference be approved. It was noted that travel costs would not exceed \$2,000, and the appropriation authority exists in the Mental Health Court Grant to pay the expense for the required conference.

**04-13 COOPERATIVE AGREEMENTS – CITY OF SPARKS –
CONVEYANCE OF RECLAIMED WATER AND TEMPORARY
CONSTRUCTION EASEMENTS - PARKS**

Upon recommendation of Karen Mullen, Parks and Recreation Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the cooperative agreements between Washoe County and the City of Sparks, concerning Conveyance of Reclaimed Water Easements for Eagle Canyon Park, Desert Winds Park and Gator Swamp Park, be approved and Chairman Shaw be authorized to execute the agreements upon presentation.

It was further ordered that the cooperative agreements between Washoe County and the City of Sparks, concerning Conveyance of Temporary Construction Easements for Eagle Canyon Park, Desert Winds Park and Gator Swamp Park, be approved and Chairman Shaw be authorized to execute the agreements upon presentation.

04-14 STREET NAME – MOUNTAIN HAVEN LANE – PUBLIC WORKS

Upon recommendation of the Regional Street Naming Committee, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the request to name a privately maintained unnamed easement Mountain Haven Lane be approved effective January 13, 2004. It was noted the easement is located north off Mt. Rose Highway (SR 431) approximately 425 feet north of the intersection of Sunridge Drive.

04-15 AWARD OF BID – HUFFAKER TRAILHEAD - BID NO. PWP – WA-2004-77 - PUBLIC WORKS

This was the time to consider award of bid for the Huffaker Trailhead for the Public Works Department.

Bids were received from the following vendors:

- Granite Construction
- Gradex Construction
- Petersen Construction
- John Longo Construction
- Rapid Construction
- Northern Sierra Construction
- Hard Line Excavating
- Sierra Nevada Construction
- F.W. Carson Construction

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that Bid No. PWP-WA-2004-77 for the Huffaker Trailhead for the Public Works Department be awarded to the low, responsive, responsible bidder, Gradex Construction, in the amount of \$96,782. It was further ordered that the Chairman be authorized to execute the contract documents upon presentation.

04-16 AMEND AGREEMENT – BROADCAST SERVICES COMPANY, LLC – REGIONAL RADIO SYSTEM – PUBLIC WORKS

Upon recommendation of Tom Gadd, Public Works Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that an amendment to the Consulting Services Agreement between Washoe County (County) and Broadcast Services Company, LLC, (Consultant) concerning the completion of the 800 MHz Regional Radio System, extending the term thereof to June 30, 2004 and increasing the total compensation not to exceed \$50,000, be approved and the Director of Public Works be authorized to execute the amendment. It

was noted that Washoe County's share of the expense would be \$12,500, and no funding transfer would be required.

**04-17 CAPITAL CONTRIBUTION FRONT ENDING AGREEMENT –
LENNAR RENO, LLC – REGIONAL TRANSPORTATION
COMMISSION – GEIGER GRADE/TOLL ROAD SIGNAL –
PUBLIC WORKS**

Upon recommendation of Clara Lawson, Engineering Division, through Tom Gadd, Public Works Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Capital Contribution Front Ending Agreement #5351, between Washoe County, Lennar Reno, LLC, (developer of record) and the Regional Transportation Commission for design and construction of signal and striping modifications at Geiger Grade and Toll Road be approved, and Chairman Shaw be authorized to execute the same.

**04-18 CHANGE ORDER – JAIL HOUSING UNIT 6 SECURITY
IMPROVEMENTS – PUBLIC WORKS**

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the change order to Building Solutions LLC's contract for Jail Housing Unit 6 Security Improvements at the Washoe County Jail, in the amount of \$13,474, be approved and the Contract Administrator be authorized to sign the necessary documents and make the appropriate adjustments to the contract value and schedule.

**04-19 STATE OF NEVADA LOCAL GOVERNMENTS RECORDS
MANUAL AND RETENTION SCHEDULES – PUBLIC WORKS**

Upon recommendation of Jean Ely, General Services Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the State of Nevada's Local Governments Records Manual and Retention Schedules be adopted as a guideline for retention and disposition of records for Washoe County.

**04-20 RESIGNATIONS AND APPOINTMENTS – NORTH VALLEY
CITIZEN ADVISORY BOARD – COMMUNITY DEVELOPMENT**

Commissioners Sferrazza and Weber acknowledged the hard work of Gary Sayer and thanked him for his service.

On motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the resignation of Gary Sayer, effective immediately, from the North Valleys Citizen Advisory Board be

accepted; and Patricia McAlinden be appointed to fill the term that will expire June 30, 2005.

**04-21 RESOLUTION – PARTIAL REFUND OF TAXES – SIERRA
NEVADA MONTESSORI SCHOOL, INC. – DISTRICT
ATTORNEY**

Blaine Cartlidge, Deputy District Attorney, reviewed his Opinion 6424 dated December 10, 2003, giving background information on the request for refund of taxes for Sierra Nevada Montessori School, Inc.

In response to Commissioner Sferrazza, Mr. Cartlidge stated taxes were paid during 1999 by the Roman Catholic Bishop of Reno (Bishop) when construction for the new school on the property was nearing completion. He stated it could have been exempted because the Bishop owned it but did not apply for an exemption.

Peter Papadakos, a Trustee for Sierra Nevada Montessori School, Inc. reviewed the actions he had taken to secure a refund of taxes for the school. He said that he has done everything possible to perform to the satisfaction of the Board in requesting a tax refund. Mr. Papadakos stated that he found the errors in the reports from the Treasurer's and Assessor's offices and they were corrected. He explained that he supplied all the evidence he had to support the confusion that prevented the school's Board of Trustees from filing for County exemption to the District Attorney's office. Chairman Shaw pointed out that the actions of Mr. Papadakos had been outlined by the District Attorney in the information provided to the Board.

Commissioner Sferrazza inquired as to what documentation Mr. Papadakos could provide that would show that in the year 1999-2000 the School Board decided not to seek a tax exemption because of the confusion regarding the title of the property. Mr. Papadakos stated the effort to gain the tax exemption began in 2001. He said the school was trying to clarify the situation before they filed for an exemption, and he could research evidence in the form of minutes from School Board meetings to show their actions in 1999-2000 and 2000-2001. Commissioner Sferrazza said he agreed with Mr. Papadakos in his request for the refund of taxes for the year 2001-2002, but would need more evidence to support refunds for 1999-2000 and 2000-2001.

Chairman Shaw asked if Mr. Papadakos had documentation of the resolution of the discrepancies he referred to between the school and the County, and Mr. Papadakos said he had the names of the County employees that helped him over the telephone. He said he and the County were faxing records back and forth because the County's records did not line up with the school's cancelled checks.

Commissioner Galloway asked Mr. Cartlidge if this request fell within the time limit to apply for a refund of taxes. Mr. Cartlidge confirmed the time of the January 2002 application for the exemption and request for tax refund, retroactive to 1999 and 2000 from the school, met the requirements.

Vicki Puliz, President of the Board of Trustees of Sierra Nevada Montessori School, Inc., expressed that Mr. Cartlidge had spent a lot of time and effort on this item. She said she believed he had come up with a good, reasonable and legal decision that was fair for the County and the school. She urged the Board to follow the recommendation of Mr. Cartlidge.

