

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

TUESDAY

2:00 P.M.

NOVEMBER 15, 2005

PRESENT:

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

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

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

**05-1194      AGENDA**

Commissioner Sferrazza contended Item 32, which was part of the addendum, did not need to be agendized for this meeting since it was continued from the last meeting. Melanie Foster, Legal Counsel, replied continuing the item was not sufficient notice under the Open Meeting Law and the addendum did not get posted within the timeframe allowed by law because of the holiday. Katy Singlaub, County Manager, said the items would be agendized for the December 20, 2005 meeting.

Gary Schmidt, local resident, addressed the Board about his request for an emergency item on this agenda. He also spoke about his request for a copy of the tape of the message he left Chairman Weber and Commissioner Sferrazza regarding that request. He said he opposed approving the agenda without the inclusion of that emergency item for consideration.

Sam Dehne, local resident, objected to the rearrangement of the agenda and to the policy that some citizens get one minute to speak and others get three minutes.

Commissioner Sferrazza said he had received a phone call from Mr. Schmidt on Item 23. He said he tried to call him back but his answering machine was not taking messages. Commissioner Sferrazza commented Item 23 was pulled because he had never intended it to be a public discussion, but an attorney/client discussion. He said he had viewed the tape regarding the incident Mr. Schmidt described, and he saw something different from what Mr. Schmidt did. He stated he was not willing to support Mr. Schmidt's request for an emergency item.

Ms. Foster described the Open Meeting Law definition of an emergency item and said Mr. Schmidt's request did not meet that definition.

In accordance with the Open Meeting Law, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Humke absent, Chairman Weber ordered that the agenda of the November 15, 2005 meeting be approved with the deletion of Item 12A, approval of the contract with US Filter, Inc. to supply filter equipment for the South Truckee Meadows Water Treatment Facility Project, and Item 23, discussion and possible direction regarding Schmidt v. Gammick. It was noted that Item 30, Reconsideration of appointments to the Water Planning Commission, Item 31, Appointments/Reappointments to various board and commissions that the County Commission makes appointments to, and Item 32, Overview and possible direction to staff concerning issues related to redistricting Washoe County Election Districts that were part of an addendum to the agenda will not be heard because that agenda was not posted in a timely manner due to the holiday.

**05-1195      INTRODUCTION OF NEW WASHOE COUNTY EMPLOYEES**

Chairman Weber invited approximately 25 new Washoe County employees to come forward and introduce themselves to the Board. The Board members welcomed the new employees.

**05-1196      PROCLAMATION – NOVEMBER 2005 AS PREMATUREITY AWARENESS MONTH**

On motion by Chairman Weber, seconded by Commissioner Galloway, which motion duly carried with Commissioner Humke absent, Vice Chairman Larkin ordered that the following proclamation be adopted and Chairman Weber be authorized to execute the same:

**PROCLAMATION**

**WHEREAS**, Premature birth is the number one killer of newborns in America; and

**WHEREAS**, Nearly half a million babies are born prematurely every year, including 4,191 in Nevada and the number is rising; and

**WHEREAS**, Premature birth takes an enormous toll of families and costs society billions of dollars every year; and

**WHEREAS**, Most people are unaware of this common, serious and costly problem; and

**WHEREAS,** During November landmarks across the country will be in pink and blue to raise awareness and to symbolize hope for premature babies and their parents; and

**WHEREAS,** The March of Dimes is leading a national effort to save babies from premature birth by funding research to find the causes and by supporting local programs that offer hope and help to families with a baby in intensive care; now, therefore, be it

**PROCLAIMED,** By the Washoe County Board of Commissioners that the month of November is hereby proclaimed **PREMATURITY AWARENESS MONTH** in Washoe County and the Board encourages all citizens to support March of Dimes' efforts to fund research and programs to find the causes of prematurity.

Erna Stuckey, March of Dimes Northern Division Director, thanked the Board for the Proclamation and spoke about the March of Dimes, its role in researching the causes of birth defects and the programs it provides.

**05-1197      PUBLIC COMMENTS**

Chairman Weber stated the Board was asking for respect and decorum from all those in attendance. The Open Meeting Law does not require a public body to tolerate comments that are willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational, or amounting to personal attacks. She said Section 8.05 of the Nevada Open Meeting Law manual states, "The Chair of a public body may, without the vote of the public body, declare a recess to remove a person who is disrupting the meeting."

Commissioner Sferrazza stated he had requested an opinion from the District Attorney because he did not agree with what Chairman Weber read and did not agree with the current process. He suggested until that opinion was received, if a speaker was interrupted, it should be stated why their statement was improper. He said the speaker would have the option to appeal the ruling of the Chair to this body; and each Commissioner could state in 30 seconds whether or not they disagreed, a vote could be taken, and the Board could move on. He said the speaker would be on notice why they would be removed, and they could pursue their claim in court if the ruling were upheld. He said he would support the Chair if there were any personal attacks on the Chair after the ruling had been accepted by the speaker and upheld by the appeal.

Chairman Weber said the Board had consistently gone down this path and was not sure it would be appropriate to change it at this point and time. She said it was also not an agenda item to discuss.

Melanie Foster, Legal Counsel, advised, if the Board wanted to institute a new process regarding public comment, that would need to be agendaized to comply with the Open Meeting Law.

Chairman Weber read the comment card from James Kozera, local resident, where he mentioned the weeds and trash along Sutro near the Reno Livestock Events Center.

Guy Felton, local resident, addressed the Board regarding his views on the Commission, tyranny, and the consequences of the Commissions' actions.

Patricia Axelrod, local resident, stated her objections to what happened last week to Al Hesson; and, after viewing the Sheriff's tape, she felt Mr. Hesson was a victim. She read from the Constitution's premise of democracy.

Jack Haynes, local resident, said, after viewing the Sheriff's tape, rights were violated on both sides. He also spoke about the principle of the golden rule.

Vickie Haynes, local resident, stated the Board should be held accountable for giving mixed messages to the citizens when some have rights and others do not.

Katherine Snedigar, local resident, described what she saw at last week's meeting under penalty of perjury and said her statement would be submitted later.

Anita Bossard, local resident, commented about her card not being read into the record during public comment on November 8, 2005. She felt the comments of people that cannot attend the meeting were as important as those who could attend.

Juanita Cox, local resident, addressed the Board regarding her opinion of not reading public comment cards into the record and the removal of people from the chambers.

Bernard Clark, local resident, addressed the Board on how he felt about what had occurred at last week's meeting and suggested taking a two to three week break to get the hostility turned into something positive. He said, if it continued on as it has, there should be a special election because the citizens deserve better than what they were getting.

Andy Manor, local resident, commented on recent happenings during the Commission meetings, commended the Board for their courage and strength, and said shame on those that abuse the rights our Fore Fathers fought for.

, objected to the Board only allowing one minute for public comment for any speakers over 10 and the lack of media coverage regarding what was happening during the Commission meetings.

**\*3:03 p.m.** Commissioner Humke joined the meeting via telephone.

Les Barta, local resident, read a letter regarding his feelings towards Board actions and those of the Washoe County Assessor.

Gary Schmidt, local resident, spoke on the events that occurred at the November 8th meeting concerning Commissioner Humke and Al Hesson.

Robert Cameron, local resident, addressed the Board regarding the garbage dumped on Timberline.

During the discussion and approval of the Consent Items, Patricia Axelrod, local resident, expressed concern about the comment cards being abolished as the Clerk had indicated might happen in a discussion prior to the meeting. Chairman Weber said it was not appropriate to have a discussion on this issue because it was not on today's agenda.

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

Chairman Weber said she had a meeting with Waste Management about roadside dumping, and they said that it was not the company's responsibility but the County's. She stated this issue needed discussion.

Commissioner Galloway said he wanted to correct a misstatement of fact concerning the incident on November 8th. He said Gary Schmidt did not immediately return to his chair and had to be told to do so several times. Commissioner Galloway related the rest of the events he witnessed and said he would be willing to testify in court as to what happened.

Commissioner Galloway asked for attendance data for the new Incline Village Library versus the old library and reminded everyone that the City of Reno would make a decision on Redfield gaming at 6:00 p.m. tomorrow in the Reno chambers.

Commissioner Sferrazza stated the present rule was not positive in terms of public debate. He stated he did not agree with the interruption of Al Hesson or the request for his removal, but he also did not agree with Mr. Hesson's comments after his requested removal. He said this rule quickly needed to be placed on an agenda because the rule was not shortening meetings or addressing concerns of importance to the Commission. Commissioner Sferrazza commented it was inappropriate to use names to attack people, but elected officials were subject to being criticized, even wrongfully, by the public. He asked that this item be placed on the December 20th agenda because he would not be at the December 13th meeting.

Commissioner Sferrazza requested review of whether or not there was a policy of delaying a lifesaving response until police could investigate a potential crime.

Chairman Weber apologized to Commissioner Sferrazza for comments made at the November 8th meeting. Commissioner Sferrazza accepted her apology.

Commissioner Humke said he would work with Mr. Cameron and anyone else necessary to address the garbage dumped on Timberline.

