

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

TUESDAY

2:00 P.M.

AUGUST 9, 2005

PRESENT:

**Bonnie Weber, Chairman**  
**Bob Larkin, Vice Chairman**  
**Jim Galloway, Commissioner\***  
**David Humke, Commissioner**  
**Pete Sferrazza, Commissioner**

**Nancy Parent, Deputy 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:

**05-794      AGENDA**

Gary Schmidt, local resident, protested that modifying the agenda would violate the Open Meeting Law because there is no provision in the notice allowing taking items off consent or adding items to consent. He asked who made the recommendations for changes that Katy Singlaub, County Manager, mentioned. He stated that only the Board could change the agenda, and Ms. Singlaub had no authority to make changes once the agenda was posted. He said the Board could not change the agenda because the changes would not be noticed, and to make any changes would constitute at least three violations of the Open Meeting Law requiring an investigation by the Attorney General's Office of the Board and Ms. Singlaub.

**2:10 p.m.**      Commissioner Galloway arrived during Mr. Schmidt's comments.

Sam Dehne, local resident, asked how Ms. Singlaub came up with the suggestions to move items to consent since there was no Caucus.

In response to Chairman Weber, Ms. Singlaub said the Board was asked to submit their questions and suggestions about the agenda to staff through the County Manager's Office prior to the meeting because of the cancellation of Caucus; and Chairman Weber suggested moving Items 9 and 11 to consent. She said the agenda item approving the agenda was to allow discussion at a public meeting. She said the approval of a contract in the amount of \$1,084,000 in consent was based on it being discussed in a staff report available on the web and on three other occasions.

Melanie Foster, Legal Counsel, read the first note at the beginning of the agenda and stated it clearly provides notice that items may be moved into or out of the Consent Agenda. She said accepting public comment either under the agenda item or under public comment satisfies the Board's obligations under the Open Meeting Law.

Commissioner Sferrazza commented there is no reason to delay the appointment until later in the meeting if a Commissioner has someone to appoint; and, if anyone opposes the appointment, they have the opportunity to speak during the discussion of the Consent Agenda.

In accordance with the Open Meeting Law, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the agenda for the August 9, 2005 meeting be approved with the following changes: **Delete** - Item 10B, First reading of an Ordinance amending the Washoe County Schedule of Rates and Charges for Provision of Sanitary Sewer Service and Item 10C, Approve the Business Impact Statement related to the proposed Ordinance in Item 10B; **Change** - Item 7D, Commercial Elevator Services, Inc. to Commercial Elevator, Inc. and Item 8 change adopt the Washoe County Wildfire Risk Hazard Assessment report to accept the report; and **Add** - Item 11, add Daniel Fair as the appointee to the East Truckee Canyon Citizen Advisory Board.

#### **05-795            PUBLIC COMMENTS**

Al Hesson, local resident, spoke about the Marine deaths in Iraq during the past week, the trouble the military has recruiting because of the war, and the toll of the war on its veterans.

Gary Schmidt, local resident, discussed this week's Board lessons. He read from his latest Open Meeting Law violation complaint, which states in part, that Chairman Weber and/or the Board arrogantly and blatantly violated the Open Meeting Law by canceling Caucus in an illegal meeting or an illegal manner. Mr. Schmidt continued talking when the three-minute timer went off. Chairman Weber reminded him his time was up several times, which he ignored until he was done making his comments.

Sam Dehne, local resident, spoke about freedom of speech. During consideration of the Consent Agenda, he stated his opposition to the way it was being handled. He said the Consent Agenda was created to handle mundane items not items with large dollar amounts. Mr. Dehne requested the item about the Board's public comment rule be moved to earlier in the agenda so interested citizens could comment on the rule rather than waiting until late in the meeting when everyone would have left.

#### **COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS**

Melanie Foster, Legal Counsel, recalled she had advised Chairman Weber at Caucus that she had the authority to stop scheduling Caucus. She said Caucus is not required by the Board's rules or by County Code. She said there was no basis upon which

to conclude that any action was required by the Commission to stop scheduling Caucus. Ms. Foster said Chairman Weber then requested the agenda be rewritten to reflect the cancellation of Caucus.

Commissioner Galloway stated he had requested an agenda item on September 20th for the Board to make a policy decision on having Caucus on the Mondays preceding the Tuesday Commission meetings. He said waiting until September 20th would allow the Board to experience the results of not having Caucus, but he was leaning towards resuming Caucus.

Commissioner Sferrazza said he supported Chairman Weber's decision. He said he felt Mr. Schmidt's concern was unwarranted because the Board has a full and open discussion in a public forum that is broadcast on television, and he concurred with the Deputy District Attorney's relating of the events regarding the cancellation of Caucus.

Commissioner Larkin reminded everyone about the dedication of the Sparks Post Office in honor of Tony Armstrong on Monday, August 15th at 10:00 a.m. He requested updates on the strategic IT initiative, the in-house ERP, and on Charting Our Course. Commissioner Larkin commented on the City of Sparks being named one of the top places to retire and congratulated everyone on a great Hot August Nights. He said he had been invited by Senator Ensign to Pyramid Highway and Queen Way on August 10th at 1:00 p.m. to discuss the intersection at Pyramid Highway and McCarran Boulevard.

Chairman Weber requested an agenda item for the end of September for an update on dispatch service times and that the Citizen Advisory Boards are notified for comment. In response to earlier public comments, she said the only discussion the Board had about Caucus was at their retreat. She said now the Commission had opportunities to go on field trips out into the community on the day Caucus was held.