Commissioner Humke made a motion to support the recommendation of the District Attorney, and Commissioner Galloway seconded the motion. Commissioner Sferrazza stated he could not support the motion because he believed it was clear that the taxpayer paid property taxes in two different years without applying for any exemption. Commissioner Weber declared that she could not support the motion because of lack of documentation during 1999-2000 and 2000-2001 in regard to their tax refund efforts. Commissioner Humke withdrew the motion because statute requires a unanimous vote.

Chairman Shaw inquired of Mr. Cartlidge if further information could be gathered by the Taxpayer and presented at a later date if the item was continued. Mr. Cartlidge confirmed the Taxpayer would appreciate the opportunity to return to the Board and present further documentation.

Commissioner Galloway inquired if the Board members would grant the 2001-2002 exemption and give the Taxpayer a continuance to return with additional documentation for 1999 and 2000. Commissioner Sferrazza stated he would not be in favor of continuing the item. Commissioner Galloway offered a compromise to the Taxpayer to accept a partial refund for 2001-2002 or to return to the Board one more time to bring additional documentation, with no guarantee of any refund at that point. The Taxpayer agreed to accept the partial refund and not return again to seek tax refunds for the years 1999-2000 and 2000-2001.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the partial refund of taxes for the year 2001-2002 for Sierra Nevada Montessori School, Inc., in the amount of \$15,155.67, be approved. It was further ordered that the request for refund of taxes made for the years 1999-2000 and 2000-2001 be denied due to lack of documentation. It was noted the amended Resolution would come before the Board at a later date for adoption.

04-22 BILL NO. 1407 - AMENDING WCC CHAPTER 25 – REVISING PROVISIONS RELATING TO BUSINESS LICENSES

County Manager Katy Singlaub clarified that this ordinance is proposed to conform the County code to a new State law that was approved at the last legislative session.

Bill No. 1407, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REVISING CERTAIN PROVISIONS RELATING TO BUSINESS LICENSES, SECONDHAND STORES AND PAWNBROKERS; BY ADDING PROVISIONS RELATING TO DEFINITIONS, INVESTIGATIONS

AND FEES CONCERNING BUSINESS LICENSES AND DEFINITIONS; BY ADDING PROVISIONS RELATING TO DEFINITIONS, APPLICATIONS, INVESTIGATIONS, PENALTIES, UNLAWFUL ACTS, AND RETENTION AND REMOVAL OF PROPERTY RELATING TO SECONDHAND STORES AND PAWNBROKERS; AND PROVIDING OTHER MATTERS RELATING THERETO" was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption was set for a public hearing on January 27, 2004 at 5:30 p.m.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the Business Impact Statement be adopted.

04-23 BILL NO. 1408 - AMENDING WCC CHAPTER 70 – REDUCTION OF LEGAL BLOOD ALCOHOL LIMIT

Bill No. 1408, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REDUCING THE BLOOD ALCOHOL LEVEL FOR THE OFFENSE OF DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR TO CONFORM TO STATE LAW**" was introduced by Commissioner Sferrazza, the title read to the Board and legal notice for final action of adoption directed.

04-24 DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR TRACY-SILVER LAKE TRANSMISSION LINE PROJECT – COMMUNITY DEVELOPMENT

Bill Whitney, Senior Planner, Community Development, outlined the agenda memorandum dated December 30, 2003 giving background on the Draft Environmental Impact Statement (DEIS) for the Tracy-Silver Lake Transmission Line Project. In response to Commissioners' questions concerning notification, he confirmed that all the Chairmen of the Citizen Advisory Boards (CAB) were notified that this item would be on the agenda today. North Valleys, Spanish Springs, Sun Valley and Warm Springs CAB's all had this item on their agendas in November 2003. He pointed out that all of the meeting dates were included in the public information handout that the Bureau of Land Management (BLM) has available. He gave additional information about the postings of public meetings.

Commissioner Sferrazza inquired if the Planning Commission had recommended that the North Valleys Alliance alternative be included in the DEIS. Mr. Whitney confirmed that the Planning Commission did not include the alternative in their two comments that would be forwarded on to the County Commission and the BLM.

Mr. Whitney gave further background information, reviewing the agenda memorandum dated January 12, 2004. He stated the BLM had provided staff with copies of all the public comments they had received on the proposal. Hundreds of written and

emailed comments had been received and reviewed by staff prior to formulating the staff report.

Mr. Whitney explained the Board was not required to endorse Sierra Pacific's proposed routes or any one of the alternative routes at this point in the process; however, the Board could forward comments that identify advantages or disadvantages with any particular alignment. He clarified that in February 2003, during the early stages of the draft, he and Trevor Lloyd of Community Development, co-signed a memo to the BLM and the other cooperating agencies voicing their opposition to the Northern alternative being included as one of the alternatives in the draft EIS. He said they specifically objected to including the Antelope Valley portion of the route. They were not successful in their request, and the Northern alternative has been included in the draft as one of the five alternative routes, but staff's negative opinion of that route has not changed.

In response to Commissioner Galloway, Mr. Whitney said that staff did not take a position prior to the Planning Commission meeting on whether or not the North Valleys Alliance alternative should be one of the alternatives in the DEIS, and staff currently has taken no position on the alternative.

In response to Commissioner Sferrazza, Mr. Whitney explained that the Alturas line was a 345 that brought power in from out of our region. The 120kV line from the power generation facility in Tracy out through Spanish Springs to Stead was designed to supply power to those growing areas. Commissioner Sferrazza asked if the power could be taken off the Alturas line for the needs in the North Valleys instead of bringing it from Tracy. Mr. Whitney explained that in the text of the Alturas power line project there was a statement that talked about the Bordertown Substation of Alturas being used in the future to supply power needs to the North Valleys or the Stead area, but Sierra's proposal was not to use Alturas. Their proposal was to bring it from Tracy through Spanish Springs and on to Stead where the power would be needed in the future. He encouraged the Board to pass the question on to the BLM to have them look into the situation and have it addressed in the final EIS.

Mr. Whitney presented a map showing all of the proposed routes and reviewed the alternatives, as requested by Commissioner Sferrazza, and he answered questions from the Commissioners regarding the map.

Chairman Shaw asked if the Indian Colony in Hungry Valley was involved in the decision making process, and Mr. Whitney confirmed that they were one of the cooperating agencies.

In response to Commissioner Weber, William Roullier, Sierra Pacific Land Operations Manager, explained that the 345 Alturas poles in most cases would not be able to accommodate the new 120kV lines. He said there were a few Alturas poles that would be able to accommodate the existing and new wires, but the majority of the

poles would have to be removed and replaced with a new pole to accommodate the new wires, with these poles looking similar to the existing poles.

Chairman Shaw inquired of Mr. Roullier if the North Valleys Alliance would be reviewed, and he confirmed that the alternative would be analyzed along with the other alternatives.

Lori Burke, Reno resident, requested the consideration of underground transmission as a complimentary process to underground distribution. She said that underground distribution has been required since the 1970's, it is more reliable, it is safer and it enhances the visual quality of development. Underground transmission secures the value of underground distribution. She confirmed that construction requirements are almost identical for underground transmission and underground distribution, and the cost per kilowatt is cheaper for underground transmission, in this case, as compared to underground distribution. The North Valleys Alliance alternative seeks to maximize the value of the existing over-head Alturas corridor and complete every demonstrated need of the project. Ms. Burke explained that the aim of the alternative is to insure that any new transmission lines through the North Valleys are underground, as to preserve the land. The Planning Commission was aware that several people had asked in their comments that the North Valleys Alliance alternative be considered in the EIS, and she affirmed she is hopeful that the BLM would respond to the comments. In regard to the Alturas line, she declared that the line was routed specifically to provide future service, and the Bordertown Substation was located to provide future service to the North Valleys. She clarified that in the process of the Corridor Committee, Sierra Pacific said that the Alturas line could accommodate future use; and only a few poles would have to be replaced. She said if Sierra Pacific had indicated otherwise at that time, the Corridor Committee would not have approved the Alturas corridor.

