

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

TUESDAY

2:00 P.M.

APRIL 25, 2006

PRESENT:

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

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

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

**06-430      AGENDA**

Katy Singlaub, County Manager, said a request for a continuance of Item 15B, an appeal by Gary Schmidt and Mary Bartell of a Board of Adjustment (BOA) action, had been received. She said the hearing had been noticed and recommended the Board open the public hearing, take any testimony, and continue the item if desired.

Commissioner Sferrazza favored continuing the item. He had requested a discussion regarding the swearing in of County employees and witnesses, and he believed that should be looked at before the appeal hearing.

Commissioner Weber requested that Items 11, Evans Creek LLC, and 12, General Obligation Park Bonds, be heard after 5:30 p.m. Commissioner Galloway supported her request.

Commissioner Weber did not support continuing Item 15B. She wanted to open the item for discussion. Ms. Singlaub said the Board would not be voting on the continuance of Item 15B at this time. Commissioner Sferrazza requested this item be heard before Items 11 and 12.

Sam Dehne, local resident, commented on the agenda and time certain items.

Gary Schmidt, local resident, stated he was one of the appellants in the Item 15B appeal; and he objected to the approval of the agenda with the inclusion of Item

15B. He summarized his actions and communications with County staff concerning the filing of the appeal.

Commissioner Weber noted the Board had the ability to change the agenda and stated people had the opportunity to speak twice on an issue. Commissioner Galloway commented public comment was not restricted to any one topic or item.

In accordance with the Open Meeting Law, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that the agenda for the April 25, 2006 meeting be approved.

**06-431            PROCLAMATION – NATIONAL DAY OF PRAYER - MAY 4, 2006**

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

**PROCLAMATION**

**WHEREAS**, Washoe County will join with the State of Nevada and recognize May 4, 2006 as the 55th Annual National Day of Prayer; and

**WHEREAS**, In 1775 the first Continental Congress called the colonies together to pray for wisdom in shaping our nation, and as America grew, national prayer continued, prompting a Proclamation from President Abraham Lincoln in 1863 and a Congressional Joint Resolution signed by President Truman in 1952, establishing a National Day of Prayer; and

**WHEREAS**, The theme for the 2006 National Day of Prayer is “America, Honor God”; and

**WHEREAS**, We pause to remember the brave men and women serving in our armed forces, and we pray for their protection and ask God to grant them strength and courage to confront the extraordinary hardships they face; and

**WHEREAS**, We give thanks for the gift of freedom and express our overwhelming gratitude for those who defend it; and

**WHEREAS**, On May 4th, Washoe County residents from diverse socio-economic, political and ethnic backgrounds will unite to give thanks for our many blessings and ask God to strengthen our families, our schools and our government; now, therefore, be it

**PROCLAIMED**, By the Washoe County Board of Commissioners that May 4, 2006 is recognized as National Day of Prayer.

**PROCLAMATION – FOSTER CARE MONTH - MAY 2006**

Commissioner Sferrazza presented a proclamation to Michalle Shown, Support Services Coordinator for the Sierra Association of Foster Families, and Binnie Lopez, Social Services.

Ms. Lopez thanked the Board for the proclamation and said a Ribbon Tying Ceremony representing the number of children currently in foster care within Washoe County would be held on May 29th at the Parklane Mall. She stated the County could not take care of all of the children in foster care without the foster parents. Ms. Shown commented she was proud to work in the company of citizens who make a commitment to abused, neglected, and dependent children.

Commissioner Weber asked if certificates could be made and presented to each foster care family. Katy Singlaub, County Manager, indicated she would work on that with staff.

On motion by Commissioner Sferrazza, seconded by Chairman Larkin, which motion duly carried, it was ordered that the following proclamation be adopted and the Chairman be authorized to execute the same:

**PROCLAMATION**

**WHEREAS**, The children of this county, state, and nation are our most precious resource and hope for the future, and all children deserve a loving and nurturing home so that they may reach their full potential; and

**WHEREAS**, The people of Washoe County are compassionate and have a longstanding tradition of opening their hearts and homes to children in need of a stable and caring setting; and

**WHEREAS**, Foster care is an essential component of our modern society and a practical means by which to provide children with a safe and loving home; and

**WHEREAS**, There were 134 foster children in Washoe County provided permanent homes through adoption in 2005, many of them being adopted by their foster family, and many wait for a permanent family and currently reside with foster families; and

**WHEREAS**, There is always a need for loving and capable foster parents, and interested Washoe County citizens can contact the Washoe County Department of Social Services to learn more about becoming foster parents; and

**WHEREAS**, It is important to recognize the enduring and valuable contributions of concerned, caring, and compassionate foster parents, and we thank all of

the devoted foster parents throughout Washoe County who continually strive to improve the quality of life for the children in their care; now, therefore, be it

**PROCLAIMED**, That the Washoe County Board of Commissioners hereby recognizes foster parents and their commitment and dedication to the children in our community and proclaims May 2006 as Foster Care Month.

**06-433            PROCLAMATION – NATIONAL COUNTY GOVERNMENT**  
**WEEK - APRIL 23-29, 2006**

Katy Singlaub, County Manager, commented there were some high school students present who had been job shadowing County employees in recognition of National County Government Week. Commissioner Sferrazza thanked the students for their participation.

Sam Dehne, local resident, stated the proclamation was a contradiction and propaganda.

On motion by Chairman Larkin, seconded by Commissioner Humke, which motion duly carried, it was ordered that the following proclamation be adopted and the Chairman be authorized to execute the same:

**PROCLAMATION**

**WHEREAS**, America’s counties provide a variety of essential services;  
and

**WHEREAS**, Many of these services work to protect our communities;  
and

**WHEREAS**, Counties protect residents from natural disasters, terrorist attacks, crime and drug abuse; and

**WHEREAS**, Counties are the first to respond to emergency situations and are primarily responsible for planning for disasters and they also work to protect families, children and youth; and

**WHEREAS**, There are 3,066 counties in the United States, collectively responsible for the well being of more than 250 million residents; and

**WHEREAS**, Counties provide services that make America’s communities stronger, safer places to live and raise families – they police our streets, fight fires, save lives in hospitals, keep families healthy, repair bridges, plow snow, help troubled youth, train laid-off workers and perform countless other jobs; and

**WHEREAS**, Counties have a long history of providing critical services and county governments are the citizen's local government voice, providing solutions that bring communities together; and

**WHEREAS**, In recognition of the leadership, innovation and valuable service provided by our nation's counties; now, therefore, be it

**PROCLAIMED**, That the Washoe County Board of Commissioners hereby proclaims the week of April 23-29, 2006 as NATIONAL COUNTY GOVERNMENT WEEK.

**06-434            PUBLIC COMMENTS**

Guy Felton, local resident, read a statement regarding court decisions and certain practices of this Commission.

Sam Dehne, local resident, objected to the public comment time limit and the camera positions. He discussed community volunteers and the Ballardini Ranch.

Juanita Cox, local resident, read a statement about junk vehicles.

Jan Chastain, local resident, favored purchasing the Ballardini Ranch; and she discussed open space.

Gary Schmidt, local resident, agreed with the comments of Mr. Dehne. He said the Sheriff's Department denied citizens the right to respond in an emergency. He discussed the documents he had submitted to the Clerk and issues with his appeal.

**COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS**

Commissioner Weber thanked Keep Truckee Meadows Beautiful, the City of Sparks, Regional Parks and Open Space staff, and the community for their participation in the Community Cleanup held on April 22, 2006.

