

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

AUGUST 22, 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
Paul Lipparelli, 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:

06-896 AGENDA

In response to the call for public comment, Sam Dehne voiced his disapproval of the two-minute time limit for public comment and the placement of the television cameras in the Chambers.

Following discussion, in accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the agenda for the August 22, 2006 meeting be approved.

***2:21 p.m.** Commissioner Sferrazza arrived during the following item.

06-897 PUBLIC COMMENT

County Manager Katy Singlaub stated, "The County Commission does request the maintenance of decorum and civility during its proceedings and provides notice that anyone who fails to respect that decorum may be removed from the proceedings."

Chris Haywood, Dennis Goodsell, Mike Motta, and Melanie Goodsell, Palomino Valley residents, read and presented a handout entitled, "Warm Springs Property Owners Alliance (WSPOA) Presentation to the Board of County Commissioners," dated August 22, 2006. The document discussed the circumstances of civil and probable criminal acts committed by cattlemen in Palomino Valley.

Guy Felton presented and read from a handout concerning NRS 241.0353 that addressed rules for persons speaking before a public body.

Chairman Larkin informed Mr. Felton that he must direct his comments to the Chairman and not to individual Commissioners.

Mr. Felton continued to read from his handout and continued to speak to individual Commissioners.

2:22 p.m. Chairman Larkin called for a recess and asked the Deputy to escort Mr. Felton from the Chambers.

2:30 p.m. The Board reconvened with all members present.

Andy Manor inquired about the rules and regulations concerning campaign signs.

Jim Young commented Brookside Golf Course would be closing at the end of September due to changes at the Reno-Tahoe International Airport. He asked Washoe County to consider establishing programs for affordable golf at Washoe Golf Course or Sierra Sage Golf Course to replace the programs that would be lost with the closure of Brookside Golf Course.

Sam Dehne objected to the removal of Mr. Felton from the meeting. He stated the injunction against citizen Al Hesson should be removed. He complained about the volunteer policy at Senior Services.

Gary Schmidt thanked people for their support and encouragement during his campaign for County Commissioner.

COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS

Chairman Larkin asked about a status report regarding the issues related to the cattle in Warm Springs. County Manager Katy Singlaub believed a summary was provided to the Commissioners from staff via e-mail.

Chairman Larkin commented the public brought forward disturbing allegations of illegal activity and malfeasance. He asked the County Manager to work with the District Attorney to see how many violations had been documented and how many illegal actions had been recorded with the courts. He said the County should prosecute to the fullest extent of the law if the allegations were true. Chairman Larkin stressed, if citizens were misrepresenting the facts, the individuals needed to be prosecuted as well. He requested a report be presented at the middle meeting in September.

Ms. Singlaub confirmed she had not received any allegations in writing, and she welcomed anyone to file such a report with the District Attorney's Office or the County Manager's Office.

Commissioner Galloway remarked complaints of violations should be filed with the District Attorney and/or the Sheriff if there are allegations of the law. He stated the Commissioners are not the chief law enforcers of Washoe County. Commissioner Galloway commented it appeared no resolution of the conflict had occurred; and, if there was no resolution in another month, he would put it on the agenda in a broad manner to allow for public discussion on options open to the County Commission. He said it was only fair to give notice of that, rather than place it on the agenda at this time.

Commissioner Sferrazza commented any citizen could file a complaint with the Board of Equalization (BOE) for undervaluation of property as compared to their neighbors. He stated that was a legal recourse independent of coming to the Commission. He asked Legal Counsel, with respect to Guy Felton's citation of NRS 241.0353, if that was a correct statement of the statute or was it taken out of context. Commissioner Sferrazza said it referenced the privilege to publish defamatory matter at a public meeting. He did not know if it was legal to remove Mr. Felton based on his alleged comments to the Commissioners. He asked if it was a correct statement of law and if it would apply to the Board if it was correct.

Paul Lipparelli, Legal Counsel, clarified that provision of the Open Meeting Law offered people a privilege against prosecution or suit for uttering defamatory remarks during an open, public meeting. He stated it did not offer an excuse against the other provisions of State law that mandated that people conduct themselves in a public meeting with decorum and respect for the body. Mr. Lipparelli confirmed it did not remove the presiding officer's authority to remove a person from the Chambers who was not abiding by those rules. He said it aimed to encourage people to be frank and open during meetings, but it did not prevent the ability of a public body to establish appropriate limitations on the conduct of people.

Commissioner Sferrazza asked if someone could still be removed if they were being frank and open. Mr. Lipparelli commented the person could be removed if the conduct of the speaker violated the established standards in the judgment of the presiding officer.

Commissioner Weber asked for a report concerning the Brookside Golf Course and opportunities to be offered by Washoe County at Washoe Golf Course and Sierra Sage Golf Course. She requested a report about the rules and regulations concerning campaign signs and enforcement in Washoe County and in the Cities of Reno and Sparks.

Ms. Singlaub explained each of the local jurisdictions enforced their own codes. She stated most of the candidates were advised to remove the signs within 10 days

following an election. She said Washoe County did not have regulations within the Development Code that covered political signs, and staff was considering it within the Code update.

Commissioner Weber commented on the Swan Lake Audubon Society guided tour of Swan Lake. She noted her attendance along with Commissioner Sferrazza and Ms. Singlaub. She encouraged the public to go see the area. Commissioner Weber added complaints had been received about ATV's and motorcycles in that area, and she requested staff look into that.

Commissioner Humke announced the opening of two schools in the City of Sparks. He noted the Davidson Academy was holding its grand opening on the campus of the University of Nevada, Reno (UNR) at this time. He explained the academy was for gifted youth from all over the country; it was placed directly on the college campus; and it was a gift from the Davidson family. Commissioner Humke added the United States Secretary of Education would be in attendance at the grand opening.

Chairman Larkin reported on August 24th he would be in Wadsworth for the opening of the youth treatment center for the Pyramid Tribe, and he would attend the grand opening of the Costco in Sparks on August 25, 2006.

Commissioner Galloway clarified it was not a prosecutable crime for someone to misrepresent facts before the Commission. He added it was not a good thing to do, but it was not criminal in nature.

Ms. Singlaub reported a fire was currently burning adjacent to the Regional Public Safety Training Center, and the Reno Fire Department was responding.

06-898 RESOLUTION – I-80 USA PARKWAY INTERCHANGE

County Manager Katy Singlaub read and presented the resolution concerning the I-80, USA Parkway Interchange.

In response to Commissioner Galloway, Robert Kvam, Nevada Department of Transportation (NDOT) Consultant Manager, explained the last construction component of the I-80, USA Parkway Interchange would remove the on and off ramps at the existing Tracy-Clark Interchange; but the entire structure would not be removed. Mr. Kvam verified another interchange was planned that would give further access to the developed property on the north side of the highway, and it would be located one mile west of the USA Parkway. He added it was currently going through the planning process.

Commissioner Sferrazza asked if the Commission had previously discussed the findings. Ms. Singlaub replied the Board was not given a presentation on

the Environmental Assessment. Commissioner Sferrazza stated he would abstain on the matter because he could not endorse something that he had not read.

Mr. Kvam said the Environmental Assessment, New USA Interchange/I-80 Tracy-Clark, Nevada, dated June 2002 was available to staff and the Commissioners; and it was placed on file with the Clerk.

In response to the call for public comment, Richard Wroblewski supported and endorsed the interchange. He suggested a resolution be forthcoming to support the proposed interchange one mile west of the USA Parkway. Gary Schmidt questioned if the Commissioners received and read the document that was under discussion. Sam Dehne objected to the lack of information provided to the public. He said there was no reference to the cost of the project and who would pay for it.

In response to Commissioner Galloway, Mr. Wroblewski said an environmental assessment for the proposed interchange one mile west of the USA Parkway had been presented to the Federal Highway Administration (FHWA). Commissioner Galloway supported placing a resolution to support the interchange in concept on a future agenda.

Commissioner Galloway asked for clarification concerning the findings that were referenced in the resolution. Mr. Kvam replied the findings referred to the preferred alternative, as outlined in the Environmental Assessment. Commissioner Galloway stated there would be an ambiguity in the resolution if there was no section in the Environmental Assessment entitled, "Findings."

Roger Van Alyne, Deputy Public Works Director, stated the Environmental Assessment included the FHWA finding of no significant impact. He said that was the finding that was made, and he read the finding from the document. Commissioner Galloway asked if staff concurred with that finding, and Mr. Van Alyne commented staff had not reviewed the document.

Chairman Larkin asked if Mr. Van Alyne normally had responsibilities for review of national environmental policy and if he made findings of no significant impact. Mr. Van Alyne said he did not. Chairman Larkin commented the appropriate agency had established a finding of no significant impact, and Mr. Van Alyne agreed.

Commissioner Humke moved to continue the resolution until staff was satisfied that they had studied the materials upon which the resolution was based. He commented it would not be appropriate to bring it forward for a vote until staff reviewed the studies and presented their review to the Board for examination. Commissioner Sferrazza seconded the motion.

Commissioner Sferrazza asked if staff could indicate that it would have no significant impact on the Spaghetti Bowl (I-80/US 395 Interchange) because this would increase traffic on I-80.

Ms. Singlaub said staff would review the documentation that was provided in the Environmental Assessment; however, she was unsure if staff would be able to render that determination without a more extensive study prepared by experts in that field. She said the materials would be examined, and staff would give an opinion to the Commission.

Commissioner Galloway asked if the motion could be broadened to include that staff would either rewrite the resolution or confirm their agreement with the representation. Commissioner Humke agreed, and he suggested that Washoe County work with the Regional Transportation Commission (RTC) concerning the matter. He said some of the technical references in the resolution could be deleted.

Commissioner Sferrazza had no objections to the proposed changes to the motion.

Mr. Kvam stated review plan sets were sent to Public Works and the RTC several months ago. He remarked NDOT was advertising the project, and a resolution of support had been received from Storey County. He said it was the responsibility of NDOT to go before each County to gain their resolution of support. Mr. Kvam presented the document to Mr. Van Alyne for his review.

Commissioner Humke commented engaging in further study would strengthen Washoe County's approach to transportation issues with NDOT and Storey County.

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

06-899 **VOTE CANVASS – 2006 PRIMARY ELECTION**

Pursuant to NRS 293.387, Dan Burk, Registrar of Voters, presented the abstract of the votes cast for all candidates in all of the precincts in Washoe County in the Primary Election conducted on Tuesday, August 15, 2006 and certified the same to be true and correct as certified by the Accuracy Certification Board pursuant to NAC 293B for canvass. Duly executed Submission of Abstract and Post-Election Certification 2006 Primary Election Audit of Voter Verifiable Paper Trail Printers were placed on file with the Clerk.

Mr. Burk reviewed the statistics and results of the 2006 Primary Election.