In response to Commissioner Weber, Ms. Burke explained that the comparison used, in terms of cost, is over-head versus underground. She said that it costs about \$500,000 per mile for underground distribution, and it costs approximately \$1,300,000 to complete transmission. The benefit of the transmission line is that it carries five times as much power as the distribution line. She confirmed it would be a high cost, but it would be the only project Sierra Pacific would need for underground transmission for the next ten years, allowing time to pay back what could be a very small premium.

Pan Lambert, Spanish Springs resident, stated Sierra Pacific is insisting on running a new above ground transmission corridor through residential areas. Sierra Pacific has cited that one of the reasons they do not want to use the existing corridor is because of vulnerabilities of downing. She said if this project is underground, there would be no opposition in her area for this proposed corridor, but if it is above ground, much opposition would ensue. She requested a map with the alternative proposals that are being given by the citizens in the Spanish Springs area. Ms. Lambert explained she is very concerned that citizens will not be heard on this subject. She would like to see some give on the part of Sierra Pacific to meet the opposition.

Mr. Whitney clarified that the maps do not show areas proposed for under grounding and under grounding is one of the potential mitigations that is addressed in the EIS. Sierra Pacific needs to be directed by local government as to where under grounding is appropriate and this would happen in the special use permit process.

County Manager Katy Singlaub stated that the County does not have the ability to say that the line shall not exist, but the County can ask for mitigations. There are strict federal laws regarding the rights of the County. She clarified the alignment is not subject to a special use permit, but a substation would need a special use permit.

Sam Dehne, Reno resident, demanded the item be tabled and continued because the law requires that the District Attorney be in attendance and she has not been present for the discussion of this item. He asked who would be paying for this and requested action be taken to stop the cancerous growth in the area.

In response to Commissioner Galloway, Mr. Whitney explained that the cost comparison used by Ms. Burke was distribution lines that are underground to transmission lines that could be underground. She was not comparing above ground to underground.

Commissioner Sferrazza asked Ms. Burke what her comments were with respect to the Bordertown Substation and Silver Lake Substation. She said she took the arguments that were presented in the EIS and rebutted them. She requested the Board ask the BLM to consider and address her comments.

In response to Commissioner Galloway, Madelyn Shipman, Legal Counsel, said according to federal law the County does not have jurisdiction over those transmission lines.

Commissioner Sferrazza said he believed there was some power in the County Commission to vote on approving a route and whether or not the route is underground. He requested that the Board take a position to consider all the alternatives that have been proposed, including the North Valleys and Spanish Springs proposals. He stated he is concerned about the connection between the North Valleys and Spanish Springs. He would like to keep these two areas separate and he would only support routes crossing the North Valleys that would be underground. He asked that the Bordertown Substation to Silver Lake Substation alternative be reconsidered and the comments that were prepared and submitted by Ms. Burke be addressed.

Commissioner Sferrazza requested that the Board specifically support the North Valleys alternative in respect to the North Valleys and oppose any alternative that crosses through the North Valleys. Commissioner Galloway did not support this, and Chairman Shaw directed that Commissioner Sferrazza's request be given to staff and to gain direction from them. Chairman Shaw asked that staff consider the remarks made by Ms. Lambert as they relate to Spanish Springs.

The Commissioners made the following comments and gave direction to staff regarding the Draft Environmental Impact Statement for the Tracy-Silver Lake Transmission Line Project:

1. Support staff's objection to including the Antelope Valley portion in the route.
2. The DEIS is inadequate because it has not identified preferred undergrounding segments for the proposed route and the alternative routes, and undergrounding should be the preferred alternative.
3. Consider all the alternatives that have been proposed, including the North Valleys and Spanish Springs proposals.
4. Keep the North Valleys power lines separate from those in Spanish Springs, negating the need for the lines to cross the entire North Valleys.
5. Consider supporting the North Valleys alternative in respect to the North Valleys and consider opposing any alternative that crosses through the North Valleys.
6. Staff to consider the remarks made by Ms. Lambert as they related to Spanish Springs, specifically her comments regarding undergrounding the transmission line in residential areas that already have underground distribution lines.
7. Do not support the Northern Alternative and do not include the Northern Alternative as an alternative in the FEIS.
8. Support the Existing Corridor alternative because it utilizes the already existing Alturas corridor.
9. Reconsider the Bordertown Substation to Silver Lake Substation alternative, and address the comments prepared and submitted by Ms. Burke.

4:25 p.m. The Board recessed.

4:37 p.m. The Board reconvened with all members present.

**INCLINE VILLAGE TOURIST/FAIRWAY PHASE II WATER
QUALITY IMPROVEMENT PROJECT – PUBLIC WORKS**

Commissioner Galloway explained the project as an environmental improvement project for the Tahoe Basin that would be funded mainly from grants, including Tahoe Bond Act Funds. He said it would reduce pollutants going into Lake Tahoe. He further explained that these types of projects located at Lake Tahoe that involve a local match have funding through mitigation funds that are generated from that same area so they do not burden other Washoe County taxpayers.

Sam Dehne, Reno resident, said that grants are taxes and taxes are paying for this project. He asked for clarification of the amount requested in various bonds and grants. He spoke in favor of the project because it helps preserve the integrity and cleanliness of Lake Tahoe.

Commissioner Galloway clarified that \$1,200,000 would come through federal money from the U.S. Forest Service, and \$1,200,000 would come from the Tahoe Bond Act.

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

1. The Incline Village Tourist/Fairway Phase II Water Quality Improvement Project be approved in concept.
2. Staff be authorized to request up to \$1,200,000 from the U.S. Forest Service for design and construction of the project.
3. The Chairman be authorized to execute the following resolution to request up to \$1,200,000 from the Nevada Tahoe Bond Act and the Director of Public Works be appointed as agent for Washoe County; and
4. The grant funds from the U.S. Forest Service and the Nevada Tahoe Bond Act be approved and accepted, when offered, and the Public Works Director be authorized to execute acceptance agreements.

RESOLUTION

Resolution of the Washoe County Board of Commissioners approving the application for Nevada Tahoe Bond Act Erosion Control Funds.

**I.V. TOURIST/FAIRWAY PHASE II WATER QUALITY IMPROVEMENT
PROJECT, INCLINE VILLAGE, NEVADA**

WHEREAS, the County of Washoe is submitting an application to the Nevada Division of State Lands (DIVISION) for financial assistance; and

WHEREAS, the Nevada Tahoe Conservation District has been assigned the administration of the program and has set up necessary procedures governing the program; and

WHEREAS, the adopted procedures established by the DIVISION require that the governing board must certify by resolution the approval of the proposed project application, including all understanding and assurances contained therein, and availability of matching funds prior to submission of said applications to the DIVISION.

NOW THEREFORE, BE IT RESOLVED that the proposed I.V. TOURIST/FAIRWAY PHASE II WATER QUALITY IMPROVEMENT PROJECT, is approved for implementation;

BE IT FURTHER RESOLVED, that the Board of County Commissioners do hereby certify that said agency can finance 100% of their share of the project.