Commissioner Larkin commented the Veterans' Day parade was the best the City of Reno had ever sponsored. He requested the County Manager investigate a sponsorship of the Veterans' Guest House. Commissioner Larkin thanked the Department of Water Resources for their magnificent job on the Pyramid Highway/Spanish Springs Flood Control Project. He said he did not receive one complaint from the citizens of Spanish Springs despite the inconvenience.

Chairman Weber also commended the City of Reno on the Veterans' Day parade. She said she gave out 500 flags in addition to those passed out by the City. She said, after meeting with Waste Management, it was concluded the County had been getting a deal for using the transfer station and the Lockwood Landfill before the rate increase. She stated there was free dumping of large items quarterly, but she did not believe the public was aware of that or that paint cans containing dried paint could be thrown in the trash. Chairman Weber said the County should work with Waste Management to prepare information flyers on using the Waste Management facilities.

**05-1198      INFLUENZA UPDATE – DR. MARY ANDERSON, DISTRICT HEALTH OFFICER**

Commissioner Galloway mentioned the reception to welcome the County's new District Health Officer, Dr. Mary Anderson, on Thursday, November 17th from 5:00 to 7:00 p.m. at the Wilbur D. May Museum.

Dr. Anderson presented the Board with an influenza and avian flu update prepared by Dr. Randall Todd, Epi Center Director, which was placed on file with the Clerk. She hoped the presentation would help eliminate some of the general public's confusion regarding influenza. Dr. Anderson stated the document outlining the new national strategy for dealing with pandemic influenza was available at <http://www.whitehouse.gov/homeland/pandemic-influenza.html>.

In response to Commissioner Sferrazza, Dr. Anderson said a pandemic was worldwide while an epidemic was localized. She said flu vaccinations were available through the Health Department, and she provided the location and schedule.

In response to Commissioner Galloway, Dr. Anderson said a 35 percent attack rate would tax, if not exceed, the available resources. Commissioner Galloway asked if the best area to work on would be temporary Intensive Care Unit (ICU) capability, and Dr. Anderson agreed, stating there were many more standard hospital beds than ICU beds.

Commissioner Larkin felt, because of media coverage, that seniors needed to be reassured that general influenza was more of a concern than avian flu. Dr. Anderson said the immunizations were geared towards standard influenza and there was no

immunization for avian influenza. She said the spread of avian influenza to other countries and to humans was being monitored by the Center for Disease Control (CDC).

Patricia Axelrod, local resident, expressed her concern with avian flu being elevated to the potential for a pandemic and whether the County would pay for the uninsured. She felt this was a wasteful expense and misappropriation of funds along with a way to distract from the war in Iraq.

Jack and Vickie Haynes, local residents, addressed the Board regarding their concerns with flu vaccinations and about natural alternatives to the vaccinations.

Juanita Cox, local resident, quoted statistics from the CDC on flu deaths and talked about who profits from the flu hoax.

**3:52 p.m.** Chairman Weber temporarily left the meeting and Vice Chairman Larkin assumed the gavel.

Commissioner Galloway said the plan was about preparedness, not necessarily that it would happen. He stated preparing for an avian flu outbreak would serve the County well for any other kind of epidemic.

**3:56 p.m.** Chairman Weber returned to the meeting.

On motion by Commissioner Humke, seconded by Chairman Weber, which motion duly carried, Vice Chairman Larkin ordered that the influenza update provided by Dr. Anderson be accepted.

**3:57 p.m.** Chairman Weber assumed the gavel.

**05-1199** **MINUTES**

On motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the minutes of the regular meetings of October 11 and 18, 2005 be approved.

**CANCELLATION OF REGULAR MEETING**

On motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the regular scheduled meeting of the Board of County Commissioners for November 22, 2005 be cancelled pursuant to Washoe County Code 5.017(4) and that the Clerk be directed to post the notice of cancellation.

**05-1201      SEXUAL ASSAULT MEDICAL CARE PAYMENT**

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care for 56 sexual assault victims in the amount totaling \$7,135.64 and for follow-up treatment (up to \$1,000) for victims, victim's spouses and other eligible persons as set forth in a memorandum from Kim Schweickert, Program Assistant, District Attorney's Office, dated November 1, 2005.

**05-1202      SUPPLEMENTAL GRANT AWARD – STATE OF NEVADA –  
SART/CARES PROGRAM – DISTRICT ATTORNEY**

Upon recommendation of Neeroo Manning, Fiscal Compliance Officer, through Richard Gammick, District Attorney, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the supplemental grant award from the State of Nevada, Department of Human Resources, Division of Child and Family Services, concerning conference training and travel and SART/CARES Program, in the amount of \$40,393 with no County match for the period of July 1, 2005 to September 30, 2006, be approved and Finance be authorized to make the following budget adjustments effective July 1, 2005:

<b>ACCOUNT NUMBER</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
<b>Increase Revenue:</b>		
10102-43110	Federal Grants	\$40,393
<b>Increase Expenditures:</b>		
10102-710509	Training	\$6,000
10102-711210	Travel	\$2,400
10102-711504	Equipment <\$10,000	\$7,000
10102-781004	Equipment >\$10,000	\$24,993

**05-1203      RESOLUTION – TRANSFER PORTION OF TOLL ROAD TO  
REGIONAL TRANSPORTATION COMMISSION – STATE  
HIGHWAY 431/TOLL ROAD INTERSECTION – PUBLIC WORKS**

Upon recommendation of David Price, 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 following resolution be adopted and Chairman Weber be authorized to execute the same:

**RESOLUTION**

A resolution declaring Washoe County's intent to transfer a portion of Toll Road (approximately 4,112 square feet of County property) near the Geiger Grade/Toll Road

intersection to RTC necessary for the construction of the State Highway 341/Toll Road intersection, and setting a date for the hearing at which objections can be heard and other matters properly related thereto.

**WHEREAS**, Washoe County owns a certain parcel of real property in Washoe County at the intersection of Toll Road and State Highway 341 (Geiger Grade) and which is shown on Exhibit A, which was placed on file with the Clerk, (hereafter referred to as “County Parcel”);

**WHEREAS**, in accordance with NRS 373.140 and the Interlocal Cooperative Agreement executed on February 10, 1997 between Reno, Sparks, Washoe County, and RTC, the RTC has constructed the intersection of State Highway 341 (Geiger Grade) and Toll Road for the benefit of Washoe County and the traveling public (the “Project”);

**WHEREAS**, the RTC has prepared Exhibit A which contains a legal description and a diagram of the County parcel;

**WHEREAS**, the RTC desires to obtain from Washoe County approximately 4,112 square feet of Toll Road which is particularly described in Exhibit A;

**WHEREAS**, the parcel described in Exhibit A will be used after the transfer from the County for the reconstruction and maintenance of State Highway 341 which use constitutes a public purpose;

**WHEREAS**, NRS 277.053 provides that one public entity may convey real property to another public entity without charge if the property is to be used for a public purpose; and

**WHEREAS**, NRS 277.050 provides that before ordering the conveyance of any such property, the governing body of a public agency shall, in a regular open meeting, by a majority vote of its members, adopt a resolution declaring its intention to convey the property and set a date not less than 2 weeks later than the declaration of the intent to convey the property;

**NOW THEREFORE** be it hereby resolved by the Washoe County Board of County Commissioners as follows:

1. The Board of County Commissioners (the “Board”) of Washoe County hereby declares its intent to convey to RTC all the interests the County has in the parcel shown on Exhibit A.

2. The conveyance could be made without the payment by RTC to Washoe County of money, rent or other consideration because the property to be transferred will be used for the Project and will continue to serve a public purpose.

3. The Board hereby fixes December 13, 2005 (or such later date as the Board may later fix and announce) as the date for a public meeting at which the electors may make objections to the transfer.

4. The Washoe County Clerk is hereby directed to publish in a newspaper of general circulation published in the county a notice of the adoption of this resolution and announcing the December 13, 2005 meeting at which objections can be heard not less than twice, on successive days, the last publication to be not less than 7 days before the date of the public meeting to be held December 13, 2005 or such later date as the Board may establish.

**05-1204      AWARD OF BID – SPEED BUMP PROJECT – PUBLIC WORKS**

This was the time to consider award of the bid for the 2005/06 Speed Bump Project for the Public Works Department.

Upon recommendation of David Price, 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 bid for the 2005/06 Speed Bump Project be awarded to Sierra Nevada Construction Inc. in the amount of \$31,910 and Chairman Weber be authorized to execute the contract documents upon presentation.

**05-1205      INTERLOCAL COOPERATIVE AGREEMENT – REGIONAL TRANSPORTATION COMMISSION (RTC) - 2007 HIGHWAY AND ROAD PROJECTS – PUBLIC WORKS**

Sam Dehne, local resident, commented a lot of money was involved in the road projects; and the Cities of Reno and Sparks were upset because they did not feel they were getting their fair share of the money.

Commissioner Galloway stated the Interlocal Cooperative Agreement eliminated all bias so the worst roads were done first no matter where they were located.

Commissioner Humke commented the County's Public Works staff had participated with all the other entities in the grading process. He said the roads with the greatest deterioration would be rehabilitated first before they fell into such a state that they needed a full rebuild.

Commissioner Larkin remarked these monies from the sales tax street and highway program were under the jurisdiction of the Regional Transportation Commission. He said the Board's acceptance of the agreement indicated it was a good agreement.