**05-796                    CERTIFICATES OF RECOGNITION - BOY SCOUT TROOP 88**

Ben Degn, Troop 88 Senior Patrol Leader, thanked the County Commissioners for taking the time to present Troop 88 with the certificates; and he spoke about the event that the 260-pound granite marker and bronze plaque memorialize, which was the 1911 murder of four shepherders that resulted in the nation's last Indian massacre. He also described the effort involved in its placement in the Black Rock Desert, which was emphasized by Hans Degn, Troop 88 Leader.

The Commissioners presented certificates to Scouts John Anderson, Jacob Atkinson, Eli Bagley, Mitch Bender, Jake Bender, Chris Bernal, Tony Bianco, Logan Brose, Gene Carlisle, Ben Degn, James Garcia, Michael Knight, Ben Martinez, Tyler Mattson, Tyler Mills, Adam Morrow, Austin Offenbacher, Canaan Peterson, David Rhodes, James Scallan, Eric Shearan, James Shipman, Cameron Sterrett, and Stephen Sterrett and to Scout Leaders John Anderson, Keith Bagley, Jon Bagley, Steve Bianco,

Hans Degn, Chuck Jackson, Marvin Mattson, Trey Obrien, and Steve Offenbacher of Boy Scout Troop 88.

**05-797            MINUTES**

On motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the minutes of the regular meeting of July 12, 2005 be approved.

**05-798            DONATIONS - SENIOR SERVICES**

Upon recommendation of Marietta Bobba, Senior Services Director, through John Berkich, Assistant County Manager, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the following cash donations in the amount of \$7,774.26 and non-cash donations in the amount of \$660 be accepted with the gratitude of the Board:

Donor (Purpose/Program)

| <b>Cash Donations:</b>                                  | Cash Value         |
|---|--------------------|
| United Way (General Donation)                           | \$607.27           |
| Washoe Health System (General Donation)                 | 100.00             |
| Lend-A-Check (General Donation)                         | 1,050.00           |
| Anonymous Donations (Mental Health Program)             | 120.00             |
| Harold's Pioneers (Nutrition Program)                   | 500.00             |
| Harrah's Poker Tournament (Nutrition Program)           | 1,850.00           |
| Northern Nevada Conference of Clubs (Nutrition Program) | 2,000.00           |
| Scolari's (Sparks Senior Center)                        | 26.99              |
| Anonymous Donations (Senior Law Project)                | 220.00             |
| Harold's Club (Adult Day Care Program)                  | 500.00             |
| 20th Century Club (Adult Day Care Program)              | <u>800.00</u>      |
| <b>Total Cash Donations</b>                             | <b>\$ 7,774.26</b> |
| <br>  |                    |
| <b>Non-Cash Donations:</b>                              | Value              |
| Bob Larkin/received from RTC (RTC/Citifare Bus Pass)    | \$60.00            |
| Bobo's Mogul Mouse (Four patio umbrellas)               | 400.00             |
| John Howell (Walker)                                    | <u>200.00</u>      |
| <b>Total Non-Cash Donations</b>                         | <b>660.00</b>      |

It was further ordered that the fiscal year 2004/05 budget for the Senior Services Department be augmented by \$7,754.26 in the following accounts:

| <b>Account</b>                      | <b>Description</b>          | <b>Amount</b> |
|-------------------------------------|-----------------------------|---------------|
| <b><u>Increase Revenues</u></b>     |                             |               |
| 20046-484000                        | General Donations           | \$707.27      |
| 20074-484000                        | Mental Health Donations     | 120.00        |
| 20051-484000                        | Sparks General Donations    | 26.99         |
| 20223-484000                        | Lend-A-Check Donations      | 1,050.00      |
| 20071-484000                        | Adult Daycare Donations     | 1,300.00      |
| 20067-484000                        | Legal General Donations     | 220.00        |
| 20047-484000                        | Nutrition Program Donations | 4,350.00      |
| Total                               |                             | \$ 7,774.26   |
| <b><u>Increase Expenditures</u></b> |                             |               |
| 20046-710500                        | General Donations           | \$707.27      |
| 20074-710500                        | Mental Health Donations     | 120.00        |
| 20051-710500                        | Sparks General Donations    | 26.99         |
| 20223-710500                        | Lend-A-Check Donations      | 1,050.00      |
| 20071-710500                        | Adult Daycare Donations     | 1,300.00      |
| 20067-710500                        | Legal General Donations     | 220.00        |
| 20047-710500                        | Nutrition Program Donations | 4,350.00      |
| Total                               |                             | \$ 7,774.26   |

**05-799      SECURITY AGREEMENT - RENO-TAHOE OPEN FOUNDATION  
- 2005 RENO TAHOE OPEN GOLF TOURNAMENT - SHERIFF**

Sam Dehne, local resident said he was in favor of the Reno Tahoe Open Golf Tournament.

Upon recommendation of Ron Breaux, Sergeant, through Dennis Balaam, Sheriff, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that the security agreement between the Washoe County Sheriff's Office and the Reno-Tahoe Open Foundation, concerning provision of uniformed Deputy Sheriffs for security for the 2005 Reno Tahoe Open Golf Tournament on August 15-21, 2005, be approved and Chairman Weber be authorized to execute the same.