BE IT FURTHER RESOLVED that the Board of County Commissioners does hereby appoint the Director of Public Works as agent of the Board of County Commissioners to conduct all contract negotiations, execute and submit all documents including applications, agreements, engineering contracts, billing statements, and so on which may be necessary for the design and construction of the above project.

**04-26 DISCUSSION – ACQUISITION OF DRAINAGE WAYS IN
WASHOE COUNTY**

Commissioner Sferrazza explained that the primary direction he would give is to work with the people represented at the meeting today to come up with a way the County could support acquisition of some of the drainage ways that have become particular problem areas within the corporate boundaries of Reno, Washoe County and possibly Sparks. He reviewed the agenda memorandum dated January 9, 2004 giving background on issues regarding drainage ways.

Carl Adams, Washoe County Backcountry Coalition member, stated he and the coalition are in support of the proposal to acquire drainage ways. He brought a letter from Laura Carman, Hidden Valley Homeowners' Association, and an email from Dale Beesmer, Reno Wheelmen, which were placed on file with the Clerk, and both were in support of acquisition of drainage ways. Mr. Adams said zoning and acquisition should be considered together in the process.

Lori Wray, Southwest Reno resident, stated her support of acquiring drainage ways and brought 194 signatures in favor of the County assisting citizens in their desire to purchase property. She said she would like to see private property owners sell their property to the County for open space rather than to developers that would create more homes and new streets.

Commissioner Sferrazza asked Ms. Wray to identify the specific drainage ways she referred to, and she said they were identified as Rosewood Wash and Rosewood Canyon.

Charles Ragusa, Reno resident, thanked the Commission for their support of open space issues in the community. He said because critical drainage ways are under threat from development, now is the time for a coordinated effort that would allow a broad base group of members of the community to help resolve the issue as to the proper use of drainage ways.

Cynthia Adams, Reno resident, spoke in favor of the County pursuing acquisition of drainage ways and said there is much support from the community concerning this matter.

Chairman Shaw acknowledged the following citizens and read into the record their support of acquiring drainage ways: Sherry Frazee, Robert Frazee, Sue Zatarain, Pat Patera, Jan Sloan, Bill von Phul, Diana Foley, John Russell, Claudia Patraw, Stella Russell and Jessica Sferrazza.

Toni Harsh, speaking as a Reno citizen, thanked the Commissioners for taking the time to consider such an important issue for the region. She also thanked the staff of Washoe County that has produced a wonderful program and acknowledged the support she has received from them.

Sam Dehne, local resident, spoke in favor of acquiring drainage ways. He said the airport recently voted to turn a 40-acre parcel drainage area into concrete. He explained that this would eliminate a drainage system and block it off, which would result in flooding for the citizens in the area.

Commissioner Galloway explained that to only acquire drainage ways does not solve the problem. He said planning mistakes have been made and they need to stop so the County does not end up buying back the County's mistakes in the acquiring of the drainage ways.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that staff be directed to take the following steps:

1. Identify the priority of the drainage areas to be protected and the possible methods of acquisition, protection or dedication, including Rosewood

Wash and Rosewood Canyon. In respect to Rosewood Wash and Rosewood Canyon, the County's role would be to work with the four identified funding sources, together with the City of Reno, to implement and support a program to obtain funds, apply for grants and to facilitate with the neighbors to make that happen.

2. Identify any improvements that might be made to the Development Code provisions for the unincorporated area of Washoe County, such as more specific language to address those drainage ways that are not covered under the significant hydrologic resource code.
3. Develop proposed policy language, in conjunction with the Cities of Reno and Sparks, regarding development of lands containing a natural resource, such as a drainage way. Policies would be used in coordination with existing Development Code to evaluate development proposals and consideration of regional planning would be included.
4. Explore the possibility of a Special Assessment District in the unincorporated area of Washoe County to ensure drainage areas are preserved and maintained and explore this jointly with the City of Reno for the incorporated areas.

04-27 DISCUSSION – POSSIBLE CONSOLIDATION OF TMWA AND THE WASHOE COUNTY WATER UTILITY OPERATION

Steve Bradhurst, Water Resources Director, reviewed the agenda memorandum dated December 3, 2003, giving background information on the request by the Truckee Meadows Water Authority (TMWA) Board of Directors that the Board of Commissioners discuss the possible consolidation of TMWA and the Washoe County water utility operation. He stated he sees no compelling reason to consolidate the water operation in the County system with the TMWA system at this time.

Commissioner Sferrazza said he is concerned that the County has missed opportunities and should explore some consolidated efforts in the areas of billing and meter reading. He referred to Washoe County, the City of Reno and TMWA as all having their own separate billing departments. He stressed one area to look into would be the general obligation bonding for the debt of the acquisition of TMWA. He would support a motion to uphold staff's recommendations with his added comments.

Willis Beasley, Reno citizen, said he believes consolidation is of no advantage to the users of the water and the services. He stated he is against any complete turnover of the water system to one entity.

Ted Short, Virginia Foothills resident, stated that in a perfect world he would like to see one central water authority for the whole area. He believes any talk of merger is premature because of the debt load of TMWA. He would like to see TMWA

fill the seventh vacancy on their board and have a representative from Washoe County on that board.

Pamela Galloway, representing South Truckee Meadows General Improvement District (STMGID) owners, stated this discussion is about 30 years too late, as she and other citizens in her area went to other entities 30 years ago requesting help with their water system. She said they went to the County and were told to build their own system and that is what the citizens have accomplished. They built STMGID and today they have 3,300 customers. She confirmed that the STMGID owners have no interest in consolidation.

Al Hesson, Reno resident, said that TMWA has an image problem and letters to the editor by their customers constantly reinforce that poor image. He spoke against any consolidation with TMWA.

Jerry Gamroth, Reno resident, said he and his family are against any consolidation or merger of any form. The questionable condition of the equipment of TMWA, their financial state, their fiscal operations and the sphere of influence directed by the City of Reno should negate any consideration by the Board of this matter. He stated the by-product of such a merger would be increased costs to the residents of Washoe County, high-density development and significant reduction in quality of life.

Sam Dehne, Reno resident, stated the main point of opposition about the merger is that the people on the TMWA Board are from Reno and Sparks, and this places the County at a disadvantage. He urged the Board to not consolidate with TMWA.

Jerry Schumacher, STMGID Local Managing Board member, stated that he agreed with Mr. Bradhurst's remarks and was against the consolidation of TMWA with the Washoe County water utility operation. He said TMWA brings too much baggage to any consolidation effort including high operating costs, excessive salaries, their poor financial posture, and the results of their operation has been higher and higher rates to their consumers.

Don Bryant, Reno resident, said he opposed any consolidation and TMWA's management of their rates and funding.

Chairman Shaw read into the record the comments regarding opposition to the merger from citizens Gary Schmidt, Terry McHenry and Kathy Reeve.

Diana Langs, Sun Valley General Improvement District (SVGID), said that at some point consolidation could be a possibility, but not in the near future. She explained that TMWA has taken on a large challenge from Sierra Pacific, and they have a lot of infrastructure problems to solve. If and when there would be consolidation, it would need to be done as a community. She complimented TMWA and the County staff for working together well on projects with SVGID.

John Busse, citizen of the Virginia Foothills, said discussion concerning consolidation should last as long as the three-minute public comments time allowance. He stated his opposition and encouraged the Board to, "just say no."