In response to Chairman Larkin, Mr. Burk said early voting in the retail venues went well; and expansion was planned for additional retail sites for the 2006 General Election.

Commissioner Sferrazza asked about the polls that did not open, and he inquired if the pay was too low for the poll workers. Mr. Burk explained the pay for the workers and said it was about the highest on the West Coast. He stressed it was not a

matter of pay but a matter of commitment on the part of the poll workers. Mr. Burk said increased communication would occur between staff and the poll workers to avoid problems that happened during the 2006 Primary Election. Commissioner Sferrazza asked if overhiring could occur, and Mr. Burk said that was an option to consider.

Commissioner Humke asked if there was a threshold number of voters per day that would indicate the polling place was not necessary. Mr. Burk concurred and noted adjustments that would be made in the future. Commissioner Humke inquired if in-person early voting was continuing to increase, and Mr. Burk agreed. Commissioner Humke asked about early voting in Clark County. Mr. Burk explained more than 50 percent of their voters participated in early voting, and it was becoming a problem to find retail locations to hold early voting because the stores did not want to give up the space.

Commissioner Weber commended Mr. Burk and staff for their hard work and preparation. She suggested adjusting the timeline for early voting to one week at consistent locations and reducing the number of locations. Mr. Burk agreed to look into that.

Commissioner Galloway agreed with Commissioner Weber. He said it would be important to have every location open with all hours available and the inclusion of one Sunday. Commissioner Galloway said he voted in two minutes, and the system was very efficient. In response to Commissioner Galloway, Mr. Burk explained nonpartisan voter procedures and reporting.

Chairman Larkin pointed out 100 percent of the electronically recorded results matched the selections printed on the paper tape.

Commissioner Sferrazza thanked staff for their work and reported his personal voting experience was good.

In response to the call for public comment, Sam Dehne questioned the signatures on the Post-Election Certification for the 2006 Primary Election and said the entire process was corrupt. Gary Schmidt voiced his opposition to early voting.

Commissioner Weber inquired if she could participate in the vote of this Vote Canvass due to the fact that she was a candidate.

Paul Lipparelli, Legal Counsel, clarified the law contemplates that members of the County Commission would be running for office; and, if the Legislature was concerned that there would be a problem with a Commissioner candidate approving a vote canvass, that would have been provided for in the law.

In response to Commissioner Sferrazza, Mr. Burk clarified these results were only certified for Washoe County; however, he could provide additional abstracts from other counties if desired.

Commissioner Humke commented a few persons who did not show up timely at the poll opening caused the only difficulty in this election. He said Mr. Burk's effort to train people and rely upon their commitment was a sufficient explanation. Commissioner Humke regretted that some people were turned away, and he hoped they returned to those locations to vote.

After conducting the canvass, the Board declared the abstract, as presented, to be a true vote cast; and, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that the members present execute the Certification of the Official Canvass for the 2006 Primary Election, as presented. It was further ordered that the Clerk be directed to enter upon the record of the Board an abstract of the results, which shall contain the number of votes cast for each candidate, and that the Registrar of Voters submit a certified copy of the abstract to the Secretary of State.

[abstract set forth in full in the permanent minutes]

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06-900 MINUTES

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the minutes of the regular meeting of June 27, and July 11, 2006 be approved.

06-901 EXPENDITURE – ENHANCED 911 FUND – CALL PILOT SYSTEM – RENO EMERGENCY COMMUNICATIONS CENTER – 911 EMERGENCY RESPONSE ADVISORY COMMITTEE

Upon recommendation of Tom Miller, 911 Emergency Response Advisory Committee Chair, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the expenditure from the Enhanced 911 Fund to AT&T, concerning the addition of 10 channels to the Call Pilot System at the Reno Emergency Communications Center in the amount of \$13,001, be approved.

06-902 REAPPOINTMENT – WEST WASHOE VALLEY CITIZEN ADVISORY BOARD – COMMUNITY DEVELOPMENT

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Rod Smith be reappointed as an At-Large member to the West Washoe Valley Citizen Advisory Board (CAB) with a term beginning August 22, 2006 and ending June 30, 2008.

06-903 INTERLOCAL CONTRACT - INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT - TRANSPORTATION SERVICES - SENIOR SERVICES

Upon recommendation of Marietta Bobba, Senior Services Director, through John Berkich, Assistant County Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that a renewal of an interlocal contract between Washoe County and Incline Village General Improvement District (IVGID), concerning transportation services for seniors and people with disabilities in the Incline Village area as provided by a grant from the Regional Transportation Commission (RTC) in the amount of \$12,500 for fiscal year 2006/07, be retroactively approved and Chairman Larkin be authorized to execute the same.

06-904 INTRASTATE INTERLOCAL AGREEMENT - CITY OF RENO - JOINT CHILD ABUSE INVESTIGATION TEAM - SOCIAL SERVICES

Upon recommendation of Michael Capello, Social Services Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that an intrastate interlocal agreement between Washoe County and the City of Reno (Police Department), concerning the continued operation of the

Joint Child Abuse Investigation Team retroactive from July 1, 2006 to June 30, 2007 and renewable from year to year upon mutual agreement of the parties and subject to continued funding, be approved and Chairman Larkin be authorized to execute the same. It was noted the estimated reimbursement to Washoe County for fiscal year 2006/07 would be \$36,000.

**06-905 REJECT BIDS - RANCHO SAN RAFAEL WETLAND
MITIGATION PROJECT – BID NO. PWP-WA-2006-308 - PARKS**

This was the time to consider rejection of the bids for Rancho San Rafael Wetland Mitigation project for the Regional Parks and Open Space Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on June 30 and July 14, 2006. Proof was made that due and legal Notice had been given.

County Manager Katy Singlaub commented it appeared that the lowest, responsive, responsible bid was approximately \$2,000 different from the grant received from the University of Nevada, Reno; however, that grant had to pay for additional mitigation, engineering, and design work, which reduced the amount of available funds from the grant by about \$200,000.

Bids were received from the following vendors:

A&K Earth Movers
Atlas Contractors

Upon recommendation of Lynda Nelson, Regional Parks and Open Space Natural Resource Planner, through Doug Doolittle, Regional Parks and Open Space Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that all bids received for Bid No. PWP-WA-2006-308 for the Rancho San Rafael Wetland Mitigation project for the Regional Parks and Open Space Department be rejected as the bids were over budget.

**06-906 RESOLUTION - CLARK COUNTY DISTRICT ATTORNEY'S
OFFICE - ASSISTANCE IN PROSECUTION CASE - DISTRICT
ATTORNEY**

In response to Commissioner Sferrazza, County Manager Katy Singlaub clarified the general fund supported the District Attorney's budget. She said there was a requirement for an arms-length relationship when the District Attorney's Office referred a case, as they had in this matter. She remarked the County would not want the funding to come out of the departmental budget that was authorized and approved by the District Attorney who had recused himself from the case. Ms. Singlaub stated the District Attorney and Finance were attempting to estimate what the costs could be and to determine the funding source. She pointed out a case like this would have a large price tag, and the District Attorney's Office would not have a role of authorizing or approving

expenditures. She asked about the role of the Commissioners in authorizing expenditures or putting limits on expenditures.

Paul Lipparelli, Legal Counsel, explained it was something the Board had done in the past; and it was not appropriate for oversight by the District Attorney's Office. He noted, if the Commission was dissatisfied with the structure of the resolution and wanted to make specific recommendations, staff could return to the Clark County District Attorney's Office and ask if they were willing to carry on under those conditions.

In response to Commissioner Galloway, Ms. Singlaub clarified there was not a conflict amount in the District Attorney's budget because the District Attorney represented the people. She said the costs would be similar to those that would be paid to the District Attorney if he were administering the case. She stated Finance could look at charging appropriate customary expenditures to the District Attorney's Office.

Commissioner Galloway said he was pleased that there was a reciprocity arrangement with Clark County and that they would not charge Washoe County for their in-house staff time.

Commissioner Sferrazza requested the resolution be more refined in terms of what was specifically being paid for and what fund the monies would come from.

Ms. Singlaub added she would verify the salaries of the prosecution team from Clark County, and she would make sure typical expenditures would be paid out of the District Attorney's budget.

In response to the call for public comment, Sam Dehne stated the media should pay for the case; and the District Attorney from Clark County should stay in Clark County. He recommended obtaining the District Attorney from Carson City.

Commissioner Sferrazza said he would support the resolution with the understanding that the County Manager would supervise the contract to ensure that the appropriate funds were used to pay the expenses. He hoped the Board would get a report concerning the costs to see how much was being spent on that prosecution.

Commissioner Humke stated he wanted to see the prosecutor who was representing the people in this case do the best job for the people, and he did not want to second-guess how much he spent. He said he would assume the Clark County District Attorney's Office would do an adequate job and not overcharge for their services. He commented the last thing he wanted to do was create an appeal for a defendant based on the discussion held here today.

Upon recommendation of Melanie Foster, Assistant District Attorney, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Larkin be authorized to execute the same:

RESOLUTION

Requesting the Assistance of the Clark County District Attorney's Office in the Prosecution of a Case of Murder and a Child Welfare Matter

WHEREAS, the Office of the District Attorney is responsible for the prosecution of criminal offenses which have occurred in the County of Washoe; and

WHEREAS, the Office of the District Attorney represents the interests of the public in child welfare matters which have occurred in the County of Washoe; and

WHEREAS, the District Attorney's Office has recently been called upon to prosecute the criminal case of State v. Darren Roy Mack and to appear in a child welfare matter involving Darren Roy Mack's minor child; and

WHEREAS, the Washoe County District Attorney, Richard A. Gammick, is a probable witness in the prosecution of the stated criminal case; and

WHEREAS, the District Attorney's Office wants to avoid any assertions by the defense of undue influence or conflict of interest; and

WHEREAS, the Washoe County District Attorney's Office wants to avoid delays associated with attempts to disqualify the Washoe County District Attorney's Office in either proceeding; and

WHEREAS, The Washoe County District Attorney's Office wants to have the focus remain upon the conduct of Darren Roy Mack until these matters are resolved; and

WHEREAS, the Clark County District Attorney's Office has agreed to take over the prosecution of the criminal case of State v. Darren Roy Mack and of the child welfare matter;

NOW, THEREFORE, it is resolved by the Board of County Commissioners of Washoe County as follows:

1. That in accordance with the applicable provisions of the law, the Clark County District Attorney's Office is hereby requested to assume complete responsibility for the handling of the criminal case relating to State v. Darren Roy Mack and of the child welfare matter involving Darren Roy Mack's minor child.
2. That should the Clark County District Attorney's Office agree to assume responsibility for the handling of the aforementioned cases, the Comptroller of Washoe County will, upon submission of a duly verified

claim or invoice, directly pay or reimburse from the general fund of Washoe County all expenses that the Clark County District Attorney's Office incurs in the prosecution of said cases.