**05-800      AWARD OF BID - ELEVATOR PREVENTATIVE  
MAINTENANCE AND REPAIR - NO. 2473-05 - PURCHASING**

This was the time to consider award of the bid for elevator preventative maintenance and repair for the Facility Management Division of the Public Works Department, in joinder with the Cities of Reno and Sparks, and the Washoe County

School District. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on June 6, 2005. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

Commercial Elevator, Inc  
Koch Elevator Co., Inc  
ThyssenKrupp Elevator  
Otis Elevator Company

Upon recommendation of Michael Sullens, Senior Buyer, through John Balentine, Purchasing and Contracts Administrator, Mike Turner, Facility Management Superintendent, and Tom Gadd, Public Works Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that Bid No. 2473-05 for elevator preventative maintenance and repair for the Facility Management Division of the Public Works Department, the Cities of Reno and Sparks, and the Washoe County School District be awarded to the lowest responsive, responsible bidder, Commercial Elevator, Inc, in the estimated annual amount of \$33,480 for Washoe County, \$9,240 for the City of Sparks, \$14,520 for the City of Reno, and \$29,760 for the Washoe County School District. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute a two-year agreement with a one-year renewal option on behalf of Washoe County.

**05-801            PROFESSIONAL SERVICES CONTRACT - CHARLENE ELEY -  
JUVENILE DETAINEES MENTAL HEALTH STATUS  
ASSESSMENTS - JUVENILE SERVICES**

Upon recommendation of Mary Ann Woolley, Juvenile Services Division Director, through Leonard Pugh, Juvenile Services Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that a contract for professional services between Washoe County, through Juvenile and Social Services, and Charlene Eley, concerning conducting brief mental status assessments of juveniles detained at Wittenberg Hall or housed at the McGee Center or Kids Kottage at a cost per assessment of \$65 retroactive to July 1, 2005 through June 30, 2006, be approved and Chairman Weber be authorized to execute the contract for the same. It was noted that the costs for Juvenile Services would not exceed \$43,560 and Social Services would not exceed \$4,000.

**05-802            COOPERATING TECHNICAL PARTNERS PARTNERSHIP  
AGREEMENT - FEDERAL EMERGENCY MANAGEMENT  
AGENCY - FLOOD INSURANCE RATE MAPS DIGITAL  
UPDATES - PUBLIC WORKS**

Upon recommendation of Kimble Corbridge, Licensed Engineer, through Tom Gadd, Public Works Director, on motion by Commissioner Humke, seconded by

Commissioner Larkin, which motion duly carried, it was ordered that the Cooperating Technical Partners Partnership Agreement between Washoe County and the Federal Emergency Management Agency (FEMA), concerning participation in digital updates to the Flood Insurance Rate Maps (DFIRM), be approved and Chairman Weber be authorized to execute the same.

**05-803            MEALS EXPENDITURE - ORGANIZATIONAL EFFECTIVENESS  
COMMITTEE MEETINGS - MANAGEMENT SERVICES**

Upon recommendation of Julie Skow, Administrative Assistant II, through John Slaughter, Management Services Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the expenditure in the amount not to exceed \$250 for meals for the Organizational Effectiveness Committee Meetings for fiscal year 2005/06 be approved.

**05-804            MEALS EXPENDITURE - NORTHERN AREA MANAGERS  
ROUNDTABLE MEETINGS - MANAGEMENT SERVICES**

Upon recommendation of Julie Skow, Administrative Assistant II, through John Slaughter, Management Services Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the expenditure in the amount not to exceed \$500 for meals for the Northern Area Managers Roundtable Meetings for fiscal year 2005/06 be approved.

**05-805            REAPPOINTMENT - GERLACH/EMPIRE CITIZEN ADVISORY  
BOARD - COMMUNITY DEVELOPMENT**

On motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that Matthew Ebert be reappointed as an At-Large representative to the Gerlach/Empire Citizen Advisory Board with a term from July 1, 2005 through June 30, 2007.

**05-806            WATER RIGHTS DEED AND WATER SALE AGREEMENT –  
SUN VALLEY GENERAL IMPROVEMENT DISTRICT – WATER  
RESOURCES**

Upon recommendation of Vahid Behmaram, Water Rights Manager, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that the following actions be taken regarding the Roy Choate Parcel Map:

1. The Water Rights Deed for 0.77 acre-feet of surface water (Truckee River) rights, under a portion of Permit 69817 originally a portion of Claim No. 401/402 of the Truckee River Decree, between the Sun Valley General Improvement District (SVGID), as Grantor, and Washoe County, as

Grantee, be approved and Chairman Weber be authorized to execute the same;

2. The Water Sale Agreement leasing said water rights back to SVGID be approved and Chairman Weber be authorized to execute the same; and
3. The Engineering Manager be directed to record the Water Rights Deed and Water Sale Agreement with the County Recorder.

**05-807            CANCELLATION AGREEMENT - TRUCKEE MEADOWS  
WATER AUTHORITY - WATER RIGHTS DEED - ALAN K.  
REICH - WATER RESOURCES**

Upon recommendation of Vahid Behmaram, Water Rights Manager, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that the cancellation agreement between Washoe County and the Truckee Meadows Water Authority be approved and Chairman Weber be authorized to execute the same. It was further ordered that the Water Rights Deed between Washoe County, as Grantor, and Alan K. Reich, as Grantee, reconveying 2.16 acre-feet of water rights associated with the Reich Residence, be approved.