Upon recommendation of David Price, 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 Interlocal Cooperative Agreement for projects included in the Regional Transportation Commission's fiscal year 2007 Regional Road Impact Fee (RRIF) Street and Highway Program of Projects, the fiscal year 2007 Fuel Tax Street and Highway Program of Projects, and the fiscal year 2007 Sales Tax Street and Highway Program of Projects between Washoe County, City of Reno, City of Sparks, and the Regional Transportation Commission be approved and Chairman Weber be authorized to execute said agreement upon presentation.

**05-1206      GRANT OF EASEMENT – UTILITY FACILITIES – CAMP WE CH ME FISH HATCHERY AND RESTROOM BUILDING – PUBLIC WORKS**

Upon recommendation of Roger Van Alyne, Public Works Deputy Director, through Tom Gadd, Public Works Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that the Grant of Easement to Sierra Pacific Power Company for utility facilities at the Camp We Ch Me Fish Hatchery and restroom building be approved and Chairman Weber be authorized to execute the easement documents upon presentation.

**05-1207      SALARY AND BENEFIT RECOMMENDATIONS – DISTRICT ATTORNEY CHIEF INVESTIGATOR – HUMAN RESOURCES**

Upon recommendation of Joanne Ray, Human Resources 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 salary and benefit changes for the District Attorney's Office Chief Investigator be approved:

1. Grant a 3.5 percent general salary increase effective July 1, 2005
2. Grant a 3.5 percent general salary increase effective July 1, 2006
3. Grant a 3.5 percent general salary increase effective July 1, 2007
4. Increased longevity pay for employees employed five years from a maximum of nine percent to a maximum of twelve and one-half percent.

**05-1208      AUTHORIZE – PART TIME INTERMITTENT HOURLY POSITIONS – FIVE PUBLIC SERVICE INTERNS – ONE HUMAN RESOURCES SPECIALIST I – HUMAN RESOURCES**

Upon recommendation of Joanne Ray, Human Resources 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 creation of five part time intermittent hourly Public Service Intern positions for the Board of County Commissioners and one part time intermittent hourly Human

Resources Specialist I position for Human Resources be approved and the Finance Department make the appropriate budget adjustments.

**05-1209      REAPPOINTMENT – LIBRARY BOARD OF TRUSTEES**

Upon recommendation of the Library Board of Trustees, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that June Burton be reappointed to the Washoe County Library Board of Trustees with a term effective July 1, 2005 to June 30, 2009.

**05-1210      COLLECTIVE BARGAINING AGREEMENT – DISTRICT ATTORNEY INVESTIGATORS’ ASSOCIATION – LABOR RELATIONS**

Upon recommendation of Steve Watson, Labor Relations Manager, through Katy Singlaub, County Manager, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that the amendments to the Collective Bargaining Agreement with the Washoe County District Attorney Investigators’ Association for the period of July 1, 2005 through June 30, 2008 be ratified and Chairman Weber be authorized to execute the same.

**05- 1211      AWARD OF BID NO. 2505-06 – 8,000 GALLON ASPHALT EMULSION STORAGE TANK – PURCHASING/PUBLIC WORKS**

This was the time to consider award of the bid for an 8,000-gallon asphalt emulsion storage tank for the Roads Division of the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on October 10, 2005. Proof was made that due and legal Notice had been given.

One bid was received from Duraco Industries, Inc.

Upon recommendation of Michael Sullens, Senior Buyer, through John Balentine, Purchasing and Contracts Administrator, Jean Ely, General Services Division Director, 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. 2505-06 for an 8,000-gallon asphalt emulsion storage tank be awarded on behalf of Roads Division of the Public Works Department to Duraco Industries, Inc. in the net amount of \$46,449 and the Purchasing and Contracts Administrator be authorized to execute the purchase agreement for the equipment.

**05-1212      ADJUSTMENTS – 1996 SERVICE TERRITORY BOUNDARIES – 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, Chairman Weber ordered that the adjustments to the 1996 service territory boundaries between Washoe County and Truckee Meadows Water Authority for parcels located in Lemmon Valley and Golden Valley, as illustrated on maps placed on file with the Clerk, be approved.

**05-1213      CONVEYANCE OF WATER RIGHTS – SUN VALLEY GENERAL IMPROVEMENT DISTRICT – WATER SALE AGREEMENT – 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 conveyance of 11.50 acre-feet of water rights from the Sun Valley General Improvement District (SVGID) to Washoe County in support of the Sun Valley Commercial Center and the associated Water Sale Agreement leasing said water rights back to SVGID be approved. It was further ordered that Chairman Weber be authorized to execute the water rights deed and the water sale agreement and the Engineering Manager be directed to record both documents.

**05-1214      STATUS REPORT – TRUCKEE RIVER FLOOD MANAGEMENT PROJECT – WATER RESOURCES**

Sam Dehne, local resident, stated it was oxymoronic to ask for flood control money for a region that was in a drought.

Upon recommendation of Naomi Duerr, Truckee River Flood Management Project Director, and Paul Urban, Truckee River Management Project Manager, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the status report on the Truckee River Flood Management Project be accepted.

**05-1215      AUTHORIZE PAYMENT – DEBT MANAGEMENT COMMISSION – AT LARGE MEMBERS**

Upon recommendation of John Sherman, Finance Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that payment to the two at-large members of the Debt Management Commission (DMC) of both a \$40 per meeting compensation, not to exceed \$400 per month, and a per diem reimbursement pursuant to County Code on travel regulation sections 5.351 to 5.395, inclusive, but limited to reimbursement for mileage and meals, be approved.

**05-1216      REPORT OF SALE – DELINQUENT SPECIAL ASSESSMENT  
SALE – TREASURER**

Upon recommendation of Linda Jacobs, Deputy Treasurer, through Bill Berrum, Treasurer, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the Report of Sale for the Delinquent Special Assessment Sale scheduled for October 26, 2005 be accepted. It was noted that no parcels were sold as all delinquencies were paid prior to the sale date.

**05-1217      RESOLUTION – SALE OF PROPERTIES – DELINQUENT TAX  
ASSESSMENT – TREASURER**

Upon recommendation of Linda Jacobs, Deputy Treasurer, through Bill Berrum, Treasurer, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that pursuant to NRS 271.545 the following resolution for the sale of properties subject to the lien of a delinquent special assessment in the following special assessment districts: WCAD 23, Arrowcreek Water, WCAD 26, Matterhorn Road, WCAD 29, Mount Rose Sewer Phase 1, WCAD 30, Antelope Valley Road, WCAD 35, Rhodes Road, and WCAD 36, Evergreen Hills Drive, be adopted and Chairman Weber be authorized to execute the same:

**RESOLUTION NO. 05-1217**

**A RESOLUTION DIRECTING THE COUNTY  
TREASURER TO GIVE NOTICE OF THE SALE OF  
PROPERTIES SUBJECT TO THE LIEN OF A  
DELINQUENT ASSESSMENT; RATIFYING ALL  
ACTIONS PREVIOUSLY TAKEN; AND  
PROVIDING OTHER MATTERS PROPERLY  
RELATING THERETO.**

**WHEREAS**, the Board of Commissioners (the “Board”) of the County of Washoe (the “County”), State of Nevada, pursuant to different ordinances heretofore duly passed and adopted, created County improvement districts as more particularly described at Exhibit A, placed on file with the Clerk hereto and incorporated herein (the “Districts”), and ordered the acquisition of improvements within said Districts, and determined to defray a portion of the entire costs and expense of such improvements by special assessments, according to benefits, against benefited lots, tracts and parcels of land (“properties”) in the respective Districts; and

**WHEREAS**, the Board has by their respective ordinances levied assessments against the properties; and

**WHEREAS**, the Board has directed and hereby reaffirm their direction to the County Treasurer to collect and enforce the assessments in the Districts in the manner provided by Nevada’s Consolidated Local Improvements Law, NRS Chapter 271; and

**WHEREAS**, the assessment installments on certain properties in the Districts are delinquent, as identified in Exhibit A placed on file with the Clerk hereto (“delinquent properties”), and remain delinquent after delivery by certified mail, return receipt requested, of a ten day delinquency notice to each delinquent property owner; and

**WHEREAS**, the Board desires that the County Treasurer proceed with a notice of the sale of the delinquent properties as provided in NRS 271.545 and sell the delinquent properties pursuant to NRS 271.540 to NRS 271.630.

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

1. The Board hereby exercises its option to cause the whole amount of the unpaid principal of the assessments on the delinquent properties to become due and payable as provided in NRS 271.410.

2. The Board hereby ratifies all action previously taken by the County Treasurer and directs the County Treasurer to give notice of the sale of the delinquent properties and to sell the delinquent properties pursuant to NRS 271.540 to NRS 271.630. The sale shall take place at 11:00 a.m. on January 18, 2006, in the Washoe County Commission Chambers, 1001 E. Ninth Street, Reno, which the Board hereby finds a convenient location within the County.

3. If some irregularity or circumstance arises before the sale of any delinquent property such that in the opinion of the Washoe County Treasurer the public interest would best be served by withdrawing such a delinquent property from sale, the Washoe County Treasurer is hereby expressly authorized to make such a withdrawal. The Treasurer shall report to the Board in writing concerning his decision to make such a withdrawal and shall state the reasons for the decision.