Commissioner Humke requested Appeal Case No. AX06-002, Special Use Permit Case No. SW05-023, Pembroke Commercial Center, be placed on the May 9th agenda during which time he would move for reconsideration of that item. He noted there would be a welcoming ceremony for Ellen Oppenheim, the new Reno-Sparks Convention and Visitors Authority (RSCVA) CEO, on April 26th. He also mentioned the Ellen Steiner memorial.

Commissioner Galloway apologized for missing recent meetings and explained it was due to a death in the family.

Commissioner Sferrazza attended the recent RSCVA finance meeting. He said the RSCVA would be coming before the Board for approval to release funds held in

the security account to purchase the Liberty Belle restaurant in the amount of \$1.7-million. He indicated they would also request \$600,000 for the demolition and cleanup of the building.

In response to Commissioner Weber, Melanie Foster, Legal Counsel, explained the Board had 25 days to reconsider a hearing action by the Board. She said, if a request to suspend the rules were granted, the next item would be the motion for reconsideration. If that happened, the Board could then discuss and vote on the reconsideration.

Chairman Larkin reminded the Commissioners about the joint meeting with the Cities of Reno and Sparks on April 28, 2006.

Katy Singlaub, County Manager, explained she had responded to Gary Schmidt, Washoe County resident, when he asked for a continuation of his appeal. She informed him that she saw no reason why one should not be granted.

Later in the meeting during discussion of the consent agenda, Sam Dehne, local resident, discussed various donations listed under consent.

Mr. Schmidt discussed the public comment time limit and the consent agenda.

**3:25 p.m.** Commissioner Humke temporarily left the meeting.

**06-435** **MINUTES**

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Humke temporarily absent, Chairman Larkin ordered that the minutes of the regular meeting of February 21, 2006, the special meeting of February 27, 2006, and the regular meeting of February 28, 2006 be approved.

**06-436** **ACCEPTANCE OF CASH DONATIONS – SENIOR SERVICES**

Upon recommendation of Marietta Bobba, Senior Services Director, through John Berkich, Assistant County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Humke temporarily absent, Chairman Larkin ordered that the following donations be accepted with the gratitude of the Board:

<b>Donor</b>	<b>Purpose/Program</b>	<b>Cash Value</b>
Lend-A-Check	General Donation	\$1,050.00
Anonymous Donations	Mental Health Program	\$ 245.00
Ronald Witt	Mental Health Program	\$ 250.00
Harold's Pioneers	Adult Day Care Donation	\$ 500.00

<b>Donor</b>	<b>Purpose/Program</b>	<b>Cash Value</b>
Harold's Pioneers	Nutrition Program	\$ 500.00
Erin Foundation	Nutrition Program	\$1,000.00
Scolari's	Adult Day Care Program	\$ 25.57
Anonymous Donations	Senior Law Project	\$ 110.00
Nevada Law Foundation	Senior Law Project	\$6,000.00
<b>Total Cash Donations</b>		<b>\$9,680.57</b>

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

<b>Increase Revenues</b>	<b>Description</b>	<b>Amount</b>
20074-484000	Mental Health Donations	\$ 495.00
20223-484000	Lend-A-Check Donations	\$1,050.00
20071-484000	Adult Daycare Donations	\$ 525.57
20067-484000	Legal Donations	\$ 110.00
20070-484000	NV Law Foundation Donations	\$6,000.00
20047-484000	Nutrition Program Donations	\$1,500.00
	<b>Total</b>	<b>\$9,680.57</b>

<b>Increase Expenditures</b>	<b>Description</b>	<b>Amount</b>
20074-710500	Mental Health Donations	\$ 495.00
20223-710500	Lend-A-Check Donations	\$1,050.00
20071-710500	Adult Daycare Donation	\$ 525.57
20067-710500	Legal Donations	\$ 110.00
20070-710500	NV Law Foundation Donations	\$6,000.00
20047-710500	Nutrition Program Donations	\$1,500.00
	<b>Total</b>	<b>\$9,680.57</b>

**06-437      CASH DONATION – UNITED WAY – JUVENILE SERVICES**

Upon recommendation of Jerry Lazzari, McGee Center Program Manager, through Michael Pomi, Juvenile Services Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Humke temporarily absent, Chairman Larkin ordered that the cash donation in the amount of \$56.55 from United Way to the McGee Center be accepted with the gratitude of the Board and the Finance Department be directed to make the following budget adjustment:

<b>Description</b>	<b>Account Number</b>	<b>Amount</b>
Revenue	20008-484000	\$56.55
Expenditure	20008-710300	\$56.55

**06-438            EXTENSION OF RESALE DATE – LEE BROTHERS LEESING –  
DARE CAR – SHERIFF**

Upon recommendation of Arick Dickson, Deputy, through Dennis Balaam, Sheriff, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Humke temporarily absent, Chairman Larkin ordered that the extension of the resale date for the DARE car donated by Lee Brothers Leasing be accepted with the gratitude of the Board. It was noted the extension period would be May 1, 2006 through April 30, 2008.

**06-439            EMERGENCY MANAGEMENT PERFORMANCE GRANT  
AWARD – AGREEMENT - SHERIFF**

Upon recommendation of Jim Lopey, Assistant Sheriff, and Tami Cummings, Administrative Assistant II, through Dennis Balaam, Sheriff, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Humke temporarily absent, it was ordered that the FFY 2006 Emergency Management Performance Grant (EMPG) Award in the amount of \$18,383.57 [In-Kind Match of \$18,383.57] for the Community Emergency Response Team (CERT) Program be accepted. It was further ordered that the Independent Contractor Agreement associated with that award be approved and Chairman Larkin be authorized to execute the same.

**06-440            METHODOLOGY APPROVAL – PRIVATE SECURITY  
CONTRACTS RATE SCHEDULE – SHERIFF**

Sam Dehne, local resident, discussed the Sheriff's security services contract with Reno Retail Company, LLC.

Gary Schmidt, local resident, commented on the potential liability of a County deputy working for a private company.

Commissioner Galloway asked if employee medical was part of the equation. Marshall Emerson, Patrol Division Commander, said this was covered as part of the basic contract for deputies, and it carried on and off duty.

Commissioner Galloway asked if overhead should be applied to the rate. Katy Singlaub, County Manager, said this was not the County's current practice because this was considered overtime.

Commissioner Galloway asked if the differential was enough to cover the expenses of scheduling and administering the contract. Commander Emerson said it was and noted the department had a sergeant that was specifically designated as the Special Events Sergeant. He said the sergeant scheduled these types of events as part of his regular duties, and they did not take additional time because events were done on a regular basis. Commissioner Galloway questioned whether half of a straight time

deputy's costs should be figured and applied to the rate. Commander Emerson said the amount of the contract covered the expense.

Commissioner Sferrazza remarked health benefits should be prorated over the hours an employee worked. Ms. Singlaub reminded the Board they had approved the contract at the last Board meeting.

Commissioner Galloway explained the reason prorating had not been mentioned before was because the Commissioners did not have the breakdown. He said they should look at the policy.

Upon recommendation of Commander Emerson, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Humke temporarily absent, Chairman Larkin ordered that the methodology for computing the compensation schedule used in special event/security detail contracts by the Washoe County Sheriff's Office be approved.

**06-441            GRANT OF EASEMENT – SIERRA PACIFIC POWER COMPANY**  
**– PUBLIC WORKS**

Upon recommendation of David Solaro, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Humke temporarily absent, it was ordered that the Grant of Public Utility Easement to Sierra Pacific Power Company be approved and Chairman Larkin be authorized to execute the documents upon presentation.