**05-808            CORRECTION OF FACTUAL ERRORS - ASSESSOR**

Upon recommendation of John Faulkner, Chief Deputy Assessor, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that the following Roll Change Requests correcting factual errors and the Order directing the Treasurer to correct the error be approved and Chairman Weber be authorized to execute the same:

| <b>Property Owner</b>            | <b>Number</b>     | <b>Amount</b>  | <b>Roll</b>                              |
|----------------------------------|-------------------|----------------|--|
| Jones West Ford                  | I.D. 2-260-025    | [-\$14,705.23] | 2004 Unsecured                           |
| J & A Development                | Parcel 035-301-48 | [-\$1,547.34]  | 2004 Secured                             |
| Globe Granite & Marble Inc.      | I.D. 2-274-024    | [-\$974.88]    | 2004 Unsecured                           |
| Felicitas G S & Michael Guess    | Parcel 026-525-26 | [-\$850.51]    | 2004 Secured                             |
| Icon Cash Flow Partners LP Seven | I.D. 2-191-889    | [-\$382.30]    | 2004 Unsecured                           |
| Icon Cash Flow Partners LP Seven | I.D. 2-191-789    | [-\$312.76]    | 2004 Unsecured                           |
| Café TAT2                        | I.D. 2-210-751    | [-\$293.56]    | 2004 Unsecured                           |
| Michael D. & Alyce A. Branigan   | Parcel 002-351-14 | [-\$214.24]    | 2003 Secured                             |
| Michael D. & Alyce A. Branigan   | Parcel 002-351-14 | [-\$216.31]    | 2002 Secured                             |
| Michael O. & Judith A. Zmak      | Parcel 028-382-20 | [-\$204.26]    | 2004 Secured                             |
| Lance Watkins                    | I.D. 51-00-527    | [-\$169.95]    | 2004 Unsecured                           |
| Shelly Atkins                    | Parcel 550-354-21 | [-\$153.79]    | 2004 Secured                             |
| Shelly Atkins                    | Parcel 550-354-21 | [-\$151.78]    | 2003 Secured                             |
| Shelly Atkins                    | Parcel 550-354-21 | [-\$11.23]     | 2002 Supplemental -<br>Improvements Only |
| Randy W. Rathburn, et al         | Parcel 013-123-01 | [-\$150.18]    | 2004 Secured                             |
| Westlake Deli Inc.               | I.D. 2-210-509    | [-\$131.28]    | 2003 Unsecured                           |

| <b>Property Owner</b>            | <b>Number</b>     | <b>Amount</b> | <b>Roll</b>    |
|----------------------------------|-------------------|---------------|----------------|
| Westlake Deli Inc.               | I.D. 2-210-509    | [-\$131.07]   | 2004 Unsecured |
| Phillip L. & Jennelle Venenzuela | Parcel 039-137-05 | [-\$88.35]    | 2004 Secured   |
| Unique Drywall & Stucco          | I.D. 2-467-652    | [-\$82.64]    | 2004 Unsecured |
| Blackburn Tile                   | I.D. 2-460-161    | [-\$79.34]    | 2003 Unsecured |
| Blackburn Tile                   | I.D. 2-460-161    | [-\$74.79]    | 2004 Unsecured |
| Pinnacle Mortgage of Nevada      | I.D. 2-106-913    | [-\$60.01]    | 2004 Unsecured |
| P V S Helu Maintenance           | I.D. 2-114-059    | [-\$51.07]    | 2004 Unsecured |
| Century Bookkeeping Service      | I.D. 2-100-715    | [-\$47.37]    | 2004 Unsecured |
| Street Machine Werks Inc.        | I.D. 2-115-731    | [-\$45.15]    | 2004 Unsecured |
| Mark Rasmussen Appraisals        | I.D. 2-100-562    | [-\$33.45]    | 2004 Unsecured |
| Dealers Gun Exchange             | I.D. 2-201-539    | [-\$23.21]    | 2004 Unsecured |

**05-809      FORENSIC SUPPORT SERVICES AGREEMENTS - STATE AND LOCAL LAW ENFORCEMENT AGENCIES - SHERIFF'S OFFICE CRIME LABORATORY**

Upon recommendation of Don Means, Forensic Science Division Commander, through Dennis Balaam, Sheriff, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that the Forensic Support Services Agreements between the Washoe County Sheriff's Office and the following law enforcement agencies for total revenue of \$139,747 for the term of July 1, 2005 through June 30, 2006 be approved and Chairman Weber be authorized to execute the same:

|                                    |                     |
|------------------------------------|---------------------|
| Carson City Sheriff's Office       | \$13,367.00         |
| Churchill County Sheriff's Office  | \$5,083.00          |
| Douglas County Sheriff's Office    | \$23,572.00         |
| Elko County Sheriff's Office       | \$12,694.00         |
| Elko Police Department             | \$12,999.00         |
| Eureka County Sheriff's Office     | \$735.00            |
| Fallon Police Department           | \$11,384.00         |
| Humboldt County Sheriff's Office   | \$6,254.00          |
| Lander County Sheriff's Office     | \$6,535.00          |
| Lovelock Police Department         | \$1,348.00          |
| Lyon County Sheriff's Office       | \$19,951.00         |
| Mineral County Sheriff's Office    | \$381.00            |
| Pershing County Sheriff's Office   | \$4,709.00          |
| Storey County Sheriff's Office     | \$2,697.00          |
| West Wendover Police Department    | \$6,867.00          |
| White Pine County Sheriff's Office | \$1,048.00          |
| Winnemucca Police Department       | \$9,075.00          |
| Yerington Police Department        | \$1,048.00          |
| <b>Total</b>                       | <b>\$139,747.00</b> |

**05-810**            **APPOINTMENT - EAST TRUCKEE CANYON CITIZEN  
ADVISORY BOARD**

On motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Daniel Fair be appointed as an At-Large representative to the East Truckee Canyon Citizen Advisory Board with a term ending June 30, 2006.