4. The County Treasurer shall give the notice as provided in NRS 271.545, by publication in the Reno Gazette Journal, a newspaper of general circulation in the County, and such notice to be published at least once a week for three consecutive publications, by three weekly insertions, the first such publication to be at least 15 days prior to the day of sale. It shall not be necessary that the notice be published on the same day of the week, but not less than 15 days shall intervene between the first publication and the last publication. Such service by publication shall be verified by the affidavit of the publisher and filed with the County Treasurer. The County Treasurer or his designee shall also give written notice of sale by mailing a copy of such notice, by first-class mail, postage prepaid, at least 20 days prior to the day of sale, to the last known owner or owners of all properties subject to sale or other designated person at his or her last-known address or addresses; and to any person or governmental entity that appeared in the records of the County to have a lien or other interest in the delinquent property. Proof of such mailing shall be made by the affidavit of the County Treasurer or his designee and

such proof shall be filed with the County Treasurer. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the County Treasurer until all special assessments and special assessment bonds issued (if such special assessment bonds have been or are hereafter issued) shall have been paid in full, both principal and interest, until any period of redemption has expired or property sold for an assessment, or until any claim is barred by an appropriate statute of limitations, whichever occurs last.

5. The officers of the County are hereby authorized to take all action necessary to effectuate the provisions of this Resolution.

6. The resolution is effective on passage and approval.

**05-1218      AWARD OF BID – CONSTRUCTING SPECIAL ASSESSMENT  
DISTRICT NO. 37 – SPANISH SPRINGS SEWER PHASE 1A –  
WATER RESOURCES**

This was the time to consider award of the bid for constructing Special Assessment District No. 37, Spanish Springs Sewer Phase 1a, for the Water Resources Department.

Bids were received from the following vendors:

A & K Earth Movers, Inc.  
Rapid Construction, Inc.  
Cruz Excavating, Inc.  
Marv McQueary Excavating, Inc.  
Burdick Excavating, Inc.

Upon recommendation of Joe Stowell, Licensed Engineer, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried, it was ordered that the bid for constructing Special Assessment District No. 37, Spanish Springs Sewer Phase 1a, for the Water Resources Department be awarded to A & K Earth Movers, Inc. in the amount of \$2,288,000. It was further ordered that Chairman Weber be authorized to execute the contract documents upon receipt and the Engineering Manager be authorized to issue the Notice to Proceed.

**05-1219      AWARD OF BID – PWP-WA-2005-232 – TRAFFIC SIGNAL  
INSTALLATION – SR 445 PYRAMID WAY AND GOLDEN VIEW  
DRIVE – PUBLIC WORKS**

This was the time to consider award of Bid No. PWP-WA-2005-232 for the traffic signal installation at SR 445 Pyramid Way and Golden View Drive for the Public Works Department.

Bids were received from the following vendors:

Merit Electric  
PAR

Upon recommendation of David Price, Engineer, through Tom Gadd, Public Works Director, on motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried, it was ordered that Bid No. PWP-WA-2005-232 for the traffic signal installation at SR 445 Pyramid Way and Golden View Drive for the Public Works Department be awarded to Merit Electric in the amount of \$243,098.43 and Chairman Weber be authorized to execute the contract documents upon presentation. It was further ordered that the \$125,000 donation from the Summit Christian Church be accepted with the gratitude of the Board and the Nevada Department of Transportation (NDOT) reimbursement, not to exceed \$125,000 as stipulated in the cooperative agreement with NDOT, be accepted. It was also ordered that the Finance Department make the following budget adjustments:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT
<b>Increase Revenue:</b>		
PW920562-432100	State Contribution	\$104,329.74
PW920562-484100	Donations	\$125,000.00
<b>Increase Expenditure:</b>		
PW920562-781010	Construction Contract	\$229,329.74

**05-1220      INTERLOCAL CONTRACT – STATE OF NEVADA –  
TEMPORARILY HOUSE JUVENILES IN WITTENBERG HALL  
JUVENILE DETENTION FACILITY – JUVENILE SERVICES**

Upon recommendation of Mary Ann Woolley, Juvenile Services Division Director, through Leonard Pugh, Juvenile Services Director, on motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Interlocal Contract between the Washoe County Department of Juvenile Services and the State of Nevada Division of Child and Family Services to temporarily house juveniles under the jurisdiction of the Youth Parole Bureau in the Wittenberg Hall Juvenile Detention Facility be approved retroactive from July 1, 2003 to June 30, 2007 and Chairman Weber be authorized to execute the same. It was noted that the County was to be reimbursed at a cost of \$80 per day per youth with the total contract not to exceed \$151,130 in fiscal year 2004, \$151,130 in fiscal year 2005, \$141,600 in fiscal year 2006, and \$141,600 in fiscal year 2007 to a maximum of \$585,460.

05-1221

**CONSULTANT SERVICES AGREEMENT – REVIEW OF  
DISTRICT COURT CLASSIFICATION AND COMPENSATION  
PLANS AND MANAGEMENT AND SUPERVISORY STRUCTURE  
– SECOND JUDICIAL DISTRICT COURT**

Amy Harvey, County Clerk, addressed the Board on the compensation inequities between Court and County employees and her request for Court position job descriptions so she could compare positions she believed had similar duties, responsibilities and levels of skill. Ms. Harvey also commented on Washoe County being the only County in the State that the Clerk does not provide staff for the District Court Judges as Clerk of the Court.

Commissioner Sferrazza asked if the methodology used in this review would be comparable to what the County uses with respect to the rest of the County's employees and would it be easy to compare jobs based on this analysis.

Joanne Ray, Human Resources Director, replied that, once the market survey study was received, the jobs could be compared and those positions that are 100 percent comparable would be placed in the same salary range. She said the study would look at the specific classifications and gathering salary information for the purpose of making sure the salaries were competitive.

Ron Longtin, District Court Administrator and Clerk of the Court, said Larry Beller, Larry Beller and Associates, had indicated he does not use the point factor. Mr. Longtin said he had determined the Federal Court system does not use the point factor, and he described how the Federal system worked.

Commissioner Galloway asked if the judges were open to or opposed to some amendment to the agreement that would allow the study to be based on point factors for the clerks. Mr. Longtin replied Mr. Beller does not use the point factor in his analysis; and, if the Board wanted that used, the County would have to use a different vendor.

Jerome Polaha, Chief Judge, stated he heard from Ms. Harvey that Washoe County was the only jurisdiction in Nevada that had it different. He reminded the Board the Courts did not sue, they were sued, and that was what the Supreme Court decided. He said the Courts needed a review and he wanted to discover why there was resistance aside from this was the way the Judges do it and this was the way the County does it. Judge Polaha said the Courts want to be able to make their conclusions rather than having them imposed on the Court by a non-court committee. He said, if the Hay Group does it for the Courts, and committees were set up afterwards to continue the reviews, he would not be philosophically opposed to that. He said the Courts had been working with Human Resources to smooth these things out.

Commissioner Galloway said he was hearing in the Clerk's situation there were jobs that were similar enough that it created a morale problem when one group was

paid higher than the other. He said avoiding that type of problem was what prompted the County to go to the point factor system.

Ms. Ray said the five jobs that were identified by the Board, the Clerk's Office, Human Resources, and District Court as being the most comparable were paid the same when the issue was raised in 2001.

Chairman Weber suggested moving forward and asking staff to work with the Clerk's Office to resolve the equity issues.

Commissioner Sferrazza asked for information on the difference between the factor analysis described here, the point factor analysis of Hay, and the Federal District Court System for classification.

Upon recommendation of Mr. Longtin, through Judge Polaha, on motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried, Chairman Weber ordered that the Agreement for Consultant Services with Larry Beller and Associates for a comprehensive review of the Second Judicial District Court classification and compensation plans as well as a review of the overall management and supervisory structure in the amount not to exceed \$54,600 be approved. It was further ordered that staff be directed to work with the Clerk's Office and the Courts regarding the equity issue.

**05-1222      DOWNTOWN RENO LIBRARY HOURS OF OPERATION**

Nancy Cummings, Library Director, described the hours the downtown Reno Library and the walkup window were open. She said staff would continue to monitor the hours and planned to expand them during the next fiscal year. She said there would be an inauguration ceremony for the walkup window on December 8th, which she hoped would call attention to the window.

**05-1223      BILL NO. 1460 - ADDING NEW CHAPTER 11 – CREATING DEPARTMENT OF ALTERNATIVE SENTENCING**

Richard Gammick, District Attorney, speaking as the Board's attorney, said the District Attorney's Office did not have an issue with the Alternative Sentencing Department (ASD) or Nevada Revised Statutes (NRS) Chapter 211A. He said there were other issues that affect the scope and application of the ASD program. He said he met with Judge Edward Dannan, Justice of the Peace, Department 2 of the Reno Justice Court, and reached agreement to take the differences to the Attorney General's Office. He said the Judges believed they had the authority to run other programs, but the District Attorney's Office believed otherwise. Mr. Gammick said the decision would have a direct affect on the second reading of the ordinance regarding the scope and application of the program.

In response to Commissioner Galloway, Mr. Gammick said both sides had agreed to abide by the Attorney General's opinion.