**06-442            CONTRACT – RENO DOWNTOWN LIBRARY MECHANICAL**  
**SYSTEM UPGRADE – CR ENGINEERING – PUBLIC WORKS**

Upon recommendation of David Solaro, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Humke temporarily absent, it was ordered that the professional services contract for the "Reno Downtown Library Mechanical System Upgrade" be awarded to the most qualified proposer, CR Engineering, in the amount of \$108,000 and Chairman Larkin be authorized to execute the contract documents upon presentation.

**06-443            AWARD OF BID – DEPARTMENT 8 COURTROOM**  
**RENOVATION - BID NO. PWP-WA-2006-142 – PUBLIC WORKS**

This was the time to consider award of the bid for the Department 8 Courtroom (Specialty Court) Renovation for the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on March 23, 2006. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

Building Solutions LLC  
Bison Construction  
Reyman Brothers Construction

Gary Schmidt, local resident, discussed the renovation of the courtroom.

Chairman Larkin asked Ron Longtin, District Court Administrator, to explain the concurrence of the proposal for budget year 2006/07 for the reestablishment of Department 7 and this current proposal.

Mr. Longtin stated it had been the intent of the Judges to restore the old Department 8 courtroom to a courtroom. He verified his review of the minutes from the Commission meeting on March 21, 2000 and the Judges' minutes. He explained restoration was to take place when the District Attorney's Office no longer needed to use that facility. He commented the District Court asked for consideration to restore it back to its function as a courtroom with that understanding. Mr. Longtin noted the idea was to use it as an overflow courtroom.

Commissioner Galloway asked if an additional burden would be created if the Board approved the renovation. Mr. Longtin said he was only discussing the facility not the actual court.

In response to Commissioner Sferrazza, Mr. Longtin confirmed the \$80,465 would be the total cost of the renovation. Tom Gadd, Public Works Director, said the proposed vendor had worked for the County before. He said this amount would allow them to put chairs into the room and restore it as a courtroom.

Upon recommendation of David Solaro, Capital Projects Division Director, through Mr. Gadd, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Humke temporarily absent, Chairman Larkin ordered that Bid No. PWP-WA-2006-142 for the Department 8 Courtroom (Specialty Court) Renovation for the Public Works Department be awarded to the lowest responsive bidder, Building Solutions LLC, in the amount of \$80,465. It was further ordered that the Chairman be authorized to execute the contract documents upon presentation.

**06-444            AGREEMENT – OLD CITY HALL, LLC – PARKING SPACES -**  
**490 S. CENTER STREET – PUBLIC WORKS**

Upon recommendation of Mike Turner, Facilities Management Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Humke temporarily absent, it was ordered that a 19-month parking agreement between Washoe County and Old City Hall, LLC, concerning provision of 57

parking spaces at 490 S. Center Street for the period of May 1, 2006 through December 31, 2007 at an annual cost of \$23,940, be approved and Chairman Larkin be authorized to execute the same.

**06-445            LEASE AGREEMENT – MMK PROPERTIES – PUBLIC WORKS**

Upon recommendation of Mike Turner, Facilities Management Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Humke temporarily absent, it was ordered that a 60-month lease agreement between Washoe County and MMK Properties, concerning provision of uninterrupted operation for the District Health Department Vector-Borne Diseases Program from May 1, 2006 through April 30, 2011 at 405 Western Road, Reno, Nevada at the annual lease amount of \$35,528, be approved and Chairman Larkin be authorized to execute the same.

**06-446            SEXUAL ASSAULT – MEDICAL CARE – PAYMENT**

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Humke temporarily absent, Chairman Larkin ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care for 53 sexual assault victims in an amount totaling \$7,344.50 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 Christina Conti, Victim-Witness Assistance Center Program Coordinator, District Attorney's Office, dated April 6, 2006.

**06-447            SEXUAL ASSAULT – MEDICAL CARE – PAYMENT**

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Humke temporarily absent, Chairman Larkin ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care for 59 sexual assault victims in an amount totaling \$11,700.85 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 Christina Conti, Victim-Witness Assistance Center Program Coordinator, District Attorney's Office, dated April 6, 2006.

**06-448            RESOLUTION - EXPENDITURE – DISTRICT 1 SPECIAL  
FUNDING ACCOUNT – BIG BROTHER BIG SISTERS OF  
NORTHERN NEVADA**

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Humke temporarily absent, it

was ordered that the following resolution be adopted and Chairman Larkin be authorized to execute the same:

**RESOLUTION** – Authorizing the Grant of Public Money to Big Brothers Big Sisters of Northern Nevada

**WHEREAS**, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county and that a board may make a grant of money to a private organization, not for profit, or to a governmental entity, to be expended for a selected purpose; and

**WHEREAS**, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in Fiscal Year 2005/2006 to make a grant of money to Big Brothers Big Sisters of Northern Nevada to assist with the administration/operations of their organization and that by providing this grant of money, a substantial benefit will be provided to the inhabitants of Washoe County; now, therefore, be it

**RESOLVED**, By the Board of Commissioners of Washoe County that the Board hereby grants to Big Brothers Big Sisters of Northern Nevada, a grant for Fiscal Year 2005/2006 in the amount of \$1,000.

**06-449**            **RENAME BLACK SPRINGS COMMUNITY CENTER TO WESTBROOK COMMUNITY CENTER – PARKS**

Doug Doolittle, Regional Parks and Open Space Director, discussed the reasons for the request. Commissioner Weber said this was a long time coming and commented she would like to see an appropriate sign.

Upon recommendation of Jennifer Budge, Park Planner, through Mr. Doolittle, on motion by Commissioner Weber, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Humke temporarily absent, Chairman Larkin ordered that the Black Springs Community Center be renamed to “Westbrook Community Center” after community advocates Ollie and Helen Westbrook. It was further ordered that the installation of a new sign at a cost of \$200 be approved.

**06-450**            **SUPPORT FUNDING COMMITMENTS – CONSTRUCTION OF RIVER RECREATION PROJECT – PARKS**

Jim Litchfield, Wood Roger consultant, gave an overview of the River Recreation project.

Chairman Larkin asked if there would be a need for the Cities of Reno and Sparks to commit any other resources to this project. Mr. Litchfield said the City of Sparks was willing to step forward for any additional costs and resources.

Chairman Larkin pointed out a \$1.25-million credit would be taken toward the project against the property purchased for flood control at Mill Street and McCarran.

Naomi Duerr, Truckee River Flood Management Director, supported the project. She explained the Legislature requested that whenever they made such an appropriation, the local community must match with a like kind of effort in order to authorize the appropriation. She said they were about to close on the property for \$13.2-million, and \$1.25-million of that amount would be considered the match.

Commissioner Galloway asked if there was any idea how much more money would be needed to complete the project. Mr. Litchfield replied they tried to balance the project in their proposed improvements with the rapidly changing construction market to meet the \$1.25-million budget.

Upon recommendation of Lynda Nelson, Natural Resource Planner, through Doug Doolittle, Regional Parks and Open Space Director, and Ms. Duerr, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Humke temporarily absent, Chairman Larkin ordered that the funding commitments of \$1,250,000 pursuant to appropriations within Senate Bill 1 and Senate Bill 314 to be used to construct a River Recreation project at Rock Park in the City of Sparks be supported. It was further ordered that the use of \$1,250,000 of land value from the purchase of 60 acres along the Truckee River from the University of Nevada-Reno for matching funds for the appropriation be endorsed. It was also ordered that the County Manager be authorized to sign a joint letter of commitment to the Interim Finance Committee.