**05-811**            **COMMUNITY WILDFIRE RISK/HAZARD ASSESSMENT AND  
MITIGATION PLAN**

Elwood Miller, Nevada Fire Safe Council Project Administrator, said the Washoe County Wildfire Risk Hazard Assessment and Mitigation Plan is the result of a statewide assessment of the Washoe County communities outside the Lake Tahoe Basin that were identified in the 2001 Federal Register of communities at risk because of being located near federal lands most vulnerable to the threat of wildfire and was funded by the Bureau of Land Management (BLM). He said any location where human life could be threatened by wildfire was looked at and 240 were found across the State of Nevada. Mr. Miller gave credit to the BLM, the United States Forest Service, the Nevada Division of Forestry, and local fire service personnel for their cooperation in collecting data and preparing the report.

Mr. Miller discussed the Healthy Forest Restoration Act, the advantages to a community of having a Community Wildfire Protection Plan (CWPP) and whether the work being done under the statewide assessment would comply with the requirement for a CWPP. He stated there are three tests for compliance: collaboration, identification of priority fuel reduction needs, and treatment of structural ignitability. He said the Council felt the work being done by Resource Concepts, Inc. (RCI) did meet the tests for compliance and further analysis by the BLM, the United States Forest Service and the Nevada State Fire Board of Directors determined it complies. He said this meant all of the communities in a county could be folded into a community wide plan and still comply with the law. He said the County Commission Chairman, local fire department(s), and the Nevada State Forest Fire Warden must sign off on the plan for the document to be considered a CWPP.

John McLain, RCI Principal, provided an overview of the results of the assessment of 17 counties and 33 Washoe County communities. He said the first factor used the State Fire Board designed rating system to award points based on the community hazard rating, community design, and the potential fire behavior based on available fuels. He stated communities with less than 41 points were deemed low risk and those with over 76 points were deemed extreme risk. Mr. McLain said the second factor assessed the fuel hazard rating, and the third factor assessed the ignition risk.

Mr. McLain said eight communities were rated high and extreme hazard areas and nearly 20 communities were rated moderate as a result of the assessment. He

spoke about fuel reduction treatments and the general community recommendations to reduce hazards. Mr. McLain said some of the fundamental strategies were to coordinate with other agencies, to review and update the assessments and plans annually, and to implement and maintain the threat reduction recommendations.

Mr. Miller summarized the information contained in the report and said the report was divided into communities inside the Tahoe Basin and communities outside the Tahoe Basin and this report is for those outside the Tahoe Basin. He said the Tahoe Basin assessment was done first because of the Wildfire Summit held the summer of 2004 where the Tahoe Regional Fire Chiefs were challenged by the congressional representatives from both California and Nevada to complete their assessments by October 1, 2004. He stated they were the only chiefs that met that deadline, but the Tahoe Basin plan has not been approved. He reiterated that this places Incline Village and Crystal Bay at a serious disadvantage in obtaining Federal Grant assistance compared to other communities around Lake Tahoe. Mr. Miller recommended the Commission adopt the plan and said any additional work deemed necessary by fire service personnel could be completed and the plan amended. He recommended the Commission adopt the Tahoe Basin portion of the plan at a minimum.

Katy Singlaub, County Manager, said the Tahoe Basin portion of the plan would be on the next available agenda for approval.

Marty Scheuerman, City of Reno Fire Department, commented they had received a copy of the plan in May; and it was noticed some communities were treated as homogenous communities, such as Southwest Reno being identified as a low risk. He said there are severe deficiencies in the plan even though a lot of good work had been done. He commented there was no collaboration with the local fire department to create the plan for outside the Tahoe Basin. He said the local fire department wanted to build on the plan and refine it to reflect the actual conditions in the community. He recommended the Commission accept the report but not adopt it because of the requirements on the local fire departments.

Gary Schmidt, local resident, said Galena Park is the worst fire hazard on the Mount Rose corridor. He spoke about putting in fire hydrants at the Reindeer Lodge and about knowing how to operate the fire equipment. He said, if a fire happened there, he might not be able to use it as happened at his house on Andrew Lane. He said his house had a complete fire suppression system, but he was denied access during the Andrew Lane fire. He continued to discuss the investigation, and Chairman Weber said that was not the topic of the discussion. Mr. Schmidt said it was, and Chairman Weber said he needed to stay on topic. Mr. Schmidt said the Andrew Lane fire problems had not been dealt with, and the report submitted did not even show the Andrew Lane fire. He concluded that this lack indicates how criminally negligent Chairman Weber and her fellow officials are. He said, through the Chair, that Commissioner Humke had betrayed his district by his silence and failure to act to solve the problems of the Andrew Lane fire.

Gary Schiff, District Ranger, Carson Ranger District, Humboldt-Toiyabe National Forest, said there was a January 2002 meeting with all of the Counties up and down the Sierra Front to look at where fuel projects should be done and the priority of those projects, which identified 31 areas. He said six County fuel projects are scheduled to be completed over the next few years. He emphasized this study helps acquire funding over the long term. He stated the Forest Service would welcome the opportunity to work with the County to look at the plan and to possibly adjust the priorities for Forest Service fuel projects.

In response to Commissioner Humke, Mr. Miller said Southwest Reno is rated low because of a statewide comparison. Commissioner Humke asked if there was a right to appeal the rating. Mr. Miller said the plan is a gift to the County from the Fire Safe Council and the BLM. He said the opportunity is there to adopt and approve it as a CWPP although there is no obligation to do so. He said the County could amend the ratings or a CWPP could be adopted for any sub-unit within the County. He said he would urge the County to do that because there had been a number of new developments since creation of the plan. In response to Commissioner Humke, Mr. Miller explained the classic interface development butts up against natural wildland and has a distinct boundary. He said the intermix interface has development within the forest environment.