Commissioner Humke asked if there was a State precedent for the Court operating one of these programs. Mr. Gammick replied there was a precedent in that there were courts operating these programs, but the concern was whether or not State law authorizes the courts to do so. Commissioner Humke commented legislation creating misdemeanor programs was fairly recent, but he did not know if it was the intent for it to be under the judiciary.

Judge Dannan said the Judges believed the courts could continue to monitor people sentenced to suspended sentences. He said this issue did not relate to the alternative sentencing process. He stated the dispute was over what the Judges could do with people who did not go into alternative sentencing; and it was believed the statute authorized, and sometimes required, the judges to supervise people sentenced to misdemeanors. Judge Dannan said he would like to see the public hearing set for December 20th, the testimony taken, and the department created.

Harold Albright, Justice of the Peace, Department 4 of the Reno Justice Court, said there were currently two counties, one of which introduced the legislation, that were allowing supervision by the courts exactly as Washoe County was doing it. He said Douglas County was going ahead as were the Cities of Reno and Sparks. He said the Judges felt the department would be an important supervisory tool. Judge Albright asked for the first reading today and the second reading to be set as soon as possible.

Mr. Gammick said he had no problem with setting the second reading for December 20th, but it depended on where the County was in obtaining the Attorney General's opinion. He stated the District Attorney's job was to try and minimize liability for the County so it could not be held in bad faith for something that was done.

Sam Dehne, local resident, addressed the Board about the Attorney General being new to the job and asked why this had to be done so quickly. He felt the fees needed further discussion.

Gary Schmidt, local resident, stated he opposed the District Attorney obligating the County to the opinion of the Attorney General's office because he was not sure the Board had that authority or that it was wise. He asked Commissioner Sferrazza how the Board could obligate the participants in the program and the taxpayers to be bound by the Attorney General, and he would rather get a determination from the court.

Juanita Cox, local resident, addressed the Board regarding her concerns on this issue.

Commissioner Sferrazza said he supported the agreement between the District Attorney and the Judges to abide by the Attorney General's opinion. He stated, if

there was no opinion by December 20th and the Judges wanted to proceed, he was willing to support them.

Bill No. 1460, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING A NEW CHAPTER 11 CREATING THE DEPARTMENT OF ALTERNATIVE SENTENCING, CREATING POSITION OF CHIEF OF DEPARTMENT, SPECIFYING QUALIFICATIONS OF THE CHIEF OF THE DEPARTMENT, AUTHORIZING THE HIRING OF ASSISTANTS AND OTHER EMPLOYEES BY THE CHIEF OF THE DEPARTMENT, SPECIFYING THE DUTIES OF THE DEPARTMENT, IMPOSING FEES TO BE PAID BY PROBATIONERS FOR THE COST OF THEIR SUPERVISION; AND PROVIDING OTHER MATTERS PROPERTY RELATING THERETO." was introduced by Commissioner Sferrazza, the title read to the Board and legal notice for final action of adoption directed.

**05-1224      TRUCKEE MEADOWS GROWTH TASK FORCE FUNDING REQUEST – COMMUNITY DEVELOPMENT**

Upon recommendation of Michelle Poché, Assistant County Manager, through Katy Singlaub, County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the funding request by the Truckee Meadows Growth Task Force in the amount of \$1,500 to be funded from Community Development's budget, concerning work related to natural resources and access to open space, affordable housing, transportation, the revitalization of downtowns, and a possible community reinvestment fund, be approved.

**05-1225      2002 REGIONAL PLAN SETTLEMENTS**

Adrian Freund, Community Development Director, provided background on what had happened regarding the 2002 Regional Settlement Agreement prior to the October 20th status hearing with Judge Hardesty. He said at that hearing the County entered an exhibit that was the result of discussions on at least a partial set of areas agreed to as future city growth areas and County Truckee Meadows Service Area (TMSA) additions. He stated the yellow areas on the TMSA map as of August 2005 were those discussed and agreed upon without respect to jurisdiction, and he discussed the map. He addressed the changes depicted in the map, Exhibit 1, that was attached to the joint staff report from the Cities of Reno and Sparks dated November 4th. Mr. Freund said the major change was public land parcels identified as potential future growth areas by the cities. He said it would require a public lands bill and legislation for that to occur.

Mr. Freund said on November 8th the Board requested the opportunity for the public to address the Board on this matter and provide public comment. He said he provided an outline of what took place during additional discussions on November 14th, which was placed on file with the Clerk. He said a draft map was prepared based on those discussions, but the map had not been reviewed by the cities.

Commissioner Galloway refuted the newspaper article that said a deal was reached; he said it was a discussion between himself and Councilmember Aiazzi to bring forth some alternatives to the November 4th map. He requested the November 14th draft map be displayed for public comment and Board discussion.

In response to Chairman Weber, Mr. Freund said the Cities of Reno and Sparks and the Truckee Meadows Regional Planning Agency were invited to attend today's meeting, but no one was in the attendance.

Mr. Freund said the City of Sparks was unable to attend yesterday's meeting so there were no changes from Sparks reflected on the draft map, and the map does not depict public lands that were previously shown as potentially going into the TMSA and the City's Sphere of Influence (SOI). He said what was discussed yesterday was taking forward as part of the Regional Plan a map in identifying areas suitable for public land transfer to the private sector, which would form the basis for continuing discussions on a Northern Nevada Lands Management Act similar to the Southern Nevada Act. Mr. Freund said another key part was to include in the Regional Plan an independent TMSA in the area around Winnemucca Ranch much like the County has in the Regional Plan for Warm Springs. He stated the ability to put the area in an SOI or to annex would require an amendment or clarification of State Legislation regarding non-contiguous annexation. He provided an overview of other major changes on the map showing what would happen if the key principles discussed yesterday were enacted. He said one of the key principles was the County participation in an infill strategy in the cities to provide acreage for affordable housing projects or other infill housing projects. Mr. Freund stated the principles discussed would allow the City of Reno to achieve some of its 9,900 acres under the formula in the settlement agreement. He said there was a sense of trading off some of the future growth for other important principles.

Mr. Freund pointed out when the three governing bodies eventually reach agreement on these terms, it would be proposed to Regional Planning as an amendment to the Regional Plan. He said the settlement clearly articulates that the parties will work together to include as many of these proposals as possible in the updated Regional Plan. He said the Regional Planning Governing Board would have hearings and vote.

Commissioner Galloway stated there was a prior settlement agreement that rolled back the St. James area increasing the area the County had above the allotment formula in the agreement. He said the City of Reno objected to the rollback because of the increase, but it was discussed between himself and Councilmember Aiazzi. Commissioner Galloway said they were trying to come up with a proposal to unstick this process. He read an e-mail from Councilmember Aiazzi denying that there was any deal reached contrary to the article in the *Reno Gazette-Journal*. Commissioner Galloway said, during earlier discussions, the County would be frozen because of the overage and could not increase total area. He commented pieces could be moved, but none added.

Commissioner Galloway and Mr. Freund discussed other areas shown on the November 14th map where rural development could occur, where area might be

subtracted from the County TMSA, and public lands not in a TMSA that might be released by the Bureau of Land Management (BLM). He said there was not a clear public lands concept so none was taken to the Judge. Commissioner Galloway and Mr. Freund discussed the City of Sparks portion of the November 4th map, including 379 parcels that could potentially be added to the City of Sparks SOI. He said a direct mail was done last week to those parcels to let them know the Board was giving them an opportunity to speak at tonight's meeting. Commissioner Galloway and Mr. Freund continued discussing some of the area around Winnemucca Ranch as fitting in with a possible federal lands bill, but the bill would not include lands elsewhere. Mr. Freund said, during yesterday's discussion, a parallel discussion was laid out that indicated possible land disposal areas that would be a map included in the Regional Plan and would form the basis for further discussion as the County and other governments move toward drafting some legislation. He said that was important because it allowed taking a depiction of more than 80,000 acres out of a potential service area or SOI.

Commissioner Galloway remarked the term of this agreement was until the next update of the Regional Plan, but everyone had agreed to retain as much as possible of what was in this agreement in the update.

Sarah Chvilicek, North Valleys Citizen Advisory Board (CAB) representative, commented what was said here tonight by the citizens does not necessarily matter because the settlement agreement was already in place. She said many citizens have disengaged from the process. She said the citizens were asked at last night's CAB meeting to not leave the process but to fight harder; yet citizens are limited in their ability to speak before this body or any other body. Ms. Chvilicek commented the citizens want the decision-making bodies to be direct and to be honest; the citizens can take anything as long as it was the truth. She said the citizens did not want deals made behind doors without public eye and engagement. She stated the current Regional Plan asks that islands not be created, but the proposed maps create islands that would allow for involuntary annexation. Ms. Chvilicek said the citizens of unincorporated areas can only go to the Commission to be heard. She reflected the Commissioners were elected to represent the citizens of unincorporated areas, and this agreement does not do that. She asked where the commitment was to preserve and protect existing communities along with access to public lands. She said the citizens should go before the legislature to state this process does not work and needs to be fixed; and, therefore, the citizens are asking for the right to do that.

Laura Carman, Hidden Valley Homeowner's Association representative, relayed the association's concerns about 1,086 acres proposed for a City of Reno grab in the University of Nevada, Reno (UNR) area and 1,000 plus acres of the Sunny Hills Ranch area. She said they were concerned they would be swallowed up, and there was not adequate public input into the formula being used.