**06-451      RESOLUTION – AMENDMENT OF DISTRICT NO. 24  
(GROUNDWATER REMEDIATION/CENTRAL TRUCKEE  
MEADOWS REMEDIATION DISTRICT) BOUNDARIES –  
WATER RESOURCES**

Upon recommendation of Chris Benedict, Remediation District Program Manager, and Jeanne Ruefer, Water Resources Planning Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Humke temporarily absent, it was ordered that the following resolution be adopted and Chairman Larkin be authorized to execute the same:

**RESOLUTION NO. 06-451  
(of Washoe County, Nevada)**

**A RESOLUTION CALLING A HEARING ON THE  
AMENDMENT OF THE BOUNDARIES OF  
DISTRICT NO. 24 (GROUNDWATER  
REMEDICATION/CENTRAL TRUCKEE MEADOWS  
REMEDICATION DISTRICT) IN WASHOE COUNTY,**

**NEVADA; PROVIDING FOR A NOTICE OF HEARING, AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.**

1. **WHEREAS**, the Board of County Commissioners (the "Board") of the County of Washoe (the "County") in the State of Nevada has created a district for the remediation of the quality of water (the "District" or "District No. 24") pursuant to NRS §540A.250 through §540A.285; and

2. **WHEREAS**, subsection 3 of NRS §540A.250 provides that: "The District created pursuant to this section must include, without limitation:

- a. the area where the condition which requires remediation is determined by the Board to be present, or for which remediation is determined by the Board to be necessary, including any area to which the condition is expected to migrate unless remediation is carried out; and
- b. if the Board determines that the condition which requires remediation affects the quantity or quality of drinking water within the region, the wholesale and retail service area of any provider of water that has used or uses for any portion of its supply wells located in the area described in paragraph (a)"; and

3. **WHEREAS**, pursuant to NRS §540A.250, the Board has had prepared for it a plan for remediation designated the "Central Truckee Meadows Remediation District Final Work Plan February 22, 1996" as updated by the "Central Truckee Meadows Remediation District Remediation Management Plan" dated October 28, 2002 (as updated, the "Plan for Remediation"); and

4. **WHEREAS**, the Plan for Remediation has been submitted to the Division of Environmental Protection of the State of Nevada (the "Division") and approved by the Division pursuant to Subsection 1 of NRS §540A.260; and

5. **WHEREAS**, the Plan for Remediation indicates that, and based upon such plan the Board has determined that, the condition which requires remediation affects the quality of drinking water within the region; and

6. **WHEREAS**, the boundaries of the District therefore are to include the wholesale and retail water service area of the Truckee Meadows Water Authority ("TMWA"), which is a provider of water service that has used and uses for a portion of its water supply, wells located in the area in which the condition that requires remediation is present; and

7. **WHEREAS**, the boundaries of the District were originally filed in the office of the County Clerk on September 16, 1997, and as so filed, were made the

boundaries of the District (the "Original Boundaries") by Ordinance No. 1000, duly adopted by the Board on November 12, 1997; and

8. **WHEREAS**, the Original Boundaries have been amended; and

9. **WHEREAS**, the Board has determined and hereby determines to propose to further amend the boundaries of the District with respect to the fee collected in 2005 to exclude from the District certain properties, included in the Original Boundaries of the District as amended through July 1, 2005 (the "2005 Boundaries"), which properties did not receive water service involving water provided on a wholesale or retail basis by TMWA during that year; and

10. **WHEREAS**, the Board has determined and hereby determines to propose to amend the Original Boundaries of the District with respect to the fee collected in 2006, to add to and include such Original Boundaries new properties added to the wholesale and retail water service area of TMWA since December 31, 1997; and

11. **WHEREAS**, the Board has determined and hereby determines to propose to amend the Original Boundaries of the District with respect to the fee collected in 2006 to exclude from the District certain properties, which properties did not receive water service involving water provided on a wholesale or retail basis by TMWA during calendar year 2005; and

12. **WHEREAS**, each of the following will be filed with the County Clerk (the "Clerk") prior to the publication of a notice of hearing as hereinafter described

(i) a list of the properties proposed to be excluded from the 2005 Boundaries with respect to the fees collected in 2005 as described in the 9th preamble hereto entitled "Second List of Properties to be excluded from 2005 Boundaries of District No. 24" (the "Second 2005 Exclusion List"),

(ii) a description of the areas proposed to be added to the District as described in the 10th preamble hereto, entitled "2006 Description of Areas to be Added to District No. 24" (the "2006 Addition List"), and

(iii) a list of the properties proposed to be excluded with respect to the fee imposed in 2006 as described in the 11th preamble hereto, entitled "First List of Properties to Be Excluded from the 2006 Boundaries of District No. 24" (the "First 2006 Exclusion List"); and

13. **WHEREAS**, pursuant to NRS §540A.262, the Board is required to hold a hearing before amending the boundaries of the District; and

14. **WHEREAS**, the Board desires to authorize publication of a notice of the hearing in accordance with NRS §540A.262.

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

Section 1. A hearing is hereby called on the proposed amendment to the boundaries of the District. The hearing shall be held not less than 15 days after the notice of hearing described herein is published. The Manager is authorized to schedule the hearing and request that the Clerk publish the Notice described below after materials described in preamble 11 (the "Amendments") are filed in the office of the Clerk.

Section 2. Upon receipt of request from the Manager as provided in Section 1, the Clerk is hereby authorized and directed to publish a notice of hearing not less than 15 days prior to the hearing in a display advertisement which is at least 3" x 5" in size in a newspaper of general circulation in the County. The notice shall state that the description of the boundaries and the amendment to those boundaries is on file at the office of the Clerk for public examination. The notice shall be in substantially the form placed on file with the Clerk.

Section 3. The Officers of the County are directed to effectuate the provisions of this resolution.

Section 4. All resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of such inconsistency.

Section 5. The invalidity of any provisions of this resolution shall not affect any remaining provisions hereof.

Section 6. This resolution may be amended in any manner, at any time by the Board. This resolution does not obligate the Board to proceed with the District or issue bonds.

Section 7. The Board has determined, and does hereby declare, that this resolution shall be in effect after its passage in accordance with law.

**06-452            CHANGE ORDER NO. 1 – SPANISH SPRINGS SEWER PHASE 1A  
– WATER RESOURCES**

Jerry McKnight, Finance and Customer Service Manager, explained this was the first of ten phases in the overall conversion that would be spread over a number of years. He said a portion of this first phase was funded through an assessment district with federal/state funds to assist homeowners. He stressed the issue was that street sections needed to be replaced as improvements were done. Mr. McKnight noted these streets were on the schedule for an overlay, but the streets would need to be rebuilt. He confirmed homeowners were paying a portion, and Public Works was putting in what they would have paid for the overlay. He added Public Works would avoid repaving a street if sewer lines were to be put in shortly.

In response to Chairman Larkin, Mr. McKnight clarified the map depicted those streets being refinished. He said the main stem road was resurfaced about three years ago, and the Assessment District would cover the cost of any work done on that particular road. He stated the side streets were not overlaid and would be completely rebuilt. Mr. McKnight said there would likely be similar situations as the various phases of the project moved forward.

In response to Commissioner Weber, Mr. McKnight explained property owners on the section of Rosetta Stone Drive that faced an area where there would be new development were contacted to see if they would like to participate in the Assessment District. He said the large parcel just above Rosetta Stone Drive was currently a proposed development, and the developer had discussed receiving sewer service. He remarked staff was looking at how to make the project work out equitably for those properties. Mr. McKnight noted the existing homes were not part of the original assessment district because the sewer line did not come within the prescribed distance where they had to participate. He added, if they had been included originally, the cost per lot would have been much higher.