In response to Commissioner Galloway, Mr. Miller confirmed that the Tahoe Basin portion of the plan had the approval of the North Lake Tahoe Fire Protection District. Commissioner Galloway requested Jim Linardos, North Lake Tahoe Fire Protection District Chief, be present to put on the record the extreme danger to the Tahoe Basin when that portion of the plan is brought before the Commission for adoption. In response to Commissioner Galloway, Mr. Miller said the grant money that was used to do the statewide assessment was spent and was no longer available for planning. He said after meeting with Chief Scheuerman and the new Fire Coordinator, Paul Hefner, he is confident the resources are available to update the plan; and he agrees there is a wide diversity in some communities that needs a closer look.

Commissioner Larkin asked what the ramifications were of accepting versus adopting the report. Mr. Miller explained adoption means following through with the approvals and defining the plan as Washoe County's CWPP. He said without that approval all of the County's communities would be ineligible for federal grant assistance until a CWPP was approved, and he discussed how the grants are allocated. Mr. Miller said the National Fire Plan and the Healthy Forest Restoration Act are unique in that they allocated federal funds for work on private lands to change the character of the fuel thereby changing the character of the fire and making it more controllable.

Commissioner Larkin commented the signature sheet provides for collaboration between the County Commission, Fire Departments and the State Forester. He said the Board had heard from one fire official that indicated he would not accept the document in its current state; and, if the Commission accepts it, it puts it in limbo. He asked what could be done to gain local fire support for the document. Mr. Miller said

local fire agency personnel should be directed to expeditiously collect the data, make corrections and increase the detail where they see deficiencies.

Mr. Schiff clarified that the National Forest Service has a five-year fuel plan and whether the report is approved or not would not influence the National Forest Service's ranking on fuel work in the County.

In response to Commissioner Sferrazza, Mr. McLain stated the Andrew Lane area was definitely assessed, but the Andrew Lane fire did not show on the map because the map was a one point in time snapshot; and work on the plan started before the Andrew Lane fire. He said the work already done would have to be redone to include the fire.

Ms. Singlaub said staff is planning a Town Hall meeting on fire safety for August 30 or 31st, which will be publicized. She discussed the Board's options regarding approval.

Chairman Weber said she would like to work with Mr. Hefner to take the plan to areas that have Volunteer Fire Departments for their input if it could be done in a timely manner.

Mr. Hefner affirmed some of the communities would be looked at in greater detail, which would update the plan to today and would eliminate some of the concerns Chief Scheuerman has currently. He anticipated it would take 60 days to complete. In response to Commissioner Larkin, Mr. Hefner said the plan meets the requirements right now of a CWPP.

In response to Commissioner Larkin, Chief Scheuerman said one of the elements of the plan was collaboration, which did not happen. He said they were willing to resolve the issues and to update the plan, and he discussed the meetings they are having. He said this plan changes the priorities to obtain grant monies; and, if a fuel project was requested for an area rated low and someone from an area rated high requested money, the area rated low would lose out. He said something could be done within 60 days.

Commissioner Galloway expressed concern that only \$270 million is available nationwide. He calculated that works out to approximately \$100,000 per county figuring 2,500 counties, which is not a lot of money. He said every county in the nation is being urged to do these plans, but it might take \$50,000 to do the plan to get the \$100,000. He said the plan needed to be done locally because of the tremendous fire risk.

In response to Commissioner Galloway, Chief Scheuerman said there was concern that requirements would be placed on local fire departments that the departments might not be able to meet, but that could be determined within 60 days. It could then be brought to the Board for approval of those sections, all or part, that were approved by the Fire Department.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that the Washoe County Wildfire Risk Hazard Assessment and Mitigation Plan be accepted contingent upon an agreement by the Reno Fire Department and RCI, not to exceed a time certain of 60 days from August 9, 2005, and that it be brought back to the Board for approval of those sections for which agreement has been reached. It was further ordered that discussions with the Volunteer Fire Departments be held to solicit their input.

**05-812            CONSULTING ENGINEERING SERVICES AGREEMENT -  
LONGLEY LANE WATER TREATMENT FACILITY - WATER  
RESOURCES**

Steve Bradhurst, Water Resources Director, discussed the background of the Longley Lane Water Treatment Facility as contained in the staff report dated August 9, 2005.

Commissioner Galloway said on November 9, 2004 the Board awarded a contract to Eco:Logic and CH2M Hill Consulting Engineers for final design services. He asked why the Board is being asked to award another design contract to the same company. Rick Warner, Sr. Licensed Engineer, responded that contract took the work up to the point where the documents were 100 percent complete and ready to submit to the review agencies. He said engineering services continue during construction, and CH2M Hill will move the project forward through the permit process, make any required changes and verify the contractors are in conformance with the contract documents that were bid.

In response to Commissioners Galloway and Sferrazza, Mr. Warner stated design fees for this type of project are usually around ten percent based on previous projects and construction supervision is typically between six and eight percent. He said there are two services that are part of the contract that are not typically incumbent in construction management contracts, which are the computer control system and startup. Mr. Warner said facility planning, preliminary engineering, final design engineering, and management services combined are about 20 percent of the total project. In response to Commissioner Sferrazza, Mr. Warner said the construction management amount was not excessive.