Ann York, local resident, said she thought the intent of the master plan was to increase the City of Reno's growth intensity in the main corridors of Reno, not extending arms of growth in all possible areas as depicted on their map. She addressed

the number of people who attended Washoe Valley CAB meetings that were opposed to the City of Reno extending its SOI and offered alternatives to their proposals.

Vallea Rose, local resident, asked the Board how the Regional Plan aligned with the Spanish Springs Area Plan. She said the Regional Plan was not working, and the Board should opt out of the Regional Plan process. She said the citizens believed the Board when they stated the preservation of rural character was important to the Board, but she did not believe that. She stated the citizens should be notified if the priorities of the Commission had changed so they do not waste any more time working on area plans.

Lois Avery, local resident, addressed the Board regarding her concerns on the number of people per acre, the historical versus recent percentage of growth, and the low figure on acreage that could not be built on.

Pan Lambert, local resident, stated she was surprised by the notice that the City of Sparks was considering putting her area, much of which could not be built on, into their SOI after assurances by Sparks that they would not. She worried how they would get people in and out of the area if it were urbanized.

Susan Juetten, local resident, expressed her concerns on the disposal of federal lands in the south part of the County along with SOI and annexation concerns.

Ginger Pierce, local resident, stated it was illegal to annex nuisance animals, which the residents of Steamboat and Pleasant Valley have quietly amassed.

Elizabeth MacLean, local resident, commented she did not receive notice of this meeting and on past efforts by the City of Sparks to annex Wingfield Springs. She asked if anyone from the Sparks City Council would benefit from the annexation or would casino developer, Harvey Whittemore. She said why should they part of the City of Sparks if they did not get any more services from them.

Gary Houk, local resident, stated he was active in participating in the South Valley's Area Plan update, which was still not completed after over two years of volunteer work. He requested the update of the Regional Plan be stopped until the area plans were done. He said the only regional planning being done was to the citizens, not for the citizens.

Don Kitts, local resident, read a vision of what the residents of Pleasant Valley wanted for their community. He stated the wheels had come off of the planning process, and the five-year timelines were too short. He said growth was inevitable, but the City of Reno should do infill development.

Jack Schwartz, local resident, said he left areas in California because they were overdeveloped; and now it was happening here. He felt the City of Reno was leading the Commission around by the nose, and the City of Reno had dealt in bad faith.

He said the County had to organize because the City of Reno had all the legal ammunition, and the County needed to get some. He stated the people did not want to have government by and for the developers, which it was now.

Joann Holbrook, local resident, said she wanted her rural lifestyle in Lemmon Valley kept the way it was. She asked why the Board heard over and over “we do not wish to be annexed” and why large landowners were trampling her rights. She discussed why she felt the Board was not fighting for her.

Bob Lissner, local resident, commented on the area plans in process taking a long time to produce because of the limited availability of County staff. He said the North Valley’s Area Plan was progressing nicely, but the Cold Springs plan was not as far along.

During Mr. Lissner’s public comment, Chairman Weber interrupted him and stopped the timer because of a discussion between Sam Dehne, local resident, and Amy Harvey, County Clerk. Mr. Dehne loudly alleged that Commissioner Larkin had been sitting on his public comment card, and he had turned in the card a long time ago.

Chairman Weber requested Mr. Dehne have a seat because she had his card and he would be called on in turn. Ms. Harvey said Mr. Dehne’s card was the sixth given to her, but on the back it indicated he wanted his comments read into the record. Mr. Dehne interrupted saying he wanted to speak. Ms. Harvey said his card was confusing because he indicated he wanted to speak and wanted his comments read into the record. Mr. Dehne again interrupted saying he wanted to speak. During several more outbursts from Mr. Dehne, Chairman Weber repeatedly assured Mr. Dehne the Board would get there.

Chairman Weber asked the clock not start immediately for Mr. Lissner because of the interruption.

Mr. Lissner said he was concerned, if the Cold Springs Area Plan came forward with ten or twenty more acres of TMSA, the formula would be rigid and would not allow any more County land to the TMSA. He was concerned that area plans that come along later would be restricted to the point nothing could be done.

Chairman Weber apologized to Mr. Dehne that the card was included with those to be read into the record. Mr. Dehne interjected why would he be sitting in the audience to have his card read. He loudly said Chairman Weber knew that darn well, as did Commissioner Larkin who sat on it. Chairman Weber tried to interrupt Mr. Dehne while he continued to address Commissioner Larkin.

**6:15 p.m.** Chairman Weber called a recess.

**6:22 p.m.** The Board reconvened with Commissioner Humke absent.

Kathy Bowling, local resident, said a prior suggestion that the County opt out of the Regional Plan sounded good considering how badly the County had been treated by the Regional Plan. She commented annexing federal land into the City of Reno's SOI was an audacious proposal because federal land was public land that belongs to everyone, and taking it away from everyone to benefit a few was wrong. She said the City of Reno is supposed to follow the Regional Plan, which directed the City of Reno to redevelop the city core with more housing. She stated some of the land proposed for annexation was over 20 miles away from Reno's core, which promoted urban sprawl. Ms. Bowling commented on County residents having no voice about the casino going in on Mt. Rose Highway and other issues.

Bill Naylor, local resident, thanked Commissioner Galloway for trying to do something to protect the South Valleys from the City of Reno's SOI and said he disagreed with Mr. Freund's definition of low density. He discussed the East Washoe Valley Area Plan that had been provided to the County, but was stalled in Community Development.

**6:25 p.m.** Commissioner Humke disconnected his call at the start of public comment and reconnected the call during Mr. Naylor's public comment after obtaining from staff the maps being discussed.

Gary Schmidt, local resident, said he provided voluntary access across his property for pedestrians to public lands and tried to get the County to purchase a parcel for vehicle access but the County did not react. He remarked the problems were the outgrowth of a bad deal that the members of this Commission sponsored and supported. He addressed what the County calls open space plans.

Diana Langs, Sun Valley General Improvement District General Manager, said Regional Planning was formed for the community to understand that services should not be duplicated because of the cost. She addressed the cost of sprawl in Las Vegas and pondered what the cost would be here.

Commissioner Larkin read the comment cards from local residents, Valerie Williams, Phillip Eggertsen, John Howe, and Carol Christensen, indicating they did not want to be annexed to the City of Reno. John Marshall's comment card asked a question about annexations. Sam Dehne's comment card stated there should be no annexation over citizen objections and there should be an eight-year moratorium. Christy Malone's comment card indicated support of Commissioner Galloway's draft map and addressed open space legislation.

Commissioner Humke said he appreciated the citizens' comments and he knows they are as frustrated as he was with the Regional Plan legislation, which he voted against. He concurred that five-year updates were too small a window and it was not a great plan, but it was better than what could have been. He disclosed he had talked with Mayor Cashell and Councilmember Hascheff about the southern portion of the County.

Commissioner Galloway responded to comments made saying it was not an option to opt out of regional planning. He commented that some of these issues would not have come up if the Regional Plan were more regulatory in terms of growth. He further responded the County could add to its service area if it takes it from somewhere else and it was possible to make adjustments within the framework of what had already been agreed to. He said the four per acre included a certain amount of government owned land and steep slopes, but that could be increased if an entity did not include government owned land as part of its area or steep slopes. Commissioner Galloway stated the Forest Services does not dispose of federal lands, but the BLM does so it was more of a question of where, for what, and under what conditions. He said there needed to be more communication with the City of Sparks to determine if the map was a staff proposal that had been seen by the Sparks Council.

Chairman Weber commented she believed the County was the first to hold a public comment period and many people may not have gotten notice because this came about very quickly. Commissioner Galloway said, even with no legal requirement to do so, staff made their best effort to notice as many people as they could on this issue.

Commissioner Sferrazza said he met with Mr. Naylor, and he asked why the County was moving forward with a proposal to amend the Regional Plan to increase density within the County when the County needed to get rid of density. He agreed the proposed settlement Commissioner Galloway had worked on was a good proposal, which involves a rollback of some substantial areas that would have been part of the City of Reno's annexation area. He said he also agreed with Mr. Naylor's concerns that, because the area plans were not completed, it enabled this intensification of development to go forward.

Chairman Weber corrected her statement that this was the first time this issue had been before the public stating it was on every meeting agenda.

Commissioner Larkin thanked the negotiating team; and he said, because of a time schedule imposed by Court order, there was not more time to discuss the issue. He stated now was the time to move forward with some kind of proposal. He said he would personally visit the Sparks City Council to review what was a staff recommendation, and he was not aware of anything that had come before the Council regarding the maps. Commissioner Larkin said there had been quite a bit of discussion about the principles, policies, and procedures for the TMSA amendments, which were well documented and available to the public for many months with opportunity to comment. He said all three bodies discussed these items on September 27th, which was the parameters with which the negotiators went into the negotiations. He said the development of the lines was left to the elected officials. Commissioner Larkin said every attempt would be made to honor previous commitments while also moving forward with the settlement agreement the County had committed to that was ordered by Judge Hardesty.

Chairman Weber said the agreement was not perfect, but she and Commissioner Galloway, as the mediators for the County, worked hard with the Cities in a situation that could have been far more negative if the Judge had made a ruling prior to the mediation work that was done.