Commissioner Galloway asked what had been done to repair the pavement. Mr. McKnight said it was patched. Commissioner Galloway stated this was a sewer assessment district, and the purpose was to put in a sewer line and not predominately to repair streets. He commented part of putting in a sewer line was to restore the street to an acceptable condition.

In response to Commissioner Galloway, Mr. McKnight confirmed it would not be necessary to open the assessment district again. He said the assessment would come out to less than \$5,000 per parcel at this time.

**3:46 p.m.** Commissioner Humke returned to the meeting.

Commissioner Weber requested more information on the six properties excluded on Rosetta Stone Drive.

Upon recommendation of Joe Stowell, Water Resources Licensed Engineer, Paul Orphan, Water Resources Engineering Manager, and Greg Belancio, Public Works Licensed Engineer, through Steve Bradhurst, Water Resources Director and Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Chairman Larkin, which motion duly carried, Chairman Larkin ordered that the Water Resources Director be authorized to sign Change Order No. 1 for additional work for Spanish Springs Sewer Phase 1a in the amount of \$423,664.05.

**06-453            ORDINANCE NO. 1295 - BILL NO. 1477 – ISSUANCE OF FLOOD CONTROL BONDS**

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that Ordinance No.

1295, Bill No. 1477, entitled, " **AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE COUNTY OF ITS NEGOTIABLE "WASHOE COUNTY, NEVADA, GENERAL OBLIGATION (LIMITED TAX) FLOOD CONTROL BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2006," IN THE MAXIMUM PRINCIPAL AMOUNT OF \$21,000,000 TO ACQUIRE, ESTABLISH, CONSTRUCT AND EXPAND FLOOD CONTROL PROJECTS; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS AND PROVIDING OTHER MATTERS RELATING THERETO; PROVIDING FOR ADOPTION AS IF AN EMERGENCY EXISTS; AND PROVIDING THE EFFECTIVE DATE HEREOF,"** be approved, adopted and published in accordance with NRS 244.100.

**06-454            LEGISLATIVE ISSUES – SCR 26 SUBCOMMITTEE ACTIVITIES**  
**– LEGISLATIVE AFFAIRS**

Katy Singlaub, County Manager, stated the next joint water purveyor board meeting would include the South Truckee Meadows General Improvement District (STMGID) Local Managing Board, the Sun Valley General Improvement District (SVGID) Board of Trustees, the STMGID Board of Trustees, the Washoe County Board of Commissioners, and the Truckee Meadows Water Authority (TMWA) Board of Directors. She said this meeting was set for May 4th at 6:00 p.m. at the Reno-Sparks Convention and Visitors Authority. She noted there may not be a quorum for STMGID at that meeting.

Ms. Singlaub said the next SCR 26 Subcommittee meeting would be held May 12, 2006.

Gary Schmidt, local resident, suggested submitting a bill draft requiring any elected officer that wished to spend taxpayer dollars on lobbying go through a public hearing process.

**06-455            REPORTS/UPDATES FROM COUNTY COMMISSION**  
**MEMBERS**

Commissioner Humke remarked he would attend the Board of Health and the Reno-Sparks Convention and Visitors Authority (RSCVA) Board meetings. He commented on his attendance at the Regional Transportation Committee (RTC) meeting last week.

Commissioner Galloway noted there would be a Tahoe Regional Planning Authority (TRPA) meeting on April 26th and a Debt Management Commission meeting on April 28th.

Commissioner Sferrazza announced he would attend the RSCVA meeting.

**4:00 p.m.** On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the meeting be adjourned to a closed session for the purpose of negotiations with Employee Organizations per NRS 288.220.

**5:56 p.m.** The Board convened as the South Truckee Meadows General Improvement District (STMGID) Board of Trustees with Chairman Larkin and Commissioner Humke temporarily absent and Vice Chairman Weber assuming the gavel.

**6:08 p.m.** The Board reconvened as the Board of County Commissioners with all members present and Chairman Larkin assuming the gavel.

**06-456            ORDINANCE NO. 1296 – BILL NO. 1474 – AMENDING CHAPTER 65 – SAFETY COMMITTEE**

**5:30 p.m.** This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on April 14, 2006 to consider second reading and adoption of Bill No. 1474. Proof was made that due and legal Notice had been given.

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

Commissioner Galloway asked if insurance concerns brought about these amendments.

Jim Jeppson, Risk Manager, stated the amendments came about because of administrative concerns regarding the amount of time and trips expended by County management and employees coming before the Safety Committee. He said the changes would create an appellant review rather than a first review by the Safety Committee.

Commissioner Galloway asked if there would be any exceptions to a first instance being reviewed. Mr. Jeppson replied any party could request a review, and he explained the process. He said 100 percent of the accidents would be reported and an accident was any incident or accident involving a County vehicle.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Ordinance No. 1296, Bill No. 1474, entitled, "**AN ORDINANCE AMENDING CHAPTER 65 (SAFETY AND DISASTER SERVICES) OF THE WASHOE COUNTY CODE BY AMENDING PROVISIONS RELATED TO THE COUNTY SAFETY COMMITTEE, REQUIRING THE COUNTY RISK MANAGER TO INVESTIGATE AND REPORT ON ACCIDENTS OR INCIDENTS INVOLVING COUNTY DRIVERS, PROVIDING THAT THE SAFETY COMMITTEE SHALL ONLY REVIEW THE FINDINGS OF THE RISK MANAGER AS TO ACCIDENTS OR INCIDENTS UPON THE REQUEST OF CERTAIN PERSONS,**

**CHANGING THE MEMBERSHIP OF THE SAFETY COMMITTEE FROM NINE MEMBERS TO SEVEN BY ELIMINATING TWO COUNTY MANAGEMENT POSITIONS, AND OTHER MATTERS RELATING THERETO,"** be approved, adopted and published in accordance with NRS 244.100.

**06-457      APPEAL CASE NO. AX-05-006 – BOARD OF ADJUSTMENT  
ACTION – MARY BARTELL AND GARY SCHMIDT –  
COMMUNITY DEVELOPMENT**

**5:30 p.m.** This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on April 14, 2006 to conduct a public hearing to consider an appeal by Mary Bartell and Gary Schmidt of the action by the Washoe County Board of Adjustment (BOA), Administrative Appeal Case No. AX05-006, to uphold the Community Development Director's decision that the inoperable vehicle(s) located on the premise at 305 Neilson Road must be either screened from view from Neilson Road or removed from the property pursuant to Washoe County Code section 110.306.35(a). Proof was made that due and legal Notice had been given.

The parcel, APN 017-360-22, is  $\pm 8.372$  acres in size and designated both HDR (High Density Rural) and LDS (Low Density Suburban) in the South Valleys Area Plan. The property is situated in a portion of Section 9, T17N, R20E, MDM, Washoe County, Nevada. The property is within the Galena-Steamboat Citizen Advisory Board boundary and in Washoe County Commission District No. 2.

Katy Singlaub, County Manager, stated there was a request to continue this matter, but it had been noticed for the public hearing. She said staff recommended opening the public hearing, taking any comments, and considering a motion to continue the matter.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against the appeal.