**06-907 GRANT OF EASEMENT - SIERRA PACIFIC POWER COMPANY
- MAINTENANCE YARD - PUBLIC WORKS**

Upon recommendation of David Solaro, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that a grant of easement to Sierra Pacific Power Company for utility facilities at the County maintenance yard for the Roads Division Dry Storage/Wash Rack project be approved and Chairman Larkin be authorized to execute the easement documents upon presentation.

**06-908 GROUND LEASE - CHILDREN'S CABINET, INC. – EXPANSION
OF SERVICES - PUBLIC WORKS**

Upon recommendation of Roger Van Alyne, Deputy Public Works Director, through Tom Gadd, Public Works Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that a ground lease between Washoe County and the Children's Cabinet, Inc., concerning the expansion of services that would include an indoor recreation facility for youth served by the Children's Cabinet on County-owned unimproved land adjacent to the Family Resource Center, be approved and Chairman Larkin be authorized to execute the ground lease upon presentation.

**06-909 LEASE AGREEMENT - KAUFMAN GREENBRAE CENTER, LLC
– CHANGE OF OWNERSHIP - SPARKS JUSTICE COURT -
FACILITY MANAGEMENT**

Upon recommendation of Mike Turner, Facility Management Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the first amendment to the lease agreement between Washoe County and Kaufman Greenbrae Center, LLC, concerning acknowledgment of the change of ownership of 630 Greenbrae Drive, Sparks, Nevada and leased for the Sparks Justice Court, be approved and Chairman Larkin be authorized to execute the same.

**06-910 GRANT - INCLINE VILLAGE/RENO COMMUNITY OUTREACH
PROGRAM - JUVENILE SERVICES**

County Manager Katy Singlaub pointed out the grant was in its first year; therefore, no prevention data had been compiled. She said that would be tracked this year and provided to the Commissioners and the State.

In response to the call for public comment, Sam Dehne supported funding for Juvenile Services.

Upon recommendation of Michael Martino, Juvenile Services Program Manager, through Michael Pomi, Juvenile Services Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the fiscal year 2006/07 Office of Juvenile Justice and Delinquency Program (OJJDP) Formula Grant, Incline Village/Reno Community Outreach Program, concerning provision of early intervention services for at-risk youth and families in the amount of \$55,400, be accepted. It was further ordered that the Finance Department be directed to make the appropriate budget adjustments.

06-911 GRANT - CHILDREN'S CABINET - JUVENILE SERVICES PROGRAM

Upon recommendation of Jerry Lazzari, Juvenile Services Program Manager, through Michael Pomi, Juvenile Services Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the fiscal year 2006/07 Office of Juvenile Justice and Delinquency Program (OJJDP) Title V Grant, concerning provision of prevention and intervention services for youth at-risk of entering the juvenile justice system and to reduce the number of youth in secure detention in the amount of \$35,000, be accepted. It was further ordered that the Finance Department be directed to make the appropriate budget adjustments, and it was noted the grant would pass through to Children's Cabinet, Reno.

06-912 INTERLOCAL AGREEMENT - CHARLES M. MCGEE CENTER – WASHOE COUNTY SCHOOL DISTRICT - JUVENILE SERVICES

Upon recommendation of Jerry Lazzari, Juvenile Services Program Manager, through Michael Pomi, Juvenile Services Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the interlocal agreement between Washoe County, on behalf of Juvenile Services, and the Washoe County School District, concerning the use of office space at the Charles M. McGee Center for the Washoe County School District's Truancy Intervention Coordinator and one secretary to assist early intervention services for truant offending children in Washoe County from July 1, 2006 through June 30, 2007, be approved and Chairman Larkin be authorized to execute the same.

06-913 INTERLOCAL AGREEMENT – SECOND JUDICIAL DISTRICT COURT – STATE OF NEVADA - MENTAL HEALTH SERVICES FOR INMATES – SHERIFF

County Manager Katy Singlaub explained there was no cost associated with the interlocal agreement as it formalized a process for how inmates with mental health issues were treated. She added it also addressed federal law about confidentiality

of medical information and how medical files were shared. Ms. Singlaub noted the three entities involved did not charge Washoe County for the service.

Upon recommendation of Craig Callahan, Assistant Sheriff, through Dennis Balaam, Sheriff, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that an interlocal agreement between Washoe County, the Second Judicial District Court, the Sheriff's Office, and the State of Nevada, through its Northern Nevada Adult Mental Health Services, concerning mental health screening and services for inmates at the Washoe County jail effective upon approval through June 30, 2009, be approved and Chairman Larkin be authorized to execute the same.

06-914 AGREEMENT - PRISONER TRANSPORT SERVICES OF AMERICA, LLC - SHERIFF

Commissioner Sferrazza asked why Prisoner Transport Services of America, LLC was being charged the public rate per diem instead of a rate which should include the amortization of the building.

Craig Callahan, Assistant Sheriff, explained that was the rate it cost the County to incarcerate a subject for a day. He said the federal rate had been renegotiated to that amount. He pointed out the County would not be accepting any inmates from any of these companies until the inmate population was below the classification capacity. Assistant Sheriff Callahan noted the rate did not address the amortization of the building.

Upon recommendation of Assistant Sheriff Callahan, through Dennis Balaam, Sheriff, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that an agreement between Washoe County (Sheriff's Office) and Prisoner Transport Services of America, LLC, concerning the temporary housing of in-transit prisoners, be approved and Chairman Larkin be authorized to execute the same. It was noted that the rate charged would be the current Federal Housing Rate, which was \$83.51 per day. It was further noted that the agreement shall be in force and effect for an indefinite period of time subject to cancellation by either party, with or without cause, upon thirty days written notice.

06-915 SERVICE AGREEMENT - RENO LIVESTOCK EVENTS CENTER - SHERIFF

Upon recommendation of Craig Callahan, Assistant Sheriff, through Dennis Balaam, Sheriff, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the renewal of the service agreement between Washoe County (Sheriff's Office) and the Reno Livestock Events Center, concerning the provision of Sheriff services during special events, be approved and Chairman Larkin be authorized to execute the same.

06-916

BUDGET AMENDMENTS - FY 2006/07 - FAMILY PLANNING GRANT PROGRAM - HEALTH

Upon recommendation of Patsy Buxton, Health Analyst, through Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the following amendments to the District Health Department Fiscal Year 2006/07 Family Planning Grant Program budget, funded by a notice of grant award from the Department of Health and Human Services, be approved and the Finance Department be directed to make the following budget adjustments:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE/(DECREASE)
2002-IO-10025-431100	Federal Revenue	\$ 21,235.00
2002-IO-10025-701120	Part-time	8,645.77
-705210	Retirement	1,988.10
-705230	Medicare	145.96
-710300	Operating Supplies	3,087.38
-710500	Other Expense	5,367.65
-710721	Outpatient	2,000.14
	Total Expenditures	\$ 21,235.00

06-917

INTERLOCAL AGREEMENT - JUVENILE SERVICES - HEALTH

Upon recommendation of Patsy Buxton, Health Analyst, through Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that an interlocal agreement between Washoe County and the Washoe County Health District through Juvenile Services, concerning the provision of clinical services for the period upon ratification through June 30, 2007 in the approximate amount of \$500, be approved and Chairman Larkin be authorized to execute the same.

06-918

BUDGET AMENDMENTS - FY 2006/07 - PANDEMIC INFLUENZA PLANNING GRANT PROGRAM - HEALTH

Upon recommendation of Patsy Buxton, Health Analyst, through Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the following amendments to the District Health Department Fiscal Year 2006/07 Pandemic Influenza Planning Grant Program budget be approved and the Finance Department be directed to make the following budget adjustments:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE/(DECREASE)
2002-IO-10544-781004	Capital Equipment	\$ 7,000
-710100	Professional Services	13,000

	Total Increases	\$ 20,000
2002-IO-10544-701150	Contractual Wages	(\$ 20,000)
	Total Decreases	(\$ 20,000)

06-919 DECREASE IN HOURS – CREATION OF PUBLIC HEALTH INVESTIGATOR POSITION - HEALTH

Upon recommendation of Patsy Buxton, Health Analyst, through Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the decrease in full-time hours for position control numbers 70002209 (1.0 FTE to .40 FTE) and 70002206 (1.0 FTE to .60 FTE) be authorized. It was further ordered that a new full-time Public Health Investigator position (benefits eligible 1.0 FTE, PC#TBD), as evaluated by the Job Evaluation Committee (JEC), be authorized.

06-920 PURCHASE REQUISITION - BROWN & PARTNERS - HEALTH

Upon recommendation of Patsy Buxton, Health Analyst, through Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that purchase requisition #1000015627 for fiscal year 2006/07 issued to Brown & Partners (adjoining Southern Nevada Health District bid), concerning a pandemic influenza outreach campaign on behalf of the Epidemiology and Public Health Preparedness Division of the District Health Department in the amount of \$84,392, be approved.

06-921 BUDGET AMENDMENTS - FY 2006/07 - AIR QUALITY MANAGEMENT U.S. ENVIRONMENTAL PROTECTION AGENCY - HEALTH

Upon recommendation of Lori Cooke, Health Analyst, through Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the following amendments to the District Health Department Fiscal Year 2006/07 Air Quality Management U.S. Environmental Protection Agency, Clean Air Act 105 Program budget, be approved and the Finance Department be directed to make the following budget adjustments:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE/(DECREASE)
2002-IN-10019-431100	Federal Revenue	\$ 15,022
2002-IN-10019-710100	Professional Services	13,022
-711210	Travel	2,000
	Total Expenditures	\$ 15,022

06-922

BUDGET AMENDMENTS - FY 2006/07 - TOBACCO USE PREVENTION PROGRAM - HEALTH

Upon recommendation of Lori Cooke, Health Analyst, through Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the following amendments to the District Health Department Fiscal Year 2006/07 Tobacco Use Prevention Program budget be approved and the Finance Department be directed to make the following budget adjustments:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE/(DECREASE)
2002-IN-10418-432100	State Revenue	\$(61,637)
2002-IN-10418-701300	Overtime	(2,000)
-710200	Service Contract	(1,000)
-710300	Operating Supplies	(13,000)
-710500	Other Expense	(9,000)
-710502	Printing	(7,000)
-710546	Advertising	(29,637)
	Total Expenditures	\$(61,637)

06-923

BUDGET AMENDMENTS - FY 2006/07 – TUBERCULOSIS SUPPLEMENTAL BASE GRANT PROGRAM - HEALTH

Upon recommendation of Lori Cooke, Health Analyst, through Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the following amendments to the District Health Department Fiscal Year 2006/07 Tuberculosis Supplemental Base Grant Program budget be approved and the Finance Department be directed to make the following budget adjustments:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE/(DECREASE)
2002-IO-10035-432100	State Revenue	(\$4,000.00)
2002-IO-10035-701110	Base Salaries	(\$3,300.33)
-705210	Retirement	(651.82)
-705230	Medicare	(47.85)
-710509	Seminars and Meetings	(250.00)
-711210	Travel	250.00
	Total Expenditures	(\$4,000.00)

06-924

DISINTERMENT OF HUMAN REMAINS - HEALTH

Upon recommendation of Lori Cooke, Health Analyst, through Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the

request from Michael Connor to disinter and remove the remains of Wayne Leslie Connor, his father, who died on March 5, 1982 be approved. It was noted that the death certificate indicates the death was not due to a communicable disease.