Commissioner Humke offered thanks to the negotiators, Chairman Weber and Commissioner Galloway, for all of their hard work. Chairman Weber said she appreciated Commissioner Galloway's understanding of the issues.

In response to Commissioner Galloway, Mr. Freund stated the City of Sparks was interested in a portion of the UNR farm, so the farm would go into an SOI with either the City of Reno or Sparks. He said Sunny Hills Ranch was heavily constrained and the property owner was having discussions with the City of Reno because it was adjacent to their existing services. He stated the County was working to avoid having isolated pockets that the County would have to serve.

Commissioner Sferrazza stated his concern was the accusation that staff delayed adopting the area plan. Mr. Freund said the staff member working on that plan left the County, and he explained the staffing impact on the area plan schedules. He stated, as has been seen before, area plans generally do not trump annexation or SOI proposals.

Commissioner Larkin asked about the cost associated with infill as proposed by Commissioner Galloway and Councilmember Aiazzi. Mr. Freund said there were many details that would have to be addressed. He said staff was sympathetic in supporting the infill goal of the Regional Plan, but the County was not a player in the central area.

Commissioner Larkin asked about the legal impact on those portions of the area plan that affect Spanish Springs if the County and the City of Sparks approved the map. Mr. Freund said the area surrounding developed Spanish Springs was included in a rural character management area, which was the ridgeline, and provided an edge to the suburban area. He said it would overlay the rural character management area; and, if it were outlined for more intensive development, it would nullify that portion of the plan and would require Regional Planning Governing Board approval. He stated the Regional Planning Commission found that area plan in conformance with the Regional Plan quite recently.

In response to Chairman Weber, Katy Singlaub, County Manager, stated the UNR farms was a joint planning area and was owned by the University. She said it has separate requirements exclusive to the College of Natural Resources.

Chairman Weber said at the conclusion of the October 20th hearing there was only one map, and she was shocked when she saw the November 4th map. She said everyone had to work together to get through the process. She said there was no intent to disenfranchise, and the Board was working hard for every person here; but the Board was

not perfect, nor was the plan. She begged the participants to continue their work on the area plans because they were important. She thanked everyone for their hard work and said the Commissioners were not taking this lightly, but were trying to work through the process to get something everyone could live with.

Commissioner Humke asked about the implications of the Board's support for the Nevada Lands Bill and of changing the annexation law. Mr. Freund stated the discussion yesterday would lay the groundwork to engage the public and all of the units of government in a dialog to assemble a bill. He stated there was a forum held earlier in the year to get public input and to provide the Board with feedback and direction. He said this would allocate a portion of the Regional Plan that would identify possible lands for disposal and acquisition. It would also make the debate more rigorous because it would occur, not only at the local level, but also at the regional planning level. He stated it would uncouple public lands disposal from identification of those lands with a jurisdiction and allow the debate to proceed in a more orderly fashion. Mr. Freund said what would happen with future annexations would have to be weighed against what had happened historically. He said, if there had been a provision that allowed the City of Reno to do a non-contiguous annexation during the recent annexation in Cold Springs, they could have targeted specific acreage without doing the 7,000 acres required to make it contiguous. Mr. Freund said the discussion centered on framing within the Regional Plan the policies and instances where a non-contiguous annexation could occur. He said the City of Sparks had not had an opportunity to weigh in on non-contiguous annexation. He stated it could work either way; and it was made clear that, since Regional Planning only had jurisdiction over the Truckee Meadows area and not the Tahoe Basin, it would not have any impacts on the Tahoe Basin.

In response to Commissioner Humke, Mr. Freund stated he anticipated being at full staff during December sometime.

Commissioner Galloway said an island of unincorporated area surrounded by city that was bigger than 40 acres would be subject to involuntary annexation. He said part of the talking point was to avoid this partial encirclement of some of those areas. He said, prior to what went to the Judge, there was discussion on trying to alleviate the encirclement in the area of Cold Springs/Silver Knolls. Mr. Freund said that was a specific instance of discussions held, and there were proposals to detach several parcels that were annexed to Cold Springs to provide an additional buffer and separation. He stated he did not feel the talking points, as a counter proposal, would derail anything. He said when looking at many of the white holes on the map, many of them have extreme development constraints. Mr. Freund stated the Cities of Reno and Sparks had been asked if they had any appetite for annexing existing unincorporated communities, and they said they did not. He remarked annexation of existing communities implies immediate service costs, which was the reason cities typically do not do involuntary annexations.

In response to Commissioner Sferrazza, Mr. Freund replied the map had no direct bearing on TMSA boundaries or the jurisdiction surrounding Golden Valley; and the area of Lemmon Valley was unaffected. He said most of the area was in the

TMSA, but when the lines were drawn most of the existing communities had onsite wastewater systems. He stated the newer undeveloped areas under the TMSA were required to have community collection systems for wastewater. He said the Health Department typically allows division of a property down to one acre with an onsite system, assuming the lot was capable of handling it.

Commissioner Larkin commented on the sizable area the region was committing to provide services for. Mr. Freund said the TMSA was that area likely to be provided with a range of municipal or community level services by 2025. He stated in the settlement agreement the TMSA and SOI in essence become the same thing. He commented an SOI allows cities to plan an area as if under their jurisdiction. Mr. Freund said all of that area would have to be provided with infrastructure; and the settlement agreement states there is a new, higher standard for infrastructure before entitlements are provided, which required that a funded facilities plan be in place.

In response to Chairman Weber, Mr. Freund said the islands near Silverlake had some serious development constraints, and that was probably why it was not drawn in as a potential piece of the City of Reno's SOI. He stated it was a pocket outside the TMSA in the unincorporated County. He went on to discuss the proposed service area boundaries based on yesterday's discussion.

Ms. Singlaub said acreage in downtown Reno is very pricy. She said it was anticipated it could cost the County in the neighborhood of \$11 million a year, which would exhaust the County's resources. She stated the County was prepared to provide financial support for infill, but it would be significantly less than that, which would be in addition to the General Fund, Public Works and other commitments. Mr. Freund said the discussion did not indicate infill would occur solely within the McCarran ring, which would not benefit the City of Sparks.

Commissioner Sferrazza said he had no problem with the Winnemucca Ranch proposal. Mr. Freund said depending on how the numbers were done, the County's existing TMSA is over the formula by 10,000 to 15,000 acres. He said that was because the current densities within the County's TMSA have only two and one half persons per acre versus four.

Commissioner Sferrazza asked if the County could decrease its density where projects expire. Mr. Freund said generally yes, but primarily outside of the existing TMSA. Commissioner Sferrazza said he did not see why the TMSA boundary could not be rolled back in the Golden Valley area to exclude those parcels that were already developed at one acre or greater per unit.

Commissioner Larkin said he supported the items identified by Commissioner Galloway and Councilmember Aiazzi. He said he was not committing to a specific map configuration, and he explained his reason. He stated he had a concern about how the delivery of goods and services would be performed north of La Posada.

Commissioner Sferrazza asked that staff be instructed to remove any areas that were obviously not going to be developed with sewer and water from the TMSA.

Ms. Singlaub responded there were places where septic was defined as a temporary wastewater solution, and there may be a point where the septic fails and sewer is required. Commissioner Larkin felt that would be a consideration for the next round of Regional Plan updates.

Mr. Freund reminded the Board that what was being done now was only in effect for the next 18 months. He said there were areas within the TMSA where the County had to remediate converting from septic to wastewater systems.

On motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza voting “no,” Chairman Weber ordered that the County move forward with population and acreage figures, service area boundaries, all of the maps submitted so far, rules for implementation, and any other exhibits and documents pertaining to implementation of the Settlement Agreement (Program of Annexation Appeal).

Commissioner Galloway said the motion did not give guidance with respect to the November 4th map or the talking points. Commissioner Larkin said he was prepared to amend if there was a specific map Commissioner Galloway wanted to direct staff to. Commissioner Galloway said it would be good to pursue the kind of alternatives that were discussed as alternatives to the map of November 4th.

Melanie Foster, Legal Counsel, clarified that all of the parties submitted a map to the Court on October 20, 2005; and that was where staff and the negotiators were currently in agreement about the areas to recommend. She said the map of November 4th was prepared by the Cities of Reno and Sparks without the County’s input. She stated Mr. Freund prepared a map based on input by Commissioner Galloway and Councilmember Aiazzi, which he believed approximated the discussion. She asked the Board specifically direct which of the maps should be built on during negotiations.

Commissioner Larkin clarified the motion to state to move towards the map that was talked about yesterday and just now presented to the Board (dated November 14, 2005). He said the motion did not recommend the map be adopted, but to move toward the map.

Commissioner Sferrazza said he would not support the motion because he wanted the negotiators to be instructed to rollback the TMSA where possible. Commissioner Galloway replied the motion does not preclude the Board from considering what Commissioner Sferrazza said, it just does not direct that.

Chairman Weber said she would like to discuss density that was an issue for unincorporated Washoe County, but would not ask it be included in the motion.

Commissioner Larkin felt that would be a very timely topic with the revision update to be considered.