Commissioner Galloway said that there is not a problem having two water agencies serving customers, but he acknowledged that there were some serious problems with TMWA. He stated that TMWA pays the highest salaries and has the best benefits of any public employer in the Truckee Meadows. He stressed this was not the time to have the high costs TMWA has accumulated distributed to rate-payers who have no responsibility for those costs. He confirmed he could not support the consolidation.

Commissioner Sferrazza stated that customers of TMWA were citizens of Washoe County and the proposal he brought to the Board was that Washoe County Department of Water Resources would take over TMWA. He said the Board has a duty, not only to the unincorporated residents, but also to the incorporated residents. He explained that he sees the consolidation as an opportunity for the Board to do away with the TMWA board and have Washoe County take it over. He clarified that the unincorporated residents would not have to pay for the cost, and he saw no reason why Washoe County could not be the over-all supervisor of utilities in the County. He further stated that opportunities should be explored to support Washoe County citizens and residents who live within the TMWA service area.

Commissioner Weber stated that it was not the time to consolidate because it would be a disservice to the citizens of Washoe County. She said that having the two entities serves as a checks and balances, which benefits the citizens in the community.

Commissioner Humke said he agreed with Commissioner Weber and acknowledged that, from a business sense, there would be opportunities in the future to explore consolidation, but now is not the time.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza voting "no," it was ordered that no consolidation of TMWA and the Washoe County water utility operation occur at this time. It was further ordered that staff be directed to explore the possibilities of cooperative functional efficiencies, such as joint billing and meter reading services.

04-28 TRANSFER OF FUNDS – SILVER KNOLLS FIRE STATION
ADDITION – PUBLIC WORKS

Sam Dehne, area resident, said he would have liked to talk on the subject, but the Commissioners had already made their decision.

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the purchase of a Water Tender truck for the Silver Knolls Volunteer

Fire Department be deferred, and the funds be diverted to the construction of the Silver Knolls Fire Station and Community Center. It was further ordered that all accumulated, unallocated interest in the Silver Knolls/Red Rock Alturas Mitigation account be allocated to the Fire Station/Community Center Project.

**04-29 STATUS REPORT – MILLS B. LANE JUSTICE CENTER –
PUBLIC WORKS**

Richard Gammick, District Attorney, and B.J. Sullivan, Clark and Sullivan Construction, Inc., were in support of the status report and direction requested by staff, as outlined in the agenda memorandum, dated December 31, 2003.

Commissioner Sferrazza requested that value engineering and cost savings from a reduction in square footage be examined, as he understood these to be the avenues to bring the project within budget.

Mr. Gammick stated that the project has been in the process for seven to eight years, the square footage was the recommendation of the professional consultants that have worked on the project, the architects have agreed with the recommendation and a reduction in the square footage at this point would put the department back in a position of moving into a building that would be inadequate to meet current and future needs. He said he was absolutely opposed to reducing the square footage, and he believed there were other ways to handle the situation.

Commissioner Sferrazza asked that staff obtain the square footage of the offices, how the sizes for offices were determined, and what the difference was between an attorney's office in Washoe County as compared to the State of Nevada and other areas.

Tom Gadd, Public Works Director, said he had all the information Commissioner Sferrazza requested, excluding the offices in Clark County.

Commissioner Galloway said that Commissioner Sferrazza was requesting information that was compatible to working out the cost differences, and that was not the only way things could be worked. He encouraged staff to find the least impactful way to work out the cost difference without having to do anything extreme that disables anyone.

Mr. Gammick distributed an article concerning the Clark County Justice Center that outlined the problems they were experiencing.

Commissioner Humke stated he would favor looking at all possibilities, and he said agreed with Mr. Gammick. He acknowledged that Mr. Gammick has a plan for the next 15-20 years that would keep his staff together, and he believed that the plan was good justice.

Following discussion, The Board directed staff to continue working on possible value engineering, to continue to work with the City of Reno and to bring the issue to a joint meeting of the Reno City Council and the Washoe County Commission.

04-30 **BASEBALL STADIUM FACILITY – BUSINESS IMPACT STATEMENT**

5:30 p.m. This was the time set to review and adopt the Business Impact Statement for the car rental fee Ordinance.

The Chairman opened the public hearing.

Phil Zive, Sierra Nevada Baseball (SNB), explained that he was approached by Clarks Jones (C. J.) a couple of years ago to pursue the return of baseball to Northern Nevada. In October of 2003 Mr. Jones passed away and Mr. Zive took over the roll as managing partner. He said SNB has had numerous meetings with Washoe County staff and he thanked John Berkich, John Sherman, Paul Lipparelli and Adrian Freund for their work and cooperation.

Bruce Breslow, representative from SNB, explained that this project was more than baseball, and he believes that the community is ready for a stadium that could house baseball, soccer, concerts, graduations and other events. The task SNB faced was how to build the new facility for baseball without asking the public to reach deep into their pocketbooks to pay for it. He stated the Reno-Sparks area is committed to tourism, the proposal is a two-percent surcharge on rental cars and 95 percent of the people that pay the surcharge would be tourists. Mr. Breslow acknowledged that with the revenues from the rental car tax and the revenues generated by baseball, there would be funding to construct a beautiful facility for the community. He clarified that SNB interviewed the three top architects in the nation, and HOK Architects Inc., of Nevada was chosen because of their skill and the quality of the stadiums they build. He said he hoped the Commission would select this firm as the architects for the project.

Bruce Miller, HOK Architects Inc., of Nevada, presented a power point presentation, which was placed on file with the Clerk, concerning the proposed baseball stadium. He encouraged the Board to move the project along because of the timeline SNB faces. He said that program and budget were key to the project, and he recommended building for the market place, building modestly and building for expansion.

Commissioner Galloway stated he was concerned about the budget and inquired if the architects would design within the budget numbers given, and Mr. Miller confirmed that they would be working closely with the County to solve problems that came up so the project would move forward.

Mr. Breslow introduced Bill Rhoda of CSL, Inc. who presented a Power Point presentation concerning the financial feasibility study for the project. He said the

overall highlight of the study determined that minor league baseball could be feasible in Reno-Sparks along with the ballpark.

Branch Rickey, President of the Pacific Coast League, stated he was supportive of SNB. He gave a brief history of the Pacific Coast League and explained the difference a minor league baseball team could make in a community, as it provides affordable, family entertainment.

Mr. Breslow acknowledged the people gathered at the meeting in support of baseball in Nevada, and he said they ran out of the 150 t-shirts one hour before the meeting.

John Berkich, Assistant County Manager, reviewed the staff memorandum dated December 31, 2003 and explained the Business Impact Statement for the car rental fee Ordinance.

Commissioner Humke acknowledged Mr. Berkich for his hard work on the project. He said he would expect to see SNB and all the supporters return to the Legislature to fine tune the legislation, specifically the Stadium Authority make-up as referred to in the Predevelopment and Finance Agreement.

Mr. Breslow stated that SNB would bring any changes back to the Board as quickly as possible in order to move the project forward. He said it is a work in progress and opening day is the deadline. He clarified that there would be 72 home games and 72 road games.

The Chairman closed the Public Hearing. It was noted that all Public Comments were heard under the Ordinance.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the Business Impact Statement for the car rental fee Ordinance be adopted.

04-31 ORDINANCE NO. 1224 – BILL NO. 1405 – AMENDING
CHAPTER 25

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on January 2, 2004 to consider second reading and adoption of Bill No. 1405. Proof was made that due and legal Notice had been given.

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

Commissioner Humke said that he believed local residents should be exempt from the car rental tax under all circumstances.