Gary Schmidt, appellant, discussed his conversation with Ms. Singlaub regarding the possible continuation of the appeal. He said the appeal was heard by the BOA on March 2, 2006, and this appeal was filed timely on March 13, 2006. He started conversations a couple of days later with Don Young from Community Development on issues that needed to be cleared up and records that needed to be obtained prior to scheduling the appeal. He said on April 4, 2006 he became aware that it was scheduled for April 25, 2006, as did Mr. Young when he was informed of it being scheduled. Neither of them knew how it got scheduled. Mr. Schmidt said he had made verbal and written requests to have it removed, which were denied by staff in Community Development on April 4th without his being informed of that decision. He had requested an investigation into how this was handled.

Mr. Schmidt asked for a minimum of a 60-90 day continuance. He said a written request had been submitted requesting 60 days to prepare after he received the

approved BOA minutes and other requested documents. He confirmed he received the approved minutes on April 24th but had not yet received a substantial number of requested documents. He said the documents submitted for today's hearing were substantially deficient, including the submissions not containing a copy of the videotape submitted to the BOA, no color photographs, and not having a copy of the cases in District and Federal Courts.

Mr. Schmidt requested the Commission make a field trip to the site, requested another inspection by Community Development staff, and requested an opinion from the Attorney General's Office on whether the road was public or private. He said the public should be invited on the field trip, and it should be under the auspices of the Open Meeting Law.

Mr. Schmidt listed the documents he submitted to the Board.

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

In response to Commissioner Weber, Melanie Foster, Legal Counsel, stated she received a letter from Glade Hall, the appellant's attorney, while she was out of the office. She conveyed to Mr. Hall that it had been the Board's consistent practice to grant a one-time continuance when requested, but that was the Board's decision. She suggested the Board make it time certain if they did grant the continuance.

In response to Commissioner Galloway, Bob Webb, Planning Manager, stated the deadline for the removal of the vehicles from the property would already have passed. He said the appeal was filed within 10 days of the BOA's action, which placed any further action on hold, as was the case since August.

Commissioner Galloway said he did not want to extend this for an inordinate period of time, because it would be a way of negating the intent of the BOA. He did not favor going longer than 30 days.

Commissioner Humke said the staff report indicated the appeal was originally to be heard by the BOA on September 1, 2005 but was continued through several meetings. Mr. Webb said it was continued for two or three meetings and at the November or December meeting it was set for a time certain of March 2006 at the request of the appellants. He confirmed the minutes of the BOA meeting were approved at the April 2006 meeting, and a signed copy was sent to Mr. Schmidt as part of his public record request.

In response to Commissioner Humke, Mike Kennedy, Code Enforcement Officer assigned to the case, stated the date of the original complaint was March 14, 2005. He said he inspected the property on March 14, 2005 and sent the notice of violation that same day.

Commissioner Humke said the Board normally granted continuances, but there had been numerous delays in this case, which was 13 months old. He said the Board had a bond with the citizens of this County to formally process complaints.

In response to Chairman Larkin, Ms. Foster confirmed the two issues before the Board were whether the vehicles met the definition of inoperable and was Neilson Road a street. She said those were the two issues addressed in the hearing before the BOA.

Chairman Larkin asked if there was a normal course regarding the Commission doing a field review on these kinds of issues. Mr. Webb said he was not aware of the Commission doing a field visit on appeals. Chairman Larkin asked if Mr. Webb felt the record was complete. Mr. Webb said he had included every piece of information submitted to Community Development or submitted for the record before the BOA as part of the staff report. Chairman Larkin asked if he could comment on the information given to the Clerk's Office tonight. Mr. Webb replied he had not seen that information.

Commissioner Weber asked if Mr. Webb could explain the standard procedure for handling an inoperable vehicles complaint. Mr. Webb stated a site inspection was conducted when a Code Enforcement Officer received a complaint. He said it had to be determined if the road met the definition of a street and if any vehicles met the definition of an inoperable vehicle. He said, if those two factors were determined to be true, the Code Enforcement Officer issues a notice of violation that was 30 days initially, asking the property owner to remedy the situation. He said, if the property owner takes no action, a second 10-day notice is issued, then a final 10-day notice pending prosecution for a misdemeanor criminal citation. He stated there was a minimum of 30+10+10 days before the citation would be issued. Mr. Webb said 98 percent of the time the property owners voluntarily comply by removing the inoperable vehicle or screening them from the street.

Mr. Webb reiterated that this case began in March 2005 and some of the violations were rectified during that time leaving only the two inoperable vehicles. He stated the property owner chose to appeal in August 2005, and all enforcement action was stayed pending the results of the appeal before the BOA. He said the BOA reached a decision in March 2006, which the property owner appealed leading to tonight's hearing.

Commissioner Weber felt it was time to deal with this and did not favor a continuation.

Commissioner Sferrazza favored a continuation because there was no evidence that the appeal continuing for over a year was the fault of Mr. Schmidt. He stated standard practice was to grant one continuance, which might avoid litigation in this matter.

Chairman Larkin said the report indicted the BOA granted three continuances at the request of the appellant and asked if that was typical of the BOA. Mr. Webb stated the BOA typically granted one continuance when requested by an appellant, and additional requests would be weighed on their own merit.

Chairman Larkin stated he agreed with Commissioner Weber and did not see any reason to continue this appeal because there were already three continuances granted by the BOA. He did not see what additional information could be enumerated in terms of the record because there were 236 pages of documentation, the photos he had were succinct, and the two issues before the Board were straightforward.

Commissioner Galloway suggested, if this item was not continued, it should be put at the end of the meeting to deal with other issues before the Board. He felt Mr. Schmidt would need to be given some time to address the actual issues if the item were not continued.

Commissioner Sferrazza reminded the Commissioners that the issue of the swearing in before the BOA had not been addressed, and that was one of the reasons he wanted a continuance. He requested it be addressed before going forward with his hearing.

Commissioner Humke felt the record was clear, and there had already been lengthy delays leading up to the BOA action.

Chairman Larkin appreciated Commissioner Galloway's sensitivity to other issues on the agenda but felt this item should be completed.

Commissioner Weber felt Mr. Schmidt should be given another five to ten minutes to present his concerns if the Board went ahead with the hearing. Chairman Larkin agreed and said he would grant Mr. Schmidt a recess to prepare.

**6:38 p.m.** The Board recessed.

**8:04 p.m.** The Board reconvened with all members present.

Mr. Webb discussed the staff report, located the subject property, and the vehicles within the property. He said the deliberation by the BOA determined the two vehicles met the definition of an inoperable vehicle, and the County surveyor presented information during the March 2, 2006 BOA meeting that showed Neilson Road was a public easement located on private property. The District Attorney representing the BOA also provided his opinion on the status of Neilson Road, which was contained in the staff report. Mr. Webb said the BOA concluded that Neilson Road met the definition of a street.

Mr. Webb stated staff had taken pictures on April 24th to determine if the violations still remained and they did. He said the Board's decision could uphold

enforcement actions over the last 12 years regarding inoperable vehicles being seen from a street. He indicated last year 43 percent of the County's caseload involved inoperable vehicles, and all of the violators were treated exactly the same as the violators in this case. Mr. Webb explained Code Enforcement was compliant driven. He said staff recommended the Board deny the appeal and uphold the BOA decision.

Mr. Schmidt showed close-up photographs of the alleged violating vehicles prior to the fire, and he discussed the Community Development definition of a junk vehicle. He placed on the record that the Board had not received a complete packet because they were missing the video he had provided to the BOA. He stated a substantial portion of the hearing before the BOA dealt with the difference between storage and display. He described the vehicles that were displayed in a desert garden park museum along with substantial other farm equipment and stated the two vehicles described as junk were operable. He stated Commissioner Galloway had been on the property and clearly knew they were on display.