**06-925 RESOLUTIONS – HUMAN SERVICES CONSORTIUM
CONTRACTS – VARIOUS AGENCIES – MANAGEMENT
SERVICES**

Upon recommendation of Gabrielle Enfield, Community Support Administrator, through John Slaughter, Management Services Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Washoe County Human Services Consortium contracts for the Food Bank of Northern Nevada, Family Promise, Crisis Call Center, CitiCare, Project Walkabout, and Kids to Senior Korner be approved and Chairman Larkin be authorized to execute the same. It was further ordered that the following resolutions be adopted and the Chairman be authorized to execute the same:

RESOLUTION

Authorizing the Grant of Public Money to a Private Nonprofit Organization

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, 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 for fiscal year 2006-2007 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations, now, therefore, be it

RESOLVED, by the Board of Commissioners of Washoe County that

1. The Board hereby grants to the Food Bank of Northern Nevada, Inc., a private, nonprofit organization, a grant for fiscal year 2006-2007 in the amount of \$46,777 (Community Support).
2. The purpose of the grant is to provide food support services for Washoe County nonprofit agencies and the clients they serve.
3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Grant Program Contract.

RESOLUTION

Authorizing the Grant of Public Money to a Private Nonprofit Organization

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, 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 for fiscal year 2006-2007 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore, be it

RESOLVED, by the Board of Commissioners of Washoe County that,

1. The Board hereby grants to Family Promise a private, nonprofit organization, a grant for fiscal year 2006-2007 in the amount of \$46,777 (Community Support).
2. The purpose of the grant is to provide transitional shelter and comprehensive assistance for homeless families in the Truckee Meadows.
3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Grant Program Contract.

RESOLUTION

Authorizing the Grant of Public Money to a Private Nonprofit Organization

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, 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 for fiscal year 2006-2007 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore, be it

RESOLVED, by the Board of Commissioners of Washoe County that:

1. The Board hereby grants to Crisis Call Center a private, nonprofit organization, a grant for fiscal year 2006-2007 in the amount of \$39,328 (Community Support).

2. The purpose of the grant is to provide a crisis call line 24 hours a day, 7 days a week to Truckee Meadows residents.
3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Grant Program Contract.

RESOLUTION

Authorizing the Grant of Public Money to a Private Nonprofit Organization

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, 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 for fiscal year 2006-2007 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore, be it

RESOLVED, by the Board of Commissioners of Washoe County that

1. The Board hereby grants to CitiCare a private, nonprofit organization, a grant for fiscal year 2006-2007 in the amount of \$38,686 (Community Support).
2. The purpose of the grant is to provide over 2,000 incremental rides (individually scheduled rides and subscription rides) on the existing public transportation system (RTC Access) to people with significant disabilities in the Reno/Sparks area in order to access medical, social and employment resources in the community.
3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Grant Program Contract.

RESOLUTION

Authorizing the Grant of Public Money to a Private Nonprofit Organization

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, 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 for fiscal year 2006-2007 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore, be it

RESOLVED, by the Board of Commissioners of Washoe County that:

1. The Board hereby grants to Kid's Korner Senior Korner a private, nonprofit organization, a grant for fiscal year 2006-2007 in the amount of \$1,771 (Community Support).
2. The purpose of the grant is to provide health and outreach services and senior case management services through a synergistic approach to client independence as well as enhancing the health and well-being of seniors by focusing on access to prevention and primary health services for seniors.
3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Grant Agreement.

It was noted Project Walkabout was an in-house contract and no resolution was required.

06-926 RESOLUTION - AGREEMENT – NEVADA HEALTH CENTERS, INC. – GERLACH HEALTH CLINIC – MANAGEMENT SERVICES

Upon recommendation of Gabrielle Enfield, Community Support Administrator, through John Slaughter, Management Services Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that a business associate agreement for provision of primary care services (grant program contract) between Washoe County and Nevada Health Centers, Inc., concerning support of the operation for the Gerlach Health Clinic for fiscal year 2006/07 in the amount of \$93,071, be approved and Chairman Larkin be authorized to execute the same. It was further ordered that the following resolution be adopted and the Chairman be authorized to execute the same:

RESOLUTION

Authorizing the Grant of Public Money to a Nonprofit Organization Created for Religious, Charitable or Educational Purposes

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

nonprofit organization created for religious, charitable or educational purposes to be expended for a selected purpose; and

WHEREAS, the Board of Commissioners of Washoe County has determined that \$87,800 in funding is needed to address the basic health care needs of the uninsured and underinsured of Gerlach, now, therefore, be it

RESOLVED, by the Board of Commissioners of Washoe County that

1. The Board hereby grants to Nevada Health Centers, Inc., a nonprofit organization created for religious, charitable or educational purposes, a grant for fiscal year 2006-2007 in the amount of \$93,071 (Community Support).
2. The Board finds that in making this grant a substantial benefit will be provided to the inhabitants of the County by providing basic health care to low income, uninsured, and underinsured clients living in the Gerlach area.
3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are as set forth in the Grant Program Contract, which was placed on file with the Clerk and incorporated herein by reference.

06-927

**RESOLUTION - AGREEMENT – INCLINE VILLAGE
CHILDREN'S CABINET HEALTH CLINIC – MANAGEMENT
SERVICES**

County Manager Katy Singlaub remarked this grant was less than last year. She said it increased over two years because the Incline Village Children's Cabinet (IVCC) Health Clinic was reducing their reliance on volunteer nurses and shifting to paid registered nurses (RN's). She noted the IVCC Health Clinic continued to rely on volunteer physicians to staff that clinic. Ms. Singlaub explained a strategic plan process for public health care services in Incline Village was underway, all stakeholders were being included, and Washoe County was leading that process.

Chairman Larkin commented a grant award of \$35,670 was approved for fiscal year 2005/06. He said a grant award of \$40,000 would be a large increase for this fiscal year.

Ms. Singlaub clarified the County gave the IVCC Health Clinic \$50,000 in 2004 because they were the only primary care providers for low-income persons in Incline Village, and they were unable to meet the demand for services. She said this award was a reduction from that amount.

Chairman Larkin pointed out it ran contra to the County's budget policies of Consumer Price Index (CPI) plus inflation. Ms. Singlaub said many departments receive more than CPI plus inflation, and the budget was cut elsewhere to address that. Chairman Larkin stated it was the County's objective to achieve CPI plus inflation, and Ms. Singlaub clarified that was not the case in every department.

Commissioner Galloway said he was one of the authors of the CPI plus inflation guideline that was intended to apply to total County spending and not to every single item. He remarked this was not an added expense to Washoe County, but it was a cost savings because the people would be getting services furnished by the IVCC Health Clinic, which was non-profit and a charity.

Chairman Larkin inquired if the shift from volunteer nurses to paid RN's was the trend. Ms. Singlaub explained the recommended model would be a complete change to a hospital-based model, and that came from the strategic plan from the stakeholders. She said the recommendation would come back to the Board and the people in Incline Village for consideration. Ms. Singlaub clarified Washoe County would not be responsible for funding full implementation of primary health care in Incline Village. She said the County aimed to provide comparable services to all Washoe County residents.

Upon recommendation of Gabrielle Enfield, Community Support Administrator, through John Slaughter, Management Services Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that a business associate agreement for provision of primary care services (grant program contract) between Washoe County and IVCC, concerning support of the operation of the IVCC Health Clinic for fiscal year 2006/07 in the amount of \$40,000, be approved and Chairman Larkin be authorized to execute the same. It was further ordered that the following resolution be adopted and the Chairman be authorized to execute the same:

RESOLUTION

Authorizing the Grant of Public Money to a Nonprofit Organization Created for Religious, Charitable or Educational Purposes

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 nonprofit organization created for religious, charitable or educational purposes to be expended for a selected purpose, and

WHEREAS, the Board of Commissioners of Washoe County has determined that \$40,000 in funding is needed to address the basic health care needs of the uninsured and underinsured of Incline Village, now, therefore, be it

RESOLVED, by the Board of Commissioners of Washoe County that.

1. The Board hereby grants to Children's Cabinet Incline Village, a nonprofit organization created for religious, charitable or educational purposes, a grant for fiscal year 2006 - 2007 in the amount of \$40,000 (Community Support).
2. The Board finds that in making this grant a substantial benefit will be provided to the inhabitants of the County by providing basic health care to low income, uninsured, and underinsured clients living in the Incline Village area.
3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are as set forth in the Grant Program Contract, which was placed on file with the Clerk and incorporated herein by reference.

06-928

**RESOLUTION – 2007 STATE EMERGENCY RESPONSE
COMMISSION, UNITED WE STAND GRANT - MANAGEMENT
SERVICES**

County Manager Katy Singlaub stated this was the first time Washoe County had applied for and received funding from the United We Stand (UWS) grant. She noted the funds came from the purchase of Nevada license plates that contained the freedom insignia.

Commissioner Galloway acknowledged those who purchased the license plates, and he thanked them on behalf of the Board.

Upon recommendation of Cathy Ludwig, Emergency Management Grants Coordinator, through John Slaughter, Management Services Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the 2007 State Emergency Response Commission (SERC), UWS grant from the State of Nevada be accepted, the following resolution be adopted, and Chairman Larkin be authorized to execute the same:

RESOLUTION

WHEREAS, Washoe County is a member of the Local Emergency Planning Committee and is a subgrantee of the State Emergency Response Commission (SERC), which is the recipient of the United We Stand (UWS) Grant Program award in the amount of \$30,000.00, and

WHEREAS, For the grant listed above, Washoe County is either the recipient of grant funds for individual items for use by Washoe County, or is fiscal agent for other government entities or nonprofit organizations that are also members of LEPC; and

WHEREAS, NRS 244.1505 allows the Board of County Commissioners of Washoe County to make a grant-of public money for any purpose which will provide a substantial benefit to the inhabitants of Washoe County; and

WHEREAS, Washoe County as fiscal agent for the other government entities or nonprofit organizations that are members of LEPC desires to pass through funds and grant assurances from the State grants as described on the attached grant award administrative grid for the uses herein and therein described; and therefore, be it

RESOLVED, That the Washoe County Board of Commissioners hereby grants to the government entities (other than Washoe County agencies for which the Board has accepted funds from the awards) and nonprofit organizations as listed on the attached grant award administrative grid, as a pass through of the amounts shown and for the uses shown thereon, finding that said amounts and uses will provide a substantial benefit to the inhabitants of Washoe County and the Board authorizes the County Manager, or her designee, to sign subgrants with the entities listed on the attached grant award administrative grid, which subgrants, herein incorporated by reference, will set forth the maximum amount to be expended under the subgrants, the use and purposes of the subgrants, and the conditions, limitations and the grant assurances of the subgrants.