John Berkich, Assistant County Manager, explained that the Ordinance could not be rewritten to exempt all local residents from the car rental tax.

Paul Lipparelli, Deputy District Attorney, stated he spoke to the Legislative Counsel Bureau (LCB) staff and learned the Legislature was asked to exempt locals from the tax entirely and LCB determined it was not legally advisable. The only allowance the Legislature permitted was exempting the fee for temporary rentals for car repair purposes.

Commissioner Sferrazza inquired if it was a self-policing policy regarding the exemption to local residents. Mr. Lipparelli said the Ordinance uses the language from the statute, and it would require cooperation from the industries to have a protocol in place to determine when the exemption would apply. Mr. Lipparelli clarified changes in the language of the Ordinance and the procedures to complete changes.

Commissioner Weber stated that the possibility of new family entertainment in the area was a good idea. She pointed out the positive opportunities to use the stadium for other venues. She said she agreed with Commissioner Humke that the Legislature should be approached again to make a change that would allow all local residents to be exempt from the car rental tax under all circumstances.

Bernie Anderson, Sparks Assemblyman, stated that the entire Washoe delegation did sign-on in support of this legislation. He said he supports the legislation as a citizen because it would enhance the community, and he believed there would be no downside for the County Commission.

Ron Schmitt, speaking as a Sparks resident, said when he was newly married and having children, he and his wife decided baseball would be their family entertainment. He described his love for baseball and his support of the building of the stadium in Sparks.

Dan Gustin, Reno resident, asked the Commissioners to support bringing baseball to Northern Nevada because baseball would be another aspect of the community that would make it a better place to live.

Abel Del Real, Reno resident, described his love for baseball as a child, as an adult and as a parent. He said his family plays baseball on Sunday afternoons, along with many other people from the community. He supports bringing baseball to Northern Nevada.

Gary Schmidt, Washoe County resident, voiced that he was in support of the baseball stadium, but believes it should be located in downtown Reno or just over the border in Sparks. He said it should be built downtown to allow people to walk to the stadium, to access it easily and to support the growth of downtown Reno. He addressed the earlier presentation that emphasized the impact stadiums had when they were located

in the downtown area of a city, and strongly urged the Board to not approve the project if it was not located downtown.

Chris Kidd, Lake Tahoe resident, stated that the location selected was fine and that within 75 miles there is a population of 758,000 people, so there would be a lot of people coming into the area to attend games. He described the expenses people would have when they came to town and the benefit this would bring to the area. He said all the available dollars should be spent on the best possible stadium. He noted baseball could lead to a decrease in the crime rate because it would give the age group of 18-24 something positive to do.

Harry York, Reno-Sparks Chamber of Commerce, said the Chamber of Commerce Board has supported bringing professional baseball to the area for about five to six years. He stated location did not matter to him, and the Board would support it wherever it ended up in the County. During the legislative process they did support the tax opportunity before the Board of County Commissioners and he urged the Board to put the tax in place. He pointed out the opportunity to bring the finals for college baseball here because the stadium would be a lighted field, and he acknowledged that visitors would be drawn to the stadium and the area, not just local residents.

Richard Daly, Laborers Union, said he supported the project and encouraged the Board to move forward taking all the necessary steps to facilitate the project.

Gina Geraci, Reno resident, described her love for baseball in the past and how she would love to see baseball in Northern Nevada again. She told of the excitement her son experienced when he attended his first baseball game. She said bringing a team to the area would give other children the opportunity to learn about and enjoy baseball. She pointed out the benefit the players would be to the community in their ability to support and encourage the youth in the area.

Candace Jones, Clarks Jones' (CJ) wife, said that many were calling this project CJ's legacy, and while the term is well meaning, it is wrong. She explained that it is wrong because it sounds selfish and he was not a selfish man. He did have a vision of families, young and old, participating in America's past time through a AAA stadium right here in Washoe County. She acknowledged that many people in the community have invested time and money because they caught CJ's vision, and because they believe it could come about. She urged the Board to pass the Ordinance because it is the right thing to do, it is the right time and it is under the right circumstances.

Sam Dehne, Reno resident, said he supports the baseball stadium and sang his rendition of, "Take me out to the ball game."

Chairman Shaw read into the record the positive words of support for the baseball stadium project from area residents Les Crowl, Becky Crowl, Richard Houts,

Debbie Smith, John Seymour, John Mattina, Steve Huckaby, Todd Koch, Jeff From, Kendall Mattina and Bob Moffitt.

There being no one else wishing to speak, the Chairman closed the Public Hearing.

Commissioner Sferrazza stated Sparks would be a great place for the stadium, and Commissioner Galloway encouraged residents to back the project with their purchase of season tickets and attendance at the games.

Commissioner Humke thanked the rental car industry for cooperating at the Legislature in passage of this bill. He said it seems to be a good and stable revenue source and it appears to be appropriate to dedicate it to this purpose.

Chairman Shaw said his questions had been answered and he would support the project.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that Ordinance No. 1224, Bill No. 1405, entitled, "**AN ORDINANCE IMPOSING A FEE UPON THE SHORT-TERM LESSORS OF PASSENGER CARS IN WASHOE COUNTY OF 2% OF THE TOTAL AMOUNT FOR WHICH THE CAR WAS LEASED; PROVIDING THAT THE PROCEEDS OF THE FEE ARE TO BE USED TO ACQUIRE, IMPROVE, EQUIP, OPERATE AND MAINTAIN A MINOR LEAGUE BASEBALL STADIUM PROJECT IN WASHOE COUNTY; EXEMPTING FROM THE FEE TEMPORARY RENTALS FOR CAR REPAIR PURPOSES; PROVIDING THAT THE COUNTY ENTER INTO AN AGREEMENT WITH THE NEVADA DEPARTMENT OF TAXATION FOR REIMBURSEMENT OF COLLECTION AND ADMINISTRATION COSTS; AND OTHER MATTERS PROPERLY RELATED THERETO,**" be approved, adopted and published in accordance with NRS 244.100.

04-32 COOPERATIVE AGREEMENT – DEPARTMENT OF TAXATION

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that a Cooperative Agreement between Washoe County and the State of Nevada Department of Taxation, concerning car rental fee collections for design and construction of the baseball stadium facility, be approved and Chairman Shaw be authorized to execute the same.

**04-33 PREDEVELOPMENT AND FINANCE AGREEMENT –
BASEBALL STADIUM FACILITY**

John Berkich, Assistant County Manager, explained the Predevelopment and Finance Agreement and answered questions from the Commissioners.

Commissioner Sferrazza inquired about a section in the Predevelopment Agreement (2.02D) that refers to Sierra Nevada Baseball (SNB) agreeing to pay or reimburse Washoe County. Mr. Berkich explained that the language was contemplated as if the project could go two ways. The first would be that it could not go forward and there would be fees and a reimbursement situation, or secondly that it could go forward and then paid out of the proceeds from the rental car tax. Mr. Berkich confirmed that SNB could be required to reimburse the County from personal funds if there were insufficient rental fees.

In response to Commissioner Sferrazza, Branch Rickey, President of the Pacific Coast League, explained that lowering the number of seats could remove it from a AAA project. He confirmed the area is a small market, but because of lack of competition from other professional sports, he believes it would succeed. He said they would start smaller in terms of seating and make allowance for growth.

Commissioner Galloway requested clarification regarding the minimum seating for the stadium, and Mr. Rickey confirmed that it would be 6,500 general seating and 1,500 fixed seating for corporate seats, for a total of 8,000 fixed seats with the berm supplementing the numbers.