Upon recommendation of Mr. Warner, and Paul Orphan, Engineering Manager, through Mr. Bradhurst, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the professional services contract between Washoe County and CH2M Hill Consulting Engineers, concerning providing engineering, construction management and inspection work for the Longley Lane Water Treatment Facility in the amount of \$1,084,000, be approved and Chairman Weber be authorized to execute the same.

05-813

**CONTRACTS/PURCHASE REQUISITIONS - COURT  
AUTOMATION ENHANCEMENT PROJECT - SECOND  
JUDICIAL DISTRICT COURT**

Upon recommendation of Craig Franden, Court Technology Manager, through Ronald Longtin, District Court Administrator, on motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried, it was ordered that the following actions be taken, with the total amount not to exceed \$1,521,168, concerning the contracts and fiscal year 2005/06 purchase requisitions implementing the Second Judicial District Court's Court Automation Enhancement Project:

1. The purchase requisition for professional implementation services not to exceed \$730,636 be approved.
2. The amendment to the ACS software license and services agreement be approved and Chairman Weber be authorized to execute the same.
3. An additional ACS Software License Contract not to exceed \$313,326 be approved and Chairman Weber be authorized to execute the same.
4. The ACS Technical Currency Program Agreement Amendment effective July 30, 2005 and the Maintenance Agreement not to exceed \$192,616 be approved and Chairman Weber be authorized to execute the same.
5. The purchase requisition with Gateway Enterprise Products for computer hardware not to exceed \$222,490 be approved.
6. The purchase requisitions with Business Objects Corporation, Crystal Reports for software licenses not to exceed \$62,100 be approved.

It was noted that ACS, Business Objects Corporation and Gateway Companies are all sole source vendors.

**4:13 p.m.** The Board recessed.

**4:56 p.m.** The Board reconvened with all members present.

**05-814 PUBLIC COMMENT RULE - DISTRICT ATTORNEY**

Katy Singlaub, County Manager, commented a retreat was requested where the Board could discuss outstanding issues including public participation and possible changes to the chambers. She suggested the Board take public input and the item

be continued for up to 60 days so this and goals for the Board, concerning public participation, could be discussed further.

Chairman Weber proposed a survey for citizens to suggest ideas concerning public comment and participation. Commissioner Galloway remarked a survey might be a good idea if the Board could agree on questions.

Gary Schmidt, local resident, commented during the February workshop, the Board placed public participation as a high priority. He said this Board had been the most hostile toward public comment and public participation in the past 15 years and certainly since the beginning of this year. Mr. Schmidt said currently four lawsuits against the Board were filed with 15 plaintiffs, concerning open meeting law violations. He said the Board had inadvertently increased public comment by angering citizens at the mention of discouraging public comment and was opposed to a survey.

In response to Chairman Weber, Melanie Foster, Legal Counsel, replied several Open Meeting Law violation complaints were received weekly, and the Attorney General had ruled in favor of the Board in several of them.

Commissioner Galloway suggested allowing public comment for action items only.

Commissioner Sferrazza said he did not support public comment on every issue on the agenda, especially non-action items. He said the manner the agenda was currently drafted indicated public comment could be heard on salute to the flag, roll call, etc. He suggested the agenda be changed to indicate on which items public comment would be allowed. Commissioner Sferrazza supported an open-ended public comment where citizens could speak on any item on or off the agenda and then, in addition, limit public comment on items the Board determined.

Commissioner Larkin supported continuing the dialogue on a rule placing public comment on matters over which the Board had authority. Commissioner Larkin said this was a business meeting and needed to be conducted in a business capacity.

Ms. Foster said the Board was a public body and meetings were to be held in public. She said public meetings were limited public forums where the Board had the authority to restrict comment to matters over which the Board had authority and control.

Commissioner Humke said he appreciated the comments from Legal Counsel and supported continuing the item to consider the alternatives.

Commissioner Sferrazza clarified he was not in favor of limiting citizen's right to speak about items not on the agenda, but suggested content neutral rules.

Commissioner Larkin remarked public comment needed to be modified to address a number of issues. He suggested limiting public comment to action items so the Board could move away from public comment on issues not relevant.

On motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that the temporary rules for public comment, with the addition of placing only action items for public comment within the rule, be extended for 90 days.

**6:40 p.m.** The Board recessed.

**7:05 p.m.** The Board reconvened with all members present.

**05-815** **ORDINANCE NO. 1272 - BILL NO. 1451 - AMENDING WCC  
CHAPTER 40 - TRUCKEE RIVER FLOOD MANAGEMENT  
PROJECT**

**5:30 p.m.** This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on July 29, 2005 to consider second reading and adoption of Bill No. 1451. 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 response, the hearing was closed.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that Ordinance No. 1272, Bill No. 1451, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY CREATING THE DEPARTMENT OF THE TRUCKEE RIVER FLOOD MANAGEMENT PROJECT AND THE POSITION OF DIRECTOR THEREOF, AND PROVIDING THE DUTIES OF THE FLOOD MANAGEMENT PROJECT DIRECTOR AND OTHER MATTERS PROPERLY RELATING THERETO.**" be approved, adopted and published in accordance with NRS 244.100.

**05-816** **PUBLIC HEARING - DAVIS CREEK ROAD - PUBLIC WORKS**

**5:30 p.m.** This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on July 28 and 29, 2005 to consider objections to the County's intent to transfer a portion of Davis Creek Park Road (approximately 0.66 acres of County property) in West Washoe Valley to the State of Nevada necessary for the extension of Interstate 580 in return for an exchange of a nearby parcel of equal value, creating an easement over adjacent County property for similar public highway purposes.