06-929 2006/07 MEMORANDUM OF LEGISLATIVE COOPERATION – VARIOUS ENTITIES – MANAGEMENT SERVICES

Upon recommendation of John Slaughter, Management Services Director, through Katy Singlaub, County Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the 2006/07 Memorandum of Legislative Cooperation by and among Washoe County, the Cities of Reno and Sparks, the Regional Planning Governing Board (RPGB), the Regional Transportation Commission (RTC), the Truckee Meadows Water Authority (TMWA), the Washoe County District Health Department, and the Washoe County School District be approved and Chairman Larkin be authorized to execute the same.

06-930 PROCLAMATION – PAST UNIVERSITY OF NEVADA, RENO PRESIDENT DR. JOE CROWLEY

County Manager Katy Singlaub read and presented the proclamation to Dr. Joe Crowley.

Dr. Crowley thanked Ms. Singlaub and the Commissioners for the honor.

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

PROCLAMATION

WHEREAS, Dr. Joe Crowley has served the community and the University of Nevada, Reno for over 23 years; and

WHEREAS, Dr. Crowley's commitment and dedication helped provide stability and direction for the University and the Community to move forward; and

WHEREAS, Dr. Crowley helped establish new departments and programs and was a force in expanding the University of Nevada, Reno; and

WHEREAS, Dr. Crowley has improved and enhanced the quality of life in Washoe County by being the longest-serving University President and by encouraging an educated and engaged community leadership; therefore be it:

PROCLAIMED, that the Washoe County Board of Commissioners hereby thank Dr. Joe Crowley for his tireless commitment and dedication to the citizens of Washoe County.

4:21 p.m. The Board recessed.

4:35 p.m. The Board reconvened with Commissioner Sferrazza temporarily absent.

06-931 **SOLE SOURCE TRANSITIONAL HOUSING – NEVADA
INN/SLEEP INN – SHERIFF**

County Manager Katy Singlaub commented this transitional housing project would provide a place for inmates who were on house arrest and had no other place to go for lodging. She said it would be less expensive for the County compared to keeping them in the jail, and the inmates could be safely supervised out of the jail through this agreement.

Upon recommendation of Craig Callahan, Assistant Sheriff, through Dennis Balaam, Sheriff, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Larkin ordered that the sole source transitional housing through Nevada Inn/Sleep Inn, in an amount not to exceed \$135,000, be approved.

4:40 p.m. Commissioner Sferrazza returned during the following item.

INCREASE IN STAFFING – COURT SECURITY OFFICERS – SHERIFF

Craig Callahan, Assistant Sheriff, explained the request had been changed from eight additional Court Security Officers (CSO's) positions to five, in reference to the newly issued Second Judicial District Court Order that took effect on August 15, 2006.

Patrick Morton, Fiscal Analyst, explained the changes would include a reduction in the CSO positions and a decrease in the number of tasers from eight to five. He said the total cost would be \$270,004, and that would include a magnetometer.

Commissioner Galloway said he was pleased to see a compromise was reached between the parties. He commented the security assessment could show a need for more or less officers. Assistant Sheriff Callahan agreed and stated the necessary adjustments would be based on the outcome of the study.

Chairman Larkin asked when the security assessment would be completed. Assistant Sheriff Callahan explained staff compiled the areas of concern regarding the security needs presented from all parties, and those would be sent to three agencies that do these types of studies. He stated the request to the agencies asked them to specify if they could do the job and what costs would be involved. He said the assessment should be initiated in October and the finished product completed by the end of January 2007.

Chairman Larkin commented the number of CSO's was not based on a scientific study at this time. He asked how the number was reached. He remarked the security assessment would evaluate if magnetometers were an appropriate tool to be used in this case, and a security expert would be brought in to determine the final number that would be put in place to ensure safety for all employees in the buildings.

Mr. Morton said in April magnetometers were brought in, and that provided a head count so the numbers could begin to be collected. He said there was no long-term trend available for comparison at this time.

Commissioner Sferrazza asked if all employees would be screened. Assistant Sheriff Callahan explained agreements had been made that those individuals utilizing the main entrance of the court buildings and having access to the court areas of those buildings would be screened, and that would include employees.

Ms. Singlaub added the proposed District Attorney's protocols and procedures were satisfactory to the courts. She said all involved agreed that the employees of the District Attorney and the courts would be in compliance with the Court Order.

In response to Commissioner Sferrazza, Assistant Sheriff Callahan said there were numerous meetings to reach agreement as to how all parties would abide by the Court Order. He confirmed agreement had been accomplished.

Commissioner Galloway asked if the Court Order would be revised due to the changes in the number of CSO's. Assistant Sheriff Callahan said it would not have to be revised. He noted the Court Order gave specific requirements to ensure certain levels of security, and the Sheriff's Office determined what those requirements would be based on the current screening with the introduction of the x-ray machines.

Commissioner Galloway moved that the revised recommendation to increase staffing for the Washoe County Sheriff's Office CSO's by five positions, in order to comply with the newly issued Second Judicial District Court Order that took effect August 15, 2006, be approved. He further moved that the purchase of an additional magnetometer at a cost of \$4,000 and five X-26 tasers for use by the five new CSO positions at a cost of \$3,810 be approved. He noted the total cost would be \$270,004 and that would transfer from contingency. Commissioner Humke seconded the motion.

Commissioner Sferrazza inquired about the safety of tasers. Assistant Sheriff Callahan remarked the matter was analyzed on a regular basis, and the Sheriff's Office believed tasers were very useful.

In response to the call for public comment, Ron Longtin, District Court Administrator, remarked events might occur in courtrooms that could put jurors, judges, the public, and court staff in harms way even under optimal conditions. He commended the Sheriff's deputies for their vigilance, and he supported the request. Judge Jack Schroeder, Reno Justice Court, acknowledged the Sheriff's Office had worked with Reno Justice Court on this issue; and he supported the position of the Sheriff's Office. Darin Conforti, Reno Justice Court Administrator, stated it was a prudent approach to go forward with the assessment to identify what was the best operational plan for managing the risks that presented themselves at the complexes; and he supported the item. Judge Susan Deriso, Sparks Justice Court, stated Sparks Justice Court was looking forward to having the assistance of CSO's. She said Sparks Justice Court was hopeful the Board would consider the recommendation from the Sheriff's Office, and she was in full support of their request.

Chairman Larkin said he would support the motion acknowledging it as a stopgap measure not supported by any science at this point in time. He stated all recommendations in the future would have to compete with other appropriations that would come before the Commission in January. Chairman Larkin stressed it was incumbent upon all players to have the assessment completed by January or February. He remarked it was critical for maintaining security of the courts and general facilities, and he wanted to ensure the safety of all County employees.

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

**SILVER LAKE FIRE STATION AND COMMUNITY CENTER –
PUBLIC WORKS**

Katy Singlaub, County Manager, stated this was the third time the Silver Lake Fire Station had been out to bid, and the bid received was \$364,000 over budget. She stated it was within the Board's authority to use General Funds to support the enhancement of facilities for community centers, but doing so would be a departure from policy. She stated the County had in the past used other funding sources for community centers, and Alturas mitigation monies had gone a long way to fund the County's community centers. She explained the alternative staff came up with would reduce the overage from \$364,000 to \$70,000 but would still require rejecting the bids.

Roger Van Alyne, Deputy Public Works Director, stated the addendum to the staff report dated August 21, 2006 had been worked on in collaboration with personnel from the Truckee Meadows Fire Protection District (TMFPD). He explained the plan was the metal building purchased for the Silver Lake project would be transferred to the Lemmon Valley project, and Lemmon Valley would reimburse Silver Lake for the cost of the building. He said staff would then do a redesign to create a space for the community center within the Silver Lake Fire Station. He reiterated the shortfall would be much smaller using this approach.

Commissioner Weber felt this was not a policy issue but was an exception to the rule on community centers. While she believed none of the Commissioners would want to use General Funds for a community center, bids had been rejected twice over the course of five years. She felt it did not make any sense to take the building Silver Lake had just obtained and sell it to Lemmon Valley. She stated the costs would continue to grow if this was not done now. She hoped this would be considered an exception to the rule.

Commissioner Galloway asked if there was precedent for using TMFPD funds for a community center. Ms. Singlaub replied the TMFPD does not provide funding for community centers. She said the reason funding from the General Fund was proposed for Station 14 was because the Sheriff's Office would use a portion of the center as a substation part of the time. Commissioner Galloway said that was never done, and he was opposed to it. He asked if this had ever been done. Ms. Singlaub said not to her knowledge. Commissioner Galloway felt General Funds should not be used. He stated this case might be an extraordinary exception, but he could not do it for \$300,000. He stated he might do it for the amount of the alternative. He suggested rejecting the bid as the first step and then considering pursuing the alternate. He asked if the County could go buy something for \$600,000.

Ms. Singlaub explained this was framed as a policy question because it was an exception to the rule. She said the reason this was so expensive had little to do with the structure and everything to do with the site. She explained staff proposed adding onto the existing facility, which could be done more cost effectively than demolishing the existing structure and putting up a new one. She stated the volunteers wanted a room and

the County wanted to provide a good building but was struggling with the cost in today's construction climate. She said starting over would not be any better. She indicated there was \$730,000 left in the contingency budget for the rest of the year.

Commissioner Weber said staff had worked hard to make this project happen. She stated, even though the community wanted the community room, this was really about the community having their volunteer fire station so they could store their equipment. She hoped someone had ideas for obtaining funding. Commissioner Weber felt the bids should not be rejected because they would be even more expensive when they came back.

In response to Chairman Larkin, Ms. Singlaub replied the County's commitment to the Silver Knolls community was to provide facilities for their volunteer fire station. She said the community room was an additional supported item that everyone agreed needed to be there and the County had made the commitment to provide. She explained the new option for the Silver Lake Station would only house the brush trucks and equipment. She estimated \$70,000-\$80,000 more than budgeted would provide a stick-built building rather than using the prefab metal building. She stated the bid would have to be rejected because the project before the Board included siting the metal building. She said it would be a different project if the County used the building already there and had it reconstructed. She explained a change order of that magnitude could not be done.

Tom Gadd, Public Works Director, said construction costs were going up between one and one and a half percent a month. He said staff tried to brainstorm ideas to get the numbers down to make the project affordable when the bid came in at \$364,000 over budget, and they came up with taking the building already purchased and moving it to the construction project for the Lemmon Valley Fire Station. He said the savings from that exchange would be put towards the Silver Lake project, which would need to be augmented by \$70,000. He emphasized over two feet of soil had to be excavated from the site and an engineered septic system was required to obtain permits, which would take half of the amount budgeted for the project.