Chairman Shaw inquired what would happen if there was a glitch in the project and whether that could lead to taxpayers being liable for any expenses that have resulted under the project. Paul Lipparelli, Deputy District Attorney, stated there were many safety nets that would allow the County and other parties to withdraw if, at any point, it looked like the project was not feasible. He noted there is protection by the provisions of the agreement and the statute; and as the project goes forward, the Board would have the opportunity to examine each step as more information and detail is presented.

In response to Commissioner Galloway, Mr. Berkich confirmed that the Stadium Authority would have only the authority given by the Board. Commissioner Galloway said he would like more than a 50 percent commitment in regard to box seats purchased, and Mr. Berkich responded that a 50 percent commitment would be substantial.

Leif Reid, attorney for SNB, explained the 50 percent that has been imposed at this stage in the project is above and beyond what is typically required in agreements like this. He said it is a proposed project, it is not built yet and a 50 percent commitment by corporations and others that would be interested in purchasing the boxes this far in the future is a strict measure of financial feasibility. Mr. Reid stated SNB would not agree to modify that portion of the agreement at this time. He explained the County would have a voice in the definition of the Stadium Authority, how the Stadium Authority is created and what powers it is authorized to exercise.

In response to Commissioner Galloway, Mr. Lipparelli stated it would not require a change in the agreement if the Commission decided to defer the hiring of the architect until a later meeting.

Commissioner Humke inquired what would happen if the site did not materialize. Mr. Berkich explained that options would be examined and, for the purposes of this agreement, the project would have to be abandoned or another site would be presented for Board approval.

In response to Commissioner Galloway, Mr. Lipparelli explained that the definition in the Predevelopment Agreement for the Stadium Authority would remain until the term of the agreement, which would be until April 2004. He said after that date there would be a definitive agreement and the definition could be rewritten.

On motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that a Predevelopment and Finance Agreement between Washoe County, City of Sparks, Redevelopment Agency of the City of Sparks, Sierra Nevada Baseball, LLC and Marina Properties II, LLC, concerning establishing a preliminary understanding of the structure and obligations of the parties for the design and construction of the baseball stadium facility be approved and Chairman Shaw be authorized to execute the same.

04-34 DEFERRAL OF AGREEMENT – HOK ARCHITECTS, INC., OF NEVADA – BASEBALL STADIUM

John Berkich, Assistant County Manager, explained to the Board that a work contract would be coming back to the Board for approval at a later date.

Commissioner Sferrazza requested the contract be brought back when he would be in attendance at the meeting; and Bruce Miller, HOK Architects Inc., of Nevada, confirmed he would need at least four weeks to prepare the contract.

Commissioner Galloway inquired if the completed contract would include the scope of the budget issues, and it was confirmed that budget issues would be part of the contract.

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the contract with HOK Architects Inc., of Nevada, be continued until the first meeting in February.

8:10 p.m. The Board recessed.

8:35 p.m. The Board reconvened with all members present.

04-35

**DISCUSSION – PROCESS FOR SELECTION OF ARCHITECTS
ON MAJOR PROJECTS – PUBLIC WORKS**

County Manager Katy Singlaub said she spoke with Commissioner Sferrazza about the selection process for architects on major projects, and she explained staff could bring forward concepts that would include some kind of a threshold so the Board would be taking additional action on larger projects. She confirmed the Board would always hire the architect, but on larger projects, staff could use a panel to screen applicants and then the finalists would make their presentations to the Board.

Commissioner Galloway suggested that the Commissioner in whose district the project is located could serve on the panel to assist in selecting the architect.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that staff be directed to present a proposal concerning the selection process for architects on major projects to the Board for approval.

04-36

**ORDINANCE NO. 1225 – BILL NO. 1403 – AMENDING WATER
ORDINANCE NO. 1189**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on December 12, 19, 2003 and January 2, 2004 to consider second reading and adoption of Bill No. 1403. Proof was made that due and legal Notice had been given.

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

On motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that Ordinance No. 1225, Bill No. 1403, entitled, "AN ORDINANCE AMENDING WATER ORDINANCE 1189, SEWER ORDINANCE 1210 AND RECLAIMED WATER ORDINANCE 1190, ARTICLE 7, ENTITLED "TIME AND MANNER OF PAYMENT," TO ADD SUBSECTION 7.5A TO PROVIDE FOR THE COLLECTION OF DELINQUENT CHARGES ON THE GENERAL COUNTY TAX ROLL," be approved, adopted and published in accordance with NRS 244.100.

It was further ordered that the following Resolution be adopted:

RESOLUTION

A RESOLUTION ADOPTING AN ORDINANCE AMENDING WATER ORDINANCE NO. 1189, SEWER ORDINANCE NO. 1210, AND RECLAIMED WATER ORDINANCE NO. 1190, BY ADDING A SUBSECTION 7.5A TO EACH

ORDINANCE TO PROVIDE FOR THE COLLECTION OF DELINQUENT CHARGES ON THE COUNTY TAX ROLL.

WHEREAS, the proposed Ordinance Amending Water Ordinance No. 1189, Sewer Ordinance No. 1210, and Reclaimed Water Ordinance No. 1190, by Adding a Subsection 7.5A to Each Ordinance to Provide for the Collection of Delinquent Charges on the County Tax Roll has been previously discussed and considered at public meetings by the Board of County Commissioners of Washoe County; and

WHEREAS, the proposed Ordinance Amending Water Ordinance No. 1189, Sewer Ordinance No. 1210, and Reclaimed Water Ordinance No. 1190, by Adding a Subsection 7.5A to Each Ordinance to Provide for the Collection of Delinquent Charges on the County Tax Roll was recommended for approval by the Director of the Department of Water Resources; and

WHEREAS, the proposed Ordinance Amending Water Ordinance No. 1189, Sewer Ordinance No. 1210, and Reclaimed Water Ordinance No. 1190, by Adding a Subsection 7.5A to Each Ordinance to Provide for the Collection of Delinquent Charges on the County Tax Roll was presented to the Board of County Commissioners of Washoe County in a first reading on November 12, 2003; and

WHEREAS, pursuant to NRS 318.199 the Board of County Commissioners may take action after the public hearing and approve a Resolution Adopting the Ordinance Amending Water Ordinance No. 1189, Sewer Ordinance No. 1210, and Reclaimed Water Ordinance No. 1190, by Adding a Subsection 7.5A to Each Ordinance to Provide for the Collection of Delinquent Charges on the County Tax Roll.

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

1. The Ordinance Amending Water Ordinance No. 1189, Sewer Ordinance No. 1210, and Reclaimed Water Ordinance No. 1190, by A adding a Subsection 7.5A to Each Ordinance to Provide for the Collection of Delinquent Charges on the County Tax Roll is hereby approved and adopted, and;
2. The Board of County Commissioners finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.

04-37

**ORDINANCE NO. 1226 – BILL NO. 1406 – AMENDING
CHAPTER 25 – INTERNET AUCTIONS OF TAX-DELINQUENT
PROPERTIES**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on January 2, 2004 to consider second reading and adoption of Bill No. 1406. Proof was made that due and legal Notice had been given.

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

Gary Schmidt, Washoe County resident, stated he was concerned with scams and encouraged the County Treasurer to build protection in the system against them.

Bill Berrum, County Treasurer, stated that by increasing the deposit required, scams would be minimal. He said a couple of loopholes have been taken care of and the office is watching this closely for potential scam situations.