The Chairman opened the public hearing by calling on anyone wishing to speak. There being no response, the hearing was closed.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that the transfer of approximately 0.66 acres near Davis Creek Road in West Washoe Valley to the State of Nevada, necessary for the extension of Interstate 580 in return for an exchange of a nearby parcel of equal value, creating an easement over adjacent County property for similar public highway purposes be approved. It was further ordered that the agreement with the State of Nevada be approved and Chairman Weber be authorized to execute the same.

**05-817            2002 REGIONAL PLAN SETTLEMENT**

Melanie Foster, Legal Counsel, said the draft settlement agreement for the annexation mediation had been approved by the Cities of Reno and Sparks and was scheduled to be considered by the Regional Planning Governing Board on August 11, 2005. She said there were issues with specific language in section 4.3.2 and explained Adrian Freund, Community Development Director, had several discussions with staff from both cities concerning that language. Ms. Foster requested the Board ratify the agreement.

Mr. Freund said staff was concerned over language in the agreement that described the relationship between the new Truckee Meadows Services Area (TMSA) and how that was calculated. He said this agreement proposed using a 25-year population projection for the establishment of the initial service areas, which would be changed from the current Regional Plan delineation, and proposed to size those by using a population density of four persons per acre for each jurisdiction. He said staff received clarification concerning a portion of the proposed service area. Mr. Freund said an additional issue discussed service areas related to the sphere of influence. He said staff received clarification from the Cities of Reno and Sparks as to what the intent of that language was. Mr. Freund said, subsequently, staff looked at the sizing of the current spheres of influence of both cities; and with respect to the City of Reno, that would not result in a major expansion of the overall size of the sphere of influence. He said this would establish a method of determining the sizing for the service area and the sphere of influence, which was based on specific criteria. Mr. Freund commented with those communications, staff was comfortable with the approach to delineate the spheres of influence and the services areas and hoped to record some clarification to that language.

In response to Commissioner Galloway, Mr. Freund replied the intent was to provide a method for calculating the size of the areas so the communities would work together. He noted the language of the agreement clearly indicated the parties were to work together to develop those newly drawn tenses. Mr. Freund commented that was the direction and intent of this agreement.

Ms. Foster explained the period of time the agreement would extend and commented the County would still have contractual remedies available.

Mr. Freund said, under the current settlement agreement, the court retained jurisdiction over matters of dispute.

Commissioner Humke asked if a timeframe had been placed on the County from the City of Reno if a land use plan had not been adopted; and, if the County did not meet that time frame, would it automatically go into the Reno Sphere of Influence. Mr. Freund indicated that was being presented to the Regional Planning Governing Board on August 11, 2005 where staff would be directed on addressing that issue. Mr. Freund remarked this agreement was primarily focused on the matter of the program of annexation of the City of Reno and would not affect annexations that may occur through the 670 voluntary process. He said, if the County redrew these boundaries and revisited those before the Regional Board, there might not be a change in a service area boundary or sphere of influence with respect to that area.

Commissioner Sferrazza asked how this proposal would affect the North Valleys High School request for annexation. Mr. Freund replied this included a provision to relieve most residential expansion projects and building projects requiring permits from the City of Reno of the need to agree to annex; however, it limited that requirement in terms of non-residential structures to expansion of less than 5,000 square feet. He said the expansion of the North Valleys High School was greater than that and would still come under Reno Municipal Code provision Chapter 18 requiring them to annex by virtue of needing their building permits.

Commissioner Galloway said intensification under this settlement agreement would only occur when facility plans were in place and funded. He stated he voted against the original settlement for reasons previously stated, and to be consistent, he would not support the action today; however, he would support the agreement at the Governing Board.

Commissioner Sferrazza said he would not support a motion since parts of his district would be negatively impacted by annexation and annexation of the North Valleys High School. He said this proposal still continued to force annexation of that area if the school district wished to expand the building.

On motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried with Commissioners Galloway and Sferrazza voting “no,” Chairman Weber ordered that the settlement agreement for the program of annexation in the case of Washoe County et al versus Truckee Meadows Regional Governing Board et al, Case No. CV 02-03-469 be approved. It was further ordered that Counsel be directed to file a status report with the court detailing the Board’s concerns and informing Justice Hardesty of the approval of the settlement agreement in spite of those concerns. It was noted the Board would seek clarification regarding the second sentence of section 4.3.2 and the Board understood that the parties were willing to further discuss such clarifications accordingly.

Commissioner Humke voiced appreciation to Commissioner Galloway and Chairman Weber for their diligent work as mediators for the Board on this agreement.

**REPORTS AND UPDATES FROM COUNTY COMMISSIONERS**

Commissioner Galloway said he attended the West Truckee Meadows Citizen Advisory Board, and they requested staff attend their meetings occasionally to discuss certain items.

Commissioner Larkin said since Caucus meetings had been omitted as formal meetings, the Board had been substituting meetings into Commission Districts. He noted the time allotted for those would continue to be Mondays.

Chairman Weber stated the newsletter, distributed to citizens by the Community Relations Department, had been received with a positive response. She recommended a quarterly calendar be included.

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There being no further business to come before the Board, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the meeting be adjourned to a Closed Session at 7:33 p.m., for the purpose of discussing negotiations with Employee Organizations per NRS 288.220. It was further ordered that the meeting would adjourn from the Closed Session.

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**BONNIE WEBER**, Chairman  
Washoe County Commission

**ATTEST:**

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

*Minutes Prepared by  
Jan Frazzetta, Deputy County Clerk  
Stacy Gonzales, Deputy County Clerk*