In response to Chairman Larkin, Mr. Van Alyne stated the scope of work bid for the project was erecting the metal building, installing the septic system, and performing the remodel of the existing fire station. He said the project had to be awarded to talk with a contractor under current State law, which meant the project had to be fully funded. He indicated once the project was awarded, there would be latitude to talk with the contractor, but staff would have to be careful. Chairman Larkin interjected the project would be fully funded if the Board authorized an additional \$70,000. Mr. Van Alyne said it would not because a minimum of \$364,000 would be needed to fully fund the Silver Lake Fire Station and Community Center. He said the additional \$70,000 was part of a whole new project. He indicated the current bid would have to be rejected because a large enough change in the scope of work was being created, and State law mandated that could not be performed under a change order.

Commissioner Sferrazza asked if the architect bore any of the responsibility for the bid's discrepancy because he thought they had to redesign if they went over 10 percent. Mr. Van Alyne said the architect was working under a five year old agreement, which did not contain many of the current safeguards, such as the 10 percent Commissioner Sferrazza was referring to. He said the architect had been helpful in getting the project redesigned twice without submitting any additional billings.

Commissioner Sferrazza asked if the earthwork would be the same regardless of the project. Mr. Van Alyne replied that was correct because the major portions of the earthwork had to do with the septic system and parking required to meet County Code. He discussed some of the differences between the current building design and the alternative including square footage.

Commissioner Sferrazza said one of the funding sources being considered would be deferring pay-as-you-go projects. He indicated he did not have a problem with this project, but he did not want to defer the replacement of the Downtown Library heating and air conditioning system. He asked that the funding be identified for the Silver Lake project before voting.

In response to the call for public comments, Elizabeth Howe addressed the events leading to today and also what the Silver Knolls community wanted. A copy of her comments was placed on file with the Clerk. Don Coon, Silver Lake volunteer fireman, felt that the opportunity to have the firehouse/community center together was almost lost and reflected poorly on the way this was handled. He said it would be great to have the capacity to store the station's resources and to have room for the volunteers to train. John Howe discussed the background of the project and felt the money for the project belonged to the people of Silver Knolls. He said the community obtained another \$200,000 when it found out the project would cost so much more. He felt that should have been enough to build anything the community wanted, and he requested the Board cast a positive vote.

Chairman Larkin inquired if this was a public safety issue. Ms. Singlaub replied the facilities were inadequate, but she did not know if public safety was threatened if the Board did not move forward today. She said the entire issue was a public safety concern, but the opportunity for these folks to have a community center, for which Alturas mitigation funds were intended, was also high on the list.

Commissioner Galloway asked if the money could be loaned to the TMFPD with the District paying back the loan over time at favorable terms.

Ms. Singlaub said she had conferred with Mary Walker, the TMFPD advisor, who indicated the fire at Station 14 was exhausting the District's resources. She stated she would have to discuss with Ms. Walker what the impact of a loan would be. She said the County would have to put in money from some source identified by the Commission to award the bid.

In response to Commissioner Galloway, Ms. Singlaub said the fire department had insurance against losses, which had a deductible; but they were also self-insured as was the County.

Chairman Larkin explained the staff report indicated the bids expired on September 16th. Mr. Gadd confirmed that date and that it would be possible to decide the issue on September 12th.

Commissioner Galloway said he was persuaded there was more of a public safety and fire department issue than he originally thought, and he might be willing to back off from his statement that \$300,000 was too much.

Chairman Larkin indicated he did not favor cutting any pay-as-you-go projects; rather he favored finding creative ways to make the Silver Lake project happen. He stated a commitment had been made to the community and costs would continue to escalate. He said it was time the project got done.

Commissioner Humke said this Board had to live with the commitments made in 2001. He stated the number of volunteers was down for a host of reasons. He felt the Board would have helped to diminish the capacity of the Silver Lake station if the Board did not go forward with the project. He suggested another alternative would be to allocate the \$300,000 plus towards the contingency and to defer one or more pay-as-you-go projects.

Commissioner Weber said she would like to move forward, but other funding could be sought if this item was continued. She stated rejecting the bid and starting over could be seen as a lack of support by the community.

On motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that the discussion and possible direction to staff on the policy question of whether or not to use County funds for community centers and the discussion and possible action and/or direction to staff on the Silver Lake Fire Station and Community Center be continued until the September 12, 2006 meeting with the direction provided today by the Commissioners.

**06-934 RESOLUTION – LOCAL GOVERNMENT’S PRIVATE ACTIVITY
BOND CAP – TRANSFER TO NEVADA RURAL HOUSING
AUTHORITY – COMMUNITY DEVELOPMENT**

In response to Chairman Larkin, Eric Young, Planner, replied he did not know why applications were not received for the Industrial Revenue Development Bonds. He speculated the lack of applications was because the interest rates were so low that it was not worth people’s time to go through the extensive process required.

Chairman Larkin commented it was a supply issue because the market had been directing its resources to other areas. Mr. Young said private developers were not willing to build multiple-family housing because the rental rates had been too low.

In response to Chairman Larkin, Mr. Young said the \$5 million cap was for this year. He said the announcement was made every April telling the County how much it had to allocate, which had to be done by September 1st or it had to be returned to the State for allocation.

Chairman Larkin read from Section 3 of the resolution where it provided a term of 60 days, and he asked what would be done to make sure that actually happened.

Gary Longaker, Nevada Rural Housing Authority Executive Director, said that term should have been changed to six months to make certain there was enough time to make the loans. He indicated four loans had already been done in Washoe County through an earlier program. He stated 14 counties and six cities had already transferred their allocations to Nevada Rural Housing Authority.

Upon recommendation of Mr. Young, through Adrian Freund, Community Development Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that the following resolution be approved with an amendment in Section 3, Conditions of Transfer, to 180 days and the Chairman be authorized to execute the same:

RESOLUTION NO. 06-934

RESOLUTION OF THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA PROVIDING FOR THE TRANSFER OF THE COUNTY'S 2006 PRIVATE ACTIVITY BOND CAP TO THE NEVADA RURAL HOUSING AUTHORITY; AND OTHER MATTERS RELATED THERETO.

WHEREAS, pursuant to the provisions of Ch. 348A of the Nevada Revised Statutes ("NRS") and Ch. 348A of the Nevada Administrative Code ("NAC"), there has been allocated to Washoe County, Nevada (the "County" and the "State", respectively), the amount of \$5,115,072 in tax-exempt private activity bond cap for calendar year 2006 ("2006 Bond Cap"); and

WHEREAS, the Nevada Rural Housing Authority ("NRHA"), has requested that the County transfer its 2006 Bond Cap to NRHA for the purpose of providing a means of financing the costs of single family residential housing that will provide decent, safe and sanitary dwellings at affordable prices for persons of low and moderate income ("Single Family Mortgage Loan Program"); and

WHEREAS, the County is a local government as defined by NAC 348A.070; and

WHEREAS, Section 348A.180 of the NAC provides a procedure whereby the County may, by resolution, transfer to any other local government located within the same county, all or any portion of its 2006 Bond Cap; and

WHEREAS, pursuant to NRS 315.983(1)(a), NRHA is an instrumentality, local government and political subdivision of the State; and

WHEREAS, NRHA is located within Washoe County, pursuant to NRS 315.963, which defines NRHA's area of operation as "any area of the State which is not included within the corporate limits of a city or town having a population of 100,000 or more" ("Area of Operation"); and

WHEREAS, it is the intent of the NRHA, to the extent tax-extent private activity bond cap is available ("NRHA Bond Cap"), to match the 2006 Bond Cap transferred to NRHA pursuant to this Resolution for origination of loans in County in accordance with the terms and conditions herein contained.

NOW, THEREFORE, the Board of Commissioners of the County does hereby find, resolve, determine and order as follows:

Section 1. Recitals. The recitals set forth herein above are true and correct in all respects.

Section 2. Transfer of Private Activity Bond Cap. Pursuant to NAC 348A.180, County hereby transfers, 2006 Bond Cap in the amount of \$5,115,072 to the NRHA for its Single Family Mortgage Loan Program.

Section 3. Conditions on Transfer. The transfer made in Section 2 is subject to the conditions contained within this Section. Prior to using the 2006 Bond Cap outside of County, NRHA shall, through its Single Family Mortgage Loan Program, for a period of one hundred eighty (180) days make a commercially reasonable attempt to originate loans within County in an amount at least equal to the 2006 Bond Cap, plus any matching NRHA Bond Cap. After one hundred eighty (180) days of NRHA's using the 2006 Bond Cap for issuance of single family mortgage revenue bonds, all geographic conditions imposed by County on NRHA's use of the 2006 Bond Cap shall terminate, and NRHA shall be free to originate loans anywhere within its area of operation. NRHA will use the 2006 Bond Cap for single family purposes in calendar year 2006, or carry forward any remaining amount according to the tax code for such purposes.

Section 4. Representative of County. Pursuant to NAC 348A.180(1), the Director may contact Richard F. Jost, Esq., on behalf of Jones Vargas special counsel to NRHA regarding this resolution at (702) 862-3383 or in writing c/o Jones Vargas, 3773 Howard Hughes Parkway, Third Floor South, Las Vegas, Nevada 89109.

Section 5. Additional Action. The Chairman and the Clerk of the County are hereby authorized and directed to take all actions as necessary to effectuate the transfer of the 2006 Bond Cap, and carry out the duties of County hereunder, including the execution of all certificates pertaining to the transfer as required by NAC Ch. 348A.

Section 6. Direction to NRHA. NRHA shall notify the Director in writing as soon as practicable of the occurrence or nonoccurrence of any term or condition that would affect the disposition of the 2006 Bond Cap.

Section 7. Representative of NRHA. Pursuant to NAC 348A.180(3), the Director may contact Richard F. Jost, Esq., on behalf of Jones Vargas, counsel to NRHA regarding this resolution at (702) 862-3383 or in writing c/o Jones Vargas, 3773 Howard Hughes Parkway, Third Floor South, Las Vegas, Nevada 89109.

Section 8. Obligations of County. This Resolution is not to be construed as a pledge of the faith and credit of or by the County, or of any agency, instrumentality, or subdivision of the County. Nothing in this Resolution obligates or authorizes the County to issue bonds for any project or to grant approvals for a project or constitutes a representation that such bonds will be issued.

Section 9. Enforceability. If any section, paragraph, clause or 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 provision shall not affect any of the remaining provisions of this resolution. This resolution shall go into effect immediately upon its passage.

6:05 p.m. The Board took a brief recess.

6:40 p.m. The Board reconvened with all members present.