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

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that Ordinance No. 1226, Bill No. 1406, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY AUTHORIZING THE SALE OF TAX-DELINQUENT PROPERTIES IN WASHOE COUNTY THROUGH USE OF INTERNET AUCTIONS; BY PROVIDING FOR INFORMATION REGARDING THE SALE OF TAX-DELINQUENT PROPERTIES TO BE MADE AVAILABLE ON THE COUNTY TREASURER'S WEBSITE AND THE WEBSITE OF ANY AUCTION SERVICE PROVIDER USED BY THE COUNTY; BY PROVIDING THE CIRCUMSTANCES UNDER WHICH AND THE AUTHORITY FOR THE COUNTY TREASURER TO WITHDRAW TAX-DELINQUENT PROPERTY FROM SALE OR TRANSFER; BY PROVIDING AUTHORITY FOR THE COUNTY TREASURER TO RESTRICT OR CONDITION FUTURE BIDDING BY A BIDDER WHO FAILS TO PERFORM AFTER SUBMITTING A BID; BY AUTHORIZING THE COUNTY TREASURER TO ACCEPT ELECTRONIC TRANSFER OF MONEY FOR TAX-DELINQUENT PROPERTY SOLD AT AUCTION; BY AUTHORIZING THE COUNTY TREASURER TO REQUIRE PRE-BID DEPOSITS FROM BIDDERS AT TAX SALES; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO,**" be approved, adopted and published in accordance with NRS 244.100.

BOARD AND COMMITTEE ASSIGNMENTS AND APPOINTMENTS

Gary Schmidt, Washoe County resident, advised the Board that they could appoint themselves as a member to serve on the Board of Equalization.

Following discussion, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, the following Commissioner appointments to Boards and Committees were made:

Jim Galloway

- Criminal Justice Advisory Committee (Alternate)
- Debt Management Commission – 12/31/04
- Joint Fire Advisory Board (Alternate)
- Nevada TRPA*
- Nevada Tahoe Conservation District Board of Supervisors – 12/31/04
- Park Commission (Liaison Alternate)
- Regional Planning Governing Board – 12/31/04 (Primary)
- Senior Citizens Board – 12/31/04
- Tahoe Regional Planning Agency*
- Truckee Meadows Water Authority (Alternate)
- Washoe County School District Oversight Panel on School Facilities
- NACO (Alternate) This appointment is not a part of the regular Commission appointments.

*Nevada members of TRPA sit on NTRPA

David Humke

- Criminal Justice Advisory Committee – 12/31/06 (Primary)
- Joint Fire Advisory Board – 12/31/06 (Alternate)
- Nevada Commission for the Reconstruction of the V&T Railway (Alternate)
- Regional Planning Governing Board (Alternate)
- Regional Transportation Commission (12/31/04)
- Truckee Meadows Water Authority (Alternate)

Pete Sferrazza

- Investment Committee
- Joint Fire Advisory Board (Primary)
- Nevada Association of Counties – Board of Directors – 12/31/06
- Regional Planning Governing Board (Alternate - no set term)
- Reno-Sparks Convention & Visitors Authority – 12/31/06
- Truckee Meadows Water Authority Board (Primary)

Jim Shaw - Chairman

District Board of Health – 12/31/04
Investment Committee (Chairman must serve)
Joint Fire Advisory Board (Alternate)
Nevada Works Board – 12/31/04
Organizational Effectiveness Committee (Chairman must serve)
Regional Planning Governing Board – 12/31/04 (Primary)
Regional Transportation Commission – 12/31/05
Senior Services Advisory Board (Alternate)
Truckee Meadows Water Authority (Alternate)
Washoe County School District Oversight Panel on School Facilities

*Washoe County Human Service Consortium (member of triumvirate per BCC 4/94 at the request of the Consortium) – 6/30/04

*This appointment is not a part of the regular Commission appointments

Bonnie Weber – Vice Chairman

Joint Fire Advisory Board – 12/31/06 (Primary)
Nevada Commission for the Reconstruction of the V&T Railway (Primary)
Park Commission (Liaison) – 12/31/06
Regional Planning Governing Board – 12/31/06 (Primary)
Regional Planning Governing Board Legislative Committee
Reno-Sparks Convention & Visitors Authority – 12/31/06
Truckee Meadows Water Authority (Alternate)

04-39 COUNTY COMMISSION RULES AND PROCEDURES FOR 2004/05

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the current Washoe County Board of Commissioners Rules and Procedures be adopted as written.

04-40 RULES AND PROCEDURES FOR JOINT MEETINGS

County Manager Katy Singlaub explained the purpose of the item was for the Board to select two items that would go forward to the Joint Meeting. The proposal developed by previous Chairman Humke and the two mayors was that each entity would have two items, one action and one non-action, on the agenda. She said staff would recommend that the Board consider Court Consolidation for discussion and not action, and discussion of the Mills Lane Justice Center for possible action.

Commissioner Sferrazza requested that the drainage ways issue be considered for one of the items for the next Joint Meeting.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that discussion, but not action, on Court Consolidation and discussion and possible action on the Mills Lane Justice Center be accepted as the two items for placement on the next Joint Meeting agenda.

04-41 REPORTS/UPDATES FROM COUNTY COMMISSION MEMBERS

Chairman Shaw distributed the current yearly report from the Washoe County District Health Department.

Commissioner Weber said the Sun Valley Citizen Advisory Board (CAB) met on January 10, 2004, and the main topic of discussion was the support and need for a middle school in their area. She reported that the Chairman of the Cold Springs CAB had a heart attack and was in the hospital. She announced that she would be attending a Town Hall Meeting in Gerlach on January 14, 2004 that would be hosted by Burning Man representatives. She explained that she attended the agency review meeting on January 9, 2004 for Burning Man, Black Rock LLC, they have progressed a long way in cleaning up their property, and they are working hard to meet all the conditions.

04-42 2002 REGIONAL PLAN SETTLEMENTS AND ASSOCIATED ISSUES

Madelyn Shipman requested approval of the regulations on procedure (dispute resolution), as outlined in the staff memorandum, dated January 7, 2004, which was placed on file with the Clerk.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the recommended changes to the Regional Planning Governing Board regulations on procedure (dispute resolution), as outlined in the staff memorandum dated January 7, 2004, be approved.

Adrian Freund, Community Development Director, presented two items concerning the 2002 Regional Plan Settlements and associated issues. He said Judge James Hardesty directed that the two Cities and the County put together a common protocol for applications for cooperative planning, including all of the items that are required in an application. He confirmed that this has been completed on a staff level. He explained that Judge Hardesty suggested the item be presented to the Board for formal endorsement, and this will done at a future meeting.

Mr. Freund reported on the County's appeal of Reno's Annexation Program, explaining that the appeal has been presented twice at the Regional Planning Commission and last week at the Regional Planning Governing Board. He said staff believes they have a good, fact-based case on the principles of planning; and the next step would be to take the appeal to District Court for judicial review. He requested

endorsement from the Board to proceed, and he stated this step would simply be completing the process.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the staff recommendation, as outlined by Mr. Freund, be approved.

Commissioner Galloway commended Ms. Shipman, Mr. Freund and his department for making progress on the McMullen/Beckworth manner. He stated that whatever changes in that Joint Plan, no one should have any doubts that the County will stand by what it agreed to do.

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There being no further business to come before the Board, the meeting adjourned at 9:03 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
Lori A. Rowe
Deputy County Clerk*