Commissioner Humke said, because the negotiations were still underway, a high degree of specificity could harm the County's position. He implored Commissioner Sferrazza to reconsider and go along with the motion. Commissioner Sferrazza said his District was the only one impacted by this, and he could not go back to them and say he did not ask for what they wanted.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that, in the event the City of Reno does not roll back the St. James and Pleasant Valley rezoning, Washoe County would appeal.

Mr. Freund said there was a meeting with the Judge December 6th, but the parties could ask for additional time if they could not be ready by then. He said there was discussion yesterday on the potential for a joint meeting of the entities.

**7:57 p.m.** The Board recessed.

**8:33 p.m.** The Board reconvened with all members present.

**05-1226** **COMPREHENSIVE ANNUAL FINANCIAL REPORT, AUDITOR'S REPORT AND MANAGEMENT LETTER FOR YEAR ENDING JUNE 30, 2005 - COMPTROLLER**

Kathy Garcia, Comptroller, conducted a PowerPoint demonstration of the Annual Financial Report for the year ended June 30, 2005, presenting the highlights of revenues, expenditures, assets and debts, in total and by category or function. She stated Kafoury, Armstrong, and Company has audited the report; and they have issued an unqualified opinion. Ms. Garcia said the compliance audit also received an unqualified opinion, and the County continues to receive a low risk classification.

Upon recommendation of Ms. Garcia, and Felicia O'Carroll, Kafoury, Armstrong, and Company, on motion by Commissioner Sferrazza, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the Washoe County Comprehensive Annual Financial Report (CAFR), auditor's report and management letter for the fiscal year ended June 30, 2005 be accepted. It was further ordered that the Comptroller's Office be authorized to proceed with distribution of the CAFR for public record as required by law.

**05-1227** **UPDATE - SPECIAL NEEDS PARKING AT SPECIAL EVENTS - PARKS**

Doug Doolittle, Regional Parks and Open Space Assistant Director, updated the Board on special needs parking for special events held at various times in

Washoe County Regional Parks. He said staff relies on special events organizers and volunteers to determine parking plans. Mr. Doolittle explained, in the future, staff would provide mapping and training to the various groups.

Commissioner Galloway suggested maps be located at park entrances during public events.

Upon recommendation of Gregg Finkler, Parks Operations Superintendent, through Karen Mullen, Regional Parks and Open Space Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Weber ordered that the update on special needs parking for special events held at Washoe County Regional Parks be accepted.

**05-1228      UPDATE - IMPLEMENTATION OF BIENNIAL COMMUNITY  
CLEAN-UP DAY ON PUBLIC LANDS - PARKS**

Lynda Nelson, Natural Resource Planner, stated the agencies represented at the October 27, 2005 “kick-off” meeting were the U.S. Forest Service, the Bureau of Land Management (BLM), Keep Truckee Meadows Beautiful, 1-800-Got-Junk, the County Health Department, County officials, and staff from the Cities of Reno and Sparks. Ms. Nelson explained the group was attempting to schedule a clean-up day for April in conjunction with Earth Day. She said a media campaign would be launched to inform citizens of the event. Ms. Nelson explained a meeting was scheduled for November 17, 2005 to determine the number of clean-up sites, and staff was working with Waste Management to determine how many sites could logistically be handled in one day. Ms. Nelson hoped the agencies involved would consider financial support for dumpsters and dump vouchers.

Chairman Weber remarked Waste Management confirmed their attendance at the November 17, 2005 meeting.

Upon recommendation of Ms. Nelson, through Karen Mullen, Regional Parks and Open Space Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that the update on the implementation of a biennial community-wide clean-up day on public lands involving Washoe County, City of Reno, City of Sparks, the U.S. Forest Service, the BLM, and Keep Truckee Meadows Beautiful be accepted.

**05-1229      APPOINTMENT - WASHOE COUNTY PLANNING  
COMMISSION - COMMUNITY DEVELOPMENT**

After discussion and deliberation concerning the applicants for the Planning Commission, on motion by Commissioner Sferrazza, seconded by Chairman Weber, which motion duly carried, it was ordered that William Weber be appointed to serve on the Washoe County Planning Commission to fill an unexpired term effective

November 15, 2005 and ending June 30, 2008. It was noted this position was an At-Large representative and would be south of the Truckee River.

**05-1230      DISCUSSION - BOARD OF EQUALIZATION - DISTRICT ATTORNEY**

Melanie Foster, Legal Counsel, outlined the procedure for selecting the members of the Board of Equalization (BOE) as stated in the agenda memorandum dated November 8, 2005.

Chairman Weber asked if it was feasible to impanel a second board. Ms. Foster replied two boards could be appointed.

Commissioner Larkin asked if there was any language in statute or Commission policy on how each board operated or on which board was empowered at a given time. Ms. Foster replied there was not. She said, due to the number of appeals in the past, it was a concern that one board would not be able to hear them all. Ms. Foster commented that was when consideration was given to impanel a second board; however, there had never been enough applicants to seat a second board.

Commissioner Galloway remarked he did not believe the depth existed to impanel two boards. He remarked questions might be raised about true equalization on how the boards communicated with one another. Commissioner Galloway noted neither of the boards would be supported by enough alternates to withstand absences. He suggested reappointing William Brush and appointing the other applicants as alternates.

Commissioner Sferrazza explained he solicited applicants from District 3 and would be opposed to not having a representative from that District on the Board. He would not support having a disproportionate number from Districts 1 and 2 and no representation from Districts 3 or 4. Commissioner Sferrazza said he would like to see a representation from all five Districts.

Ms. Foster commented staff would need to contact Mr. Brush and the other applicants to determine if they were still interested in serving on the BOE. She said an item for the appointment of the BOE member and alternates would be agendaized.

Commissioner Galloway requested the term for alternates remain at one year.

Commissioner Sferrazza requested copies of the applicant's applications for review. He said he would like to consider having two panels. Commissioner Humke agreed with having a second panel.

Katy Singlaub, County Manager, requested direction from the Board to readvertise.

Commissioner Larkin said he would approve two panels. He asked where staff was in terms of training procedures for the selected individuals. Ms. Singlaub replied a report would be brought to the Board in December explaining the training procedures for boards and commissions.

Amy Harvey, County Clerk, asked for consideration in regard to a second board. She said it would require additional staff since the current BOE sat for 12 to 14 hours on occasion.

Commissioner Galloway moved to direct staff to proceed with accepting applications to fill the vacancy and the alternates for the current BOE, and simultaneously receive applications for a second panel with additional alternates. He also requested a management feasibility report to support the second panel. Commissioner Sferrazza seconded the motion.

On call for the question, the motion passed 5-0.

**05-1231      DISCUSSION - PUBLIC COMMENT FOR BLOCK VOTING**

Commissioner Galloway noted, because no advance notice was given until the day of the meeting, he favored allowing the public three minutes for all items placed within a block vote.

Chairman Weber said when the consent items were taken, public speakers had the opportunity to speak three minutes on any and all items.

Melanie Foster, Legal Counsel, said the consent agenda was listed as one item with a number of sub-parts that allowed the public to speak once on that item. She remarked the block items were individual items, and the public could speak on those items individually. Ms. Foster noted from an Open Meeting Law perspective, it would be best to allow a public speaker to comment on each item.

Commissioner Sferrazza stated he would prefer a one-minute time limit for public comment. He said he had viewed some public speakers talking repeatedly and taking any opportunity to speak on every item on the agenda. He requested the Chairman be involved in setting the consent agenda in order that the block vote would not have to be created at the meeting.

Chairman Weber explained she and Commissioner Larkin have a time frame where they could go and participate in the agenda setting. She said a process now existed that allowed Commissioners to submit their questions to the Manager's Office on the Monday morning prior to the meeting.

Commissioner Larkin remarked he had participated in several agenda setting meetings. He said he receives an advanced copy of the agenda for review and on

occasion provided comments to the agenda setting committee. He believed the current methodology was effective.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Weber ordered that the three-minute time limit per item for public comment, concerning items included in the block vote, be approved.

### **REPORTS/UPDATES FROM COUNTY COMMISSIONERS**

Commissioner Larkin noted he would attend the Truckee Meadows Water Authority Board on November 30, 2005 for Commissioner Sferrazza.

Commissioner Galloway requested a Resolution of Appreciation to the Tyrolian Village Homeowners Association since they had made outstanding progress in fuel reduction in their area. He said there would be a consumer forum on December 6, 2005 at the Northwest Library, and a Board member from the Public Utility Commission would interact with the public and hear their comments on issues.

### **COMMUNICATIONS AND REPORTS**

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

#### **05-1232      COMMUNICATIONS:**

- A. First Amendment to Southwest Gas Corporation's Application for an Amendment to CPCN No. 2627 for a Certificate of Public Convenience and Necessity to Expand its Service Territory to Areas Contiguous with its Existing Northern Nevada Certificated Service Territory.

#### **05-1233      REPORTS – MONTHLY (September 2005)**

- A. County Clerk

#### **05-1234      REPORTS – QUARTERLY (September 2005)**

- A. County Clerk
- B. Office of the Constable - Incline Village/Crystal Bay Township
- C. Justice Court - Sparks Township
- D. Sheriff – Civil Fees and Commissions
- E. Gerlach General Improvement District

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There being no further business to come before the Board, the meeting adjourned at 10:33 p.m.

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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*