06-935 **APPEAL CASE NO. AX06-005 – WAYNE FORD – VARIANCE**
CASE NO. VA06-009 – HIDEAWAY PROPERTIES –
COMMUNITY DEVELOPMENT – CONTINUED

5:30 p.m. This was the time set as continued from the August 8, 2006 Commission meeting to consider Appeal Case No. AX06-005 (Wayne Ford), an appeal of the Board of Adjustment's approval of Variance Case No. VA06-009 (Hideaway Properties), a request to reduce the front yard setback from 15 feet to 1 foot 6 inches, to facilitate the construction of a two-car detached garage and office space located below the garage. The project is located at 434 Gonowabie Road, approximately 1,300 feet from the western (entrance) intersection of State Route 28 and Gonowabie Road, Crystal Bay, Nevada. The ±0.191-acre parcel, APN 123-145-09, is designated High Density Suburban (HDS) in the Tahoe Area Plan, and is situated in a portion of Section 19, T16N, R18E, MDM, Washoe County, Nevada. The property is located in the Incline Village/Crystal Bay Citizen Advisory Board boundary and Washoe County Commission District No. 1. Proof was made that due and legal Notice had been given.

Katy Singlaub, County Manager, noted there was a request for a continuance of the appeal.

The Chairman resumed the public hearing by calling on anyone wishing to speak for or against the appeal. There was no response.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Appeal Case No. AX06-005, Variance Case No. VA06-009, be continued until the September 12, 2006 meeting with the public hearing remaining open.

06-936 ORDINANCE NO. 1313 - BILL NO. 1492 – AMENDING WCC
CHAPTER 110, ARTICLE 438 – GRADING STANDARDS

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on August 11, 2006 to consider second reading and adoption of Bill No. 1492. 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.

In response to Commissioner Galloway, Sharon Kvas, Planning Manager, said the typographical error had been fixed.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Ordinance No. 1313, Bill No. 1492, entitled, "**AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, ARTICLE 438, GRADING STANDARDS, BY REQUIRING A GRADING PERMIT TO BE ISSUED FROM THE BUILDING OFFICIAL WHEN GRADING IS PROPOSED IN EXCESS OF FIFTY (50) CUBIC YARDS OF MATERIAL AND FURTHER REMOVES EXEMPTIONS TO OBTAINING A GRADING PERMIT WHEN EXCAVATION IS LESS THAN TWO (2) FEET IN DEPTH OR FILL MORE THAN ONE (1) FOOT IN HEIGHT REGARDLESS OF THE AMOUNT OF MATERIAL EITHER EXCAVATED OR FILLED, AND OTHER MATTERS PROPERLY RELATING THERETO,**" be approved, adopted and published in accordance with NRS 244.100.

06-937 ORDINANCE NO. 1314 - BILL NO. 1493 – AMENDING WCC
CHAPTER 60 – ELIMINATING WEED ABATEMENT FEES

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on August 11, 2006 to consider second reading and adoption of Bill No. 1493. 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 Weber asked if there was a plan to get the information out to the public about the weed abatement fees being eliminated. Paul Hefner, Fire Service Coordinator, replied he believed it could be done by the external media and by the fire departments communicating with local citizens. He said the Sierra Fire Protection District was in favor of this and had a plan. He said he would be spending time with the Truckee Meadows Fire Protection District and the City of Reno to come up with the same.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Ordinance No. 1314, Bill No. 1493, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ELIMINATING FEES FOR WEED ABATEMENT PERMITS AND WEED ABATEMENT PERMIT RENEWALS,**" be approved, adopted and published in accordance with NRS 244.100.

06-938 DEVELOPMENT AGREEMENT CASE NO. DA06-003 – HOWARD AND DEBRA BENNETT – TENTATIVE PARCEL MAP PM05-001 – COMMUNITY DEVELOPMENT

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on August 11, 2006 and mailed to affected property owners on August 10, 2006 to consider Development Agreement Case No. DA06-003 for Howard and Debra Bennett, APN 077-340-38, for Tentative Parcel Map PM05-001 located in the Warm Springs Specific Plan pursuant to Nevada Revised Statutes 278.0201 through 278.0207.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against the proposed development agreement. There being no response, the public hearing was closed.

In response to Commissioner Sferrazza, Paul Kelly, Planner, said this was required of all partitions that take place within the Warm Springs Specific Plan.

In response to Chairman Larkin, Mr. Kelly stated there were three more Development Agreements left. He said they would go before the Design Review Committee for review of their Design Standards Handbook in September, and he believed they would be before the Board by the end of October or first part of November. He stated the first notice was on the parcel maps, and everyone within 500 feet of the property was notified. He said the notices for this hearing had a radius of 500 feet or 30 separate property owners. Chairman Larkin felt no one in Warm Springs should be shocked this was happening with the noticing that had been done.

Commissioner Galloway asked if this should go to a Citizen Advisory Board (CAB). Mr. Kelly said the Development Code did not require it. Commissioner

Galloway suggested Development Agreements be referred to a CAB if there was one to refer it to without interfering with anything already in the pipeline. He felt that would keep up interest in the CAB's and would make people feel they had some influence on what came before the Board.

Sharon Kvas, Planning Manager, said the Warm Springs Specific Plan was being worked on as part of the Warm Springs Area Plan update, which had been brought before the CAB for the last several months. She said staff planned to bring a new update to the Warm Springs Plan before the Planning Commission in September and to bring it before the Board in October or November. She anticipated there would be a lot of people at that meeting.

Commissioner Galloway commented that the Warm Springs Area Plan was a master document, but people would still want to subdivide property. Ms. Kvas said there had been many meetings of property owners from Warm Springs on the Specific Plan, which was being rewritten so Development Agreements would not be a piece of it.

Chairman Larkin asked if that would occur before the final three Development Agreements came before the Board. Mr. Kelly said the property owners were encouraged to delay to see what would happen but were not inclined to do so.

Chairman Larkin commented that the Board wanted all landowners in the area that would be impacted to be notified of the project and not feel it was being shepherded in before the Area Plan went into effect.

Based on the following findings, on motion by Commissioner Humke, seconded by Commissioner Weber, it was ordered that the Development Agreement Case No. DA06-003 for Howard and Debra Bennett, APN 077-340-38, for Tentative Parcel Map PM05-001 located in the Warm Springs Specific Plan pursuant to Nevada Revised Statutes 278.0201 through 278.0207 be approved:

FINDINGS:

1. That the Development Agreement is in the best interests of Washoe County since the Parcel Map Review Committee and the Design Review Committee have recommended approval and the circumstances have not appreciably changed since that time;
2. That the Development Agreement promotes the public interest and welfare of the county by enabling good development to continue through the process being established; and
3. That the terms and conditions in the Development Agreement are sufficient to protect the interest of the public, residents and owners of the land subject to the Development Agreement in the Warm Springs Specific Plan.

Bill No. 1494, entitled, "AN ORDINANCE PURSUANT TO NEVADA REVISED STATUTES 278.0201 THROUGH 278.0207 ADOPTING THE DEVELOPMENT AGREEMENT CASE NO. DA06-003 FOR TENTATIVE PARCEL MAP CASE NO. PM05-001, APPROVED BY THE PARCEL MAP REVIEW COMMITTEE OF WASHOE COUNTY ON FEBRUARY 18, 2005," was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

06-939 REVOKE FOR CAUSE – SPECIAL USE PERMIT CASE NO. SB04-004 – DAVID MOLLENBERG GRADING – COMMUNITY DEVELOPMENT

5:30 p.m. This was the time set in a Notice of Public Hearing mailed to affected property owners on August 10, 2006 to consider the recommendation of the Washoe County Board of Adjustment (BOA) to take action to revoke Special Use Permit Case No. SB04-004 (David Mollenberg Grading) for cause, specifically non-compliance with one or more conditions of approval, in accordance with Section 110.810.70(b)2 of the Washoe County Code. The project is located approximately one-half mile east of the intersection of Pembroke Drive and Man Of War Drive along an unimproved dirt road. The ±40-acre parcel, APN 051-010-03, is designated General Rural (GR) in the Southeast Truckee Meadows Area Plan, and is situated in a portion of Section 20, T19N, R20E, MDM, Washoe County, Nevada. The property is located in the Southeast Truckee Meadows Citizen Advisory Board boundary and Washoe County Commission District No. 2.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against revocation of the Special Use Permit.

Roger Pelham, Planner, conducted a PowerPoint presentation on the background of the Special Use Permit and located and displayed photos of the subject property. A copy of the PowerPoint presentation was placed on file with the Clerk. He stated staff recommended the Board uphold the recommendation of the BOA that the Special Use Permit be revoked.

In response to Commissioner Galloway, Mr. Pelham said revoking the Special Use Permit would not lead to restoration. He said it put it into the realm of Code enforcement, and the enforcement arm and the District Attorney would have to decide whether or not to go forward with civil or criminal charges. He said he could not explain why the grading exceeded the revised permit for 8,500 yards. He discussed the applicant's intent and why it would not help to go back to the original approval even though what was done was closer to that approval.

In response to the call for public comment, Ken Krater, applicant's representative, stated a revocation would only increase the time it would take to get it fixed. He discussed what the applicant, David Mollenberg, had done to try and rectify the problem. He said Mr. Mollenberg had worked very diligently to obtain the financial

assurances with regard to the conditions that the BOA placed on him, but he did not have the financial backing to obtain a letter of credit or a bond. He indicated Mr. Mollenberg was waiting for staff to certify that all of the health and safety issues had been fixed. He thought it was clear from the staff report that staff felt there was a set of plans that would fix the problem. He said, regarding the lack of financial assurance that was conditioned by the BOA, the County could monitor the fix and shut Mr. Mollenberg down if he goes astray; and, regarding the BOA condition that a contractor be hired to do the grading, Mr. Mollenberg wanted to do the grading himself, but would hire out the revegetation.

Neil Upchurch stated Mr. Mollenberg knew what he was doing, and it set a terrible precedent to let people off the hook. He felt the permit should be revoked and the permit process started over.

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

In response to Commissioner Humke, Mr. Krater said, if the Special Use Permit was revoked, a civil or criminal action would have to be filed or a new Special Use Permit would have to be issued to get the restoration done. He said that would allow more time to pass to arrive at the same point as today.

Commissioner Humke said he was concerned about earth blocking some of the natural drainage channels with winter coming. He discussed the situation, and he suggested not revoking the permit and going the extra step of asking Mr. Mollenberg to voluntarily provide some security such as a lien against the property. He said that way, if Mr. Mollenberg could not perform, the County could hire an engineer and a contractor to finish the work.

Chairman Larkin gave Mr. Krater permission to discuss the suggestion with Mr. Mollenberg.

Commissioner Humke disclosed he had discussed this situation with Mr. Krater and clarified he was suggesting the County not revoke the Special Use Permit, but revive the BOA conditions allowing Mr. Mollenberg to do the work under the supervision of the County engineer and other officials. He said, if Mr. Mollenberg got into a situation where he could not perform in the sole judgment of the County, the security would kick in with the County taking over and hiring a contractor to finish the project.