Mr. Schmidt stated there was a legal opinion from Mr. Hall that the road did not fit the definition of a street where Jack Holmes, County Surveyor, stated it did. The difference was Mr. Hall was a licensed attorney in the State of Nevada and Mr. Holmes was not. He detailed Mr. Holmes alleged criminal acts.

Mr. Schmidt alleged that nowhere in the County Code did it state a vehicle displayed on a property had to be operable. He read into the record some of his arguments regarding storage versus display and discussed storage versus display and the County Code. He showed pictures of inoperable vehicles that were not antiques and were located less than a mile from his property. He said those vehicles had not been cited, and he discussed the vehicles located in Rancho San Rafael. He stated, in summation, the legal arguments were clear; and it was plain on the record that Neilson Road did not meet the legal definition of a street. He said, if the Board ruled that Neilson Road did meet the definition of a street, the Board did so at great financial peril.

Commissioner Sferrazza stated his map did not designate the road as private. He asked if the road was totally on Mr. Schmidt's property. Mr. Schmidt said the road was totally on his 17-acre parcel and was not a separate parcel. He stated the parcel map legend depicted Neilson Road as being a private drive not maintained by Washoe County, which the County would like to ignore. He said the vehicles could only be viewed by driving on Neilson Road and were not visible from the closest public road, Andrew Lane. He stated the vehicles were visible from several backyards that were on private roads. He said one individual could see the vehicles from his front yard, but that individual did not have a problem seeing them and accessed his property by Mr. Schmidt's private road.

Mr. Schmidt said he did not know who complained about his fire trucks because Community Development was withholding that information from him. He alleged it was in violation of the Nevada Revised Statutes Public Records Law and of the

Board's policy by resolution regarding public records adopted in March 2003. He stated this was an alleged criminal action.

Chairman Larkin interrupted and asked if Commissioner Sferrazza's question had been answered. Commissioner Sferrazza replied it had.

In response to Commissioner Galloway, Mr. Webb said an inoperable vehicle was defined as one that cannot be licensed, was not registered by the State of Nevada, or was being dismantled. He said the two subject vehicles were not registered. He further discussed display versus storage and said staff used a policy that indicated a vehicle that was there longer than 72 hours without being moved was not temporarily there.

Chairman Larkin asked if the easement granted by the property owner along Neilson Road made it a public road. Mr. Webb said his understanding was it did and that was also the legal opinion of Paul Lipparelli, Deputy District Attorney.

In response to Commissioner Humke, Mr. Webb reiterated what the next step in the process would be if the appeal were denied and the property owners failed to comply. He said, if the property owners chose to screen the vehicles, they would be required to put in a solid barrier that prevented viewing the vehicles from the street and met fencing standards.

Melanie Foster, Legal Counsel, stated she researched Commissioner Sferrazza's concern with some witnesses not being sworn at the administrative hearing and found courts applied a different set of standards to administrative hearings than they did to criminal and actual judicial proceedings. For example, the standards of evidence were different. She said courts had found it was permissible for witnesses to testify without being sworn, it was not a violation of due process, and it was not constitutionally mandated in the same way it was in a criminal proceeding. She apologized for not getting a written opinion to the Board, but she had been out of the office.

Commissioner Galloway noted Mr. Schmidt had given a substantial amount of material to the Clerk just prior to this hearing. He said there was no way the Board could have been reasonably expected to study and absorb that material and wanted it stated the material was not timely received. Ms. Foster replied that fact would be important to note for the record.

Commissioner Sferrazza said he was advised this would go to Justice Court if the Board upheld the ruling of the BOA. Ms. Foster said what happened in the Justice Court would be based solely on the citation. She stated it would be the State's burden to prove there was a violation of a validly adopted code or law. Commissioner Sferrazza asked if there was a reason it did not go straight to Court. Ms. Foster said there was a provision in the Development Code that allowed appeals to be made to the BOA and then to the Commission. Commissioner Sferrazza asked if the appellants could go straight to Court. Ms. Foster replied the appellants had not been criminally cited and had

chosen this mode of appeal. She assumed there was a staff decision to not criminally cite him.

In response to Commissioner Sferrazza, Ms. Foster replied the actual definition at issue was that contained in the Development Code, which defined a street as a public right of way or easement, which affords a primary means of access to abutting properties. She said the rationale, per the discussion in the minutes, was there were easements granted. She said staff believed it met the definition in the Development Code because of those easements.

In response to Commissioner Sferrazza, Mr. Webb said the Code was written the way it was because some vehicles cannot meet safety or smog tests, which meets the definition of an inoperable vehicle. Commissioner Sferrazza said the Code was redundant the way Mr. Webb interpreted it. Mr. Webb said the Code was “or” clauses that meant they could be taken individually or collectively. Mr. Webb said they could not address the County vehicles that Mr. Schmidt discussed because they had not been investigated. He said staff could only speak to the matter of the two vehicles in question. Commissioner Sferrazza stated he had seen the vehicles Mr. Schmidt discussed several times. He stated he was complaining and wanted them investigated because this was the second time this was presented to the Board that the County had vehicles that were not registered.

Chairman Larkin stated he believed that was an appropriate question to direct to the County Manager.

Commissioner Galloway said the Code, Section 110.306, prohibits outdoor storage.

Commissioner Weber moved that the appeal be denied and the Community Development Director’s decision that the inoperable vehicles located on the premise at 305 Neilson Road must be either screened from view from Neilson Road or removed from the property pursuant to Washoe County Code, Section 110.306.35(a), be upheld. Chairman Larkin seconded the motion.

Commissioner Sferrazza reiterated his reasons for opposing the motion.

Commissioner Galloway said he supported the motion because he believed Neilson Road was a street, and the vehicles in question were not registered.

Commissioner Weber stated the Board needed to be consistent with the other 275 cases, and she did not appreciate the threat by Mr. Schmidt during his last comment.

On a call for the vote, the motion passed 4-1 with Commissioner Sferrazza voting “no.”

**PUBLIC COMMENTS – COUNTY OF WASHOE V. EVANS  
CREEK, LLC – CASE NO. CV04-02092 (BALLARDINI RANCH)**

Andrew Barbano, local resident, stated 134 letters were collected from Washoe County residents on Earth Day in support of going forward with the bond issue for acquiring Ballardini Ranch. He had reviewed old newspaper articles and found that Senator Harry Reid and Congressman Jim Gibbons had expressed two and a half years ago that they would support federal funding for the acquisition of the Ballardini Ranch. He hoped the Commission had been in contact with them to request they make good on that promise. He said Senator Mark Amodei's office indicated he supported acquisition of the Ballardini Ranch using Southern Nevada Public Lands Management Act money if there was a willing seller. He suggested what should be done to tap into that money.

At the request of Chairman Larkin, Amy Harvey, County Clerk, stated five people signed in indicating they were against the item, two were for, and one did not indicate for or against.

**PUBLIC COMMENTS – RESOLUTION – AUTHORIZING SALE –  
GENERAL OBLIGATION (LIMITED TAX) PARK BONDS**

John LaGatta, local resident, stated the County would be better off spending the proposed bond money on teachers, roads, infrastructure, and all kinds of governance based on the projected costs of the property after figuring in the interest on the bonds. He suggested the Commissioners consider the interests of the taxpayers, especially when the County would get half of it anyway.

Adrien Burney, local resident, supported the preservation of the entire ranch and questioned how much it would cost in the future if the ranch was not purchased now. She mentioned the preservation of Muir Woods, and she stated this was a once in a lifetime opportunity.

John Strangman, local resident, urged the Commissioners to support the full purchase of the Ballardini Ranch. He stated it was a golden opportunity to promote outdoor life in the area. He requested any Commissioners that could not consider the purchase in a fair and balanced way recuse themselves from voting on the issue.

Amy Harvey, County Clerk, stated Conservation Director Brian Beffort left the meeting, but placed on file with the Clerk 134 letters supporting the purchase of the Ballardini Ranch. She said Robert Cameron, local resident, also left but submitted a written statement supporting the Evans Creek, LLC development with conditions, which was placed on file with the Clerk.

Andrew Barbano, local resident, stated he did not believe the previous item was doable by June 1st and it should be taken off the table. He said the only thing the Commission could do was to go forward by enabling the sale of the bonds.

Tom Erwin, Evans Creek, LLC Counsel, restated the opposition by Evans Creek on the same grounds as was stated at the April 11, 2006 meeting. Speaking as a private citizen, he echoed Mr. LaGatta's concern with costs. He was confounded by the lack of effort by the County to acquire open space on Peavine Mountain or along the Truckee River out by Verdi. He felt some of these resources should be allocated to other parts of town.

Herb Rubenstein, local resident, said the Commissioners should read their mission and vision statement at the start of every meeting because he felt the Commissioners had forgotten what the County was all about. He said the acquisition of the Ballardini Ranch went to the heart of the vision statement.

At the request of Chairman Larkin, Ms. Harvey stated there were 16 people signed in indicating they were for the item.

**9:02 p.m.** The Board recessed.

Commissioner Sferrazza stated he would like to move to approve the resolution authorizing the County Finance Director to arrange for the sale of the Washoe County, Nevada General Obligation (limited tax) Park Bonds before going on recess.

Chairman Larkin said the Chair was not entertaining a motion at this time. The Board was in recess.

**9:48 p.m.** The Board reconvened with all members present.

**06-458** **COUNTY OF WASHOE V. EVANS CREEK, LLC – CASE NO. CV04-02092 (BALLARDINI RANCH)**

Katy Singlaub, County Manager, stated staff recommended taking no action on this item.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Larkin ordered that no action be taken regarding the County of Washoe v. Evans Creek, LLC, Case No. CV04-02092, including, but not limited to, authorization to amend the complaint to modify the boundaries of the property to be condemned and to make an offer of judgment to the defendant property owner and guidance on pretrial matters, such as the attendance of a County representative at trial, motions in limine and opportunities for alternative resolution of the case including settlement.

**06-459** **RESOLUTION – AUTHORIZING SALE – GENERAL OBLIGATION (LIMITED TAX) PARK BONDS**

Commissioner Weber indicated she could not support this item because of the total cost of \$64.4 million in interest and principle over 30 years.

Commissioner Galloway clarified this was a general financing of park projects, and the acquisition of the Ballardini Ranch was a specific allowable use; but it was not limited to that.

Upon recommendation of John Sherman, Finance Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber voting "no," it was ordered that the following resolution be approved and Chairman Larkin be authorized to execute the same:

Summary - a resolution authorizing the County Finance Director to arrange for the sale of the Washoe County, Nevada General Obligation (Limited Tax) Park Bonds (Additionally Secured by Pledged Revenues).

### **RESOLUTION NO. 06-459**

#### **A RESOLUTION AUTHORIZING THE COUNTY FINANCE DIRECTOR TO ARRANGE FOR THE SALE OF THE WASHOE COUNTY, NEVADA GENERAL OBLIGATION (LIMITED TAX) PARK BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) IN THE MAXIMUM PRINCIPAL AMOUNT OF \$35,175,000 FOR THE PURPOSE OF FINANCING PARK PROJECTS, INCLUDING ACQUISITION OF BALLARDINI RANCH; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH.**

**WHEREAS**, the Board of County Commissioners (the "Board") of Washoe County, Nevada, (the "County," and the "State," respectively), proposes to issue up to \$35,175,000 of general obligation bonds of the County in one or more series (the "Bonds") for the purpose of paying all or a portion of the cost of acquiring, constructing, improving and equipping of park projects as provided in NRS 244A.039, including, but not limited to, structures, fixtures, furniture and equipment therefore, and all appurtenances and incidentals necessary, useful or desirable for any such facilities (the "Project"); and

**WHEREAS**, such Bonds will be additionally secured by a pledge of 15% of certain revenues received by the County and allowed to be pledged pursuant to Section 360.698 of NRS, including certain proceeds of liquor taxes, tobacco taxes, real property transfer taxes, basic governmental services tax and basic and supplemental sales taxes (the "Pledged Revenues"); and

**WHEREAS**, the Board determines that it is necessary and advisable that the County incur a bonded indebtedness pursuant to NRS 244A.011 to 244A.065, inclusive (the "Project Act") and the Local Government Securities Act, NRS 350.500 to 350.720, inclusive (the "Bond Act"), for the purpose of paying all or a portion of the cost of the Project.

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

Section 1. This resolution shall be known and may be cited by the short title "2006 Park Bond Sale Resolution."

Section 2. The County Finance Director or his designee is hereby authorized to arrange for the issuance and sale of the Bonds in a total aggregate principal amount of not more than \$35,175,000, in accordance with the Project Act and the Bond Act. In the event no Bonds are issued for the Project or the Project has been delayed as determined by the County Finance Director, the County Finance Director is hereby authorized to pay costs of issuance related to the Bonds that would have been paid if the issuance of the Bonds had not been cancelled or delayed from any legally available funds of the County.

Section 3. The County Finance Director or his designee is authorized to specify the terms of the Bonds, the methods of their sale, the final principal amount of the Bonds (not in excess of \$35,175,000), the terms of their repayment and security therefor, and other details of the Bonds, and if deemed appropriate by the County Finance Director or his designee, to advertise the Bonds for sale, subject to the ratification by the Board by the adoption of a bond ordinance or ordinances specifying the Bond terms and details and approving their sale (the "Ordinance").

Section 4. The officers of the County are hereby authorized to take all action necessary or appropriate to effectuate the provisions of this resolution, including without limitation, assembling of financial and other information concerning the County, the Project, the Pledged Revenues and the Bonds, and, if deemed appropriate by the Finance Director or his designee, preparing and circulating a preliminary official statement, a notice of bond sale for the Bonds, or both, in the forms specified by the Finance Director, or his designee. The Finance Director or his designee is authorized to deem the official statement or preliminary official statement to be a "final" official statement on behalf of the County for the purposes of Rule 15(c)2-12 of the Securities and Exchange Commission.

Section 5. The Finance Director shall, after arranging for the sale of the Bonds, shall present the proposed final terms of the Bonds to the Board for its approval by adoption of the Ordinance, which shall not be effective until after the expiration of the 90-day petition period as set forth in NRS 350.020(3).

Section 6. The officers of the Board be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 7. All resolutions, or parts thereof, in conflict with the provisions of this resolution, are hereby repealed to the extent only of such inconsistency.

This repealer shall not be constructed to revive any resolution, or part thereof, heretofore repealed.

Section 8. If any section, paragraph, clause or other provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this resolution.

Section 9. This resolution shall become effective and be in force immediately upon its adoption.

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There being no further business to come before the Board, the meeting adjourned at 9:50 p.m.

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**ROBERT M. LARKIN**, Chairman  
Washoe County Commission

**ATTEST:**

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

*Minutes Prepared by  
Jill Shelton and Jan Frazzetta, Deputy County Clerks*