Mr. Krater said Mr. Mollenberg had informed him he had a construction loan in place to pay for the restoration work that he could not do himself. He said Mr. Mollenberg was confident he could get the work done and would be willing to abide by the Board's solution.

Commissioner Humke asked if the property was burdened by debt besides the construction loan. Mr. Krater replied it only had the construction loan, and he

believed the value ratio would leave capacity for the security concept Commissioner Humke was suggesting. Commissioner Humke suggested focusing on this type of approach, because he believed the citizens wanted the restoration done.

Commissioner Sferrazza asked if Mr. Mollenberg was in the grading business. Mr. Krater replied Mr. Mollenberg was not in the grading business but can operate grading equipment and do the work. He said he was also not an operating engineer but was an owner/builder. Mr. Krater said he had a letter from Black Eagle Consulting that indicated the work Mr. Mollenberg did on the pad was accepted and certified, which he believed showed Mr. Mollenberg could properly do the work.

In response to Commissioner Sferrazza, Mr. Krater replied the parcel was 40 acres and the Special Use Permit was for a single-family residence on top of the graded pad. He said that was all zoning would allow. He stated raw land in the area goes for \$2,500 an acre for a 40-acre parcel, but he believed it was worth a lot more now.

Mr. Mollenberg said, prior to approval of the construction loan, an estimate was done on the property, which came in at \$600,000. He indicated, once the home was built, it was estimated to be worth \$1.8 million; and the construction loan was \$1 million. He said the draw process had been started for the permitting and the work already completed. He stated the grading would have to be completed before any further draws could be taken.

Commissioner Sferrazza said there was \$1 million available with it costing \$300,000 to \$600,000 to complete the grading depending on whether a contractor had to be hired or not. Mr. Mollenberg confirmed that was how much it would cost if he had to hire a licensed contractor, but he expected it would cost him in the neighborhood of \$70,000 to \$80,000. He indicated the engineering costs were separate from the \$70,000, which had already been paid.

In response to Commissioner Galloway, Mr. Mollenberg said he had drawn down \$80,000. Commissioner Galloway asked if it was possible to do this at all according to the Special Use Permit if the driveway was blocked. Mr. Krater replied Mr. Mollenberg worked with that property owner to obtain a new easement, which was authorized by the modification of the Special Use Permit.

Commissioner Galloway asked if Mr. Mollenberg could build his home if he went back to the approved plan and if he could comply with the building permit without bringing in all kinds of fill. Mr. Krater said the plan was to take the excess material pushed down the hillside to raise the pad elevation and to revegetate all of the scared areas.

Commissioner Galloway said anything the Board could do was subsidiary to the construction loan, and he was concerned there was no equity left because there was a \$1 million dollar loan on a \$600,000 property. He indicated he was not sure what value

a lien would have to the Board because the Board could not borrow against it if the drawdown on the construction loan was any higher than it was currently.

Commissioner Sferrazza asked if there was a way to control the construction loan. Mr. Krater replied Mr. Mollenberg had to submit plans for review by the bank for the construction loan, and the bank would monitor the spending per the plans.

Commissioner Sferrazza understood the proposal was that the Board would get a lien. He said the first thing to be done would be to correct the grading within a specific time period. He stated the Board could foreclose on the lien and would own the property if that was not done. Mr. Krater said, if modifications were recommended, Mr. Mollenberg would get the permit filed and start work as soon as he could get the equipment rented and could get the proper people on site for testing and inspection. Mr. Krater explained it would cost even more to get the problem fixed if there is another wet winter, so the sooner he can get it fixed the better. He stated it could take up to 30 days to lease the equipment and get it on site once the permit was issued. He felt within another 30 to 60 days Mr. Mollenberg could get all of the grading done and then the licensed contractor would be brought in to do the revegetation.

Paul Lipparelli, Deputy District Attorney, said he was not aware of any statutorily-authorized lien for this kind of thing. He stated there was testimony that the applicant cannot provide financial assurances in the form of letters of credit, but he owns the property free and clear. He suggested the County take a Deed of Trust from the applicant on the property, which would be behind the bank in terms of priority. He explained the Deed of Trust in favor of the County could be foreclosed by the County and could be for a liquidated sum. He said a Deed of Trust had been used in the past.

Kimble Corbridge, Licensed Engineer, stated there was no budget for the engineering staff to handhold this type of a project. He suggested, if the applicant was allowed to do the grading, he pay for a daily inspector that would be there all the time and would make daily reports to the engineering staff.

Commissioner Humke asked, if the Board went straight to revocation, what was the County's right to retribution on behalf of the community. Mr. Lipparelli replied there were enforcement procedures in the Development Code that would likely be put into action where Mr. Mollenberg would be ordered to comply with the condition. He said if he failed to do that, he would be given a citation and would potentially face criminal penalties for violation of the County Code. He stated there were also provisions available for the County to seek an injunction against further damage and potentially an order from the Court to restore the damage. He said the same challenges would be faced monetarily in that instance.

Commissioner Humke asked if there was any estimate on the legal cost to the County to carry this out. Mr. Lipparelli replied he did not want to guess, but he could consult with people in his office who might know what those processes would be and

report back to the Board. Commissioner Humke asked if there was a possibility of recouping those funds from the Special User Permit applicant. Mr. Lipparelli said the possibility exists but it would be up to the judgment of the Court.

Commissioner Galloway commented the property was worth \$600,000 without the house and the construction loan was for \$1 million. He stated it was upside down \$400,000 to begin with. He said it would be difficult to hire outside people when the construction loan, plus the cost of restoration, was equal to the value of the property improved with the house on it. He was concerned about Mr. Mollenberg doing more, but might take a chance if he could come up with \$100,000 cash plus the Deed of Trust and hire the inspector. He said the \$100,000 would be forfeit if the County got an adverse inspection report and the property was not restored by a certain date. He indicated the County would still hold the Deed of Trust as security for any remaining work. He said forcing Mr. Mollenberg to hire a licensed contractor to do the grading would not pencil out for anybody.

Commissioner Sferrazza said the property was not upside down yet because Mr. Mollenberg had only drawn down \$70,000 on the construction loan. He indicated there was a lot of equity left in the property if it was worth more than \$2,500 an acre. He asked if something could be obtained from the company that made the construction loan indicating they would not allow any drawdowns except for this purpose until it was done. He felt that would provide the County with sufficient protection. Mr. Krater agreed that could be obtained and a Deed of Trust was the appropriate tool for the financial assurance. He said Bank of America held the construction loan, and the funds would only be released per a plan approved by the County. He stated Mr. Mollenberg would hire an inspector, Black Eagle, to inspect the site on a daily basis to make sure he was performing according to the plans.

Chairman Larkin asked if Black Eagle was acceptable to the County. Mr. Corbridge indicated they were. Chairman Larkin commented he was leery of Mr. Mollenberg finishing the job on his own, but he believed Commissioners Galloway, Humke and Sferrazza had worked out the only course of action.

Commissioner Galloway indicated, if the permit was not revoked, the County should state that all other elements of the permit remain suspended until the grading damage was corrected.

In response to Commissioner Humke and Chairman Larkin, Mr. Lipparelli stated tonight's hearing was on the recommendation by the BOA to revoke the Special Use Permit for failure to meet conditions. He said the Board was free to accept that recommendation and revoke the permit or to reject the recommendation and leave the permit in place. He stated the Board was free to impose conditions related to the original permit and work that would satisfy County Code, public safety issues, and bring about the successful completion with the applicant here and with his willingness to agree to the conditions on the record.

Mr. Pelham said, if the Board chose to go in the direction articulated, the direction should also include agreement with the additional conditions of approval that were crafted based on the new set of plans that were included as the last three sheets in the staff report with the exception of Mr. Mollenberg being required to hire a licensed contractor and the financial assurances that were being substituted with the process that was outlined.

Chairman Larkin asked if Mr. Krater or Mr. Mollenberg had any objections to what was being considered before a motion was made. Mr. Krater replied the Board's direction was exactly what needed to happen.

Commissioner Galloway indicated he still had a problem with not getting cash. He had proposed the Board would need acceptance of the conditions that the applicant would obtain and deliver assurances from the lender that no drawdown would be allowed for any purposes other than the restoration until that was completed, giving Washoe County a Deed of Trust on the property, and a deadline enforced by a sum of cash that would be lost if the grading work was not proceeding by a certain date.

Commissioner Sferrazza suggested putting in a deadline of 90 days. He stated at that time the Deed of Trust would go into effect and the County would foreclose on the property. Commissioner Galloway asked if that would enforce the deadline rather than a cash deposit. Commissioner Sferrazza replied the only cash Mr. Mollenberg had was the equity in the property.

Mr. Lipparelli said the revocation hearing could be suspended to a future date. He stated that might provide the applicant time to deliver the assurances the Board was looking for, particularly those coming from third parties.

Commissioner Galloway felt the applicant could obtain all of the agreements within 30 days. He suggested suspending revocation proceedings for 30 days during which time the applicant would have to provide the assurances outlined by the Board today, all of the items in the staff report as modified, the Deed of Trust and assurances from the lender. He said the revocation action could then be reinstated if the grading portion of the restoration work was not completed in 120 days. He said one of the conditions would be that the property owner pay for an inspector who would make daily reports for every day that work was performed on the site.

Mr. Corbridge suggested there should be a rental agreement that would allow Mr. Mollenberg to rent the equipment to do the work. Commissioner Galloway felt the lender agreeing not to allow any additional drawdowns except for doing the restoration work covered it.

Chairman Larkin asked if Mr. Krater and Mr. Mollenberg understood the revocation process was being suspended; and, unless Mr. Mollenberg complied with all of the conditions, the Board would move forward with the revocation process in 30 days.

Mr. Krater replied they understood, and he was confident Mr. Mollenberg could do the work correctly.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that:

1. The revocation proceedings recommended by the Washoe County Board of Adjustment on Special Use Permit Case No. SB04-004 for David Mollenberg Grading be temporarily suspended subject to the Conditions of Approval listed below; and

2. Mr. Mollenberg secure an arrangement with the bank suitable to the County regarding the release of funds and provide the County a Deed of Trust on the property to secure that the performance of the restoration work would be in accordance with the submitted plans approved by County staff; and

3. Mr. Mollenberg hire an inspector, Black Eagle Consulting, to monitor the work and report to the County; and

4. Items 2 and 3 would have to be in place before the end of 30 days; and if that were done, Mr. Mollenberg would have 120 days to complete the work to defer another suspension.

Mr. Lipparelli requested that Mr. Mollenberg state, on the record, that he understood the conditions since they were restated as part of the motion. Mr. Mollenberg acknowledged that he understood all of the conditions.

CONDITIONS OF APPROVAL

GENERAL CONDITIONS

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Department of Community Development shall determine compliance with this condition.
2. The applicant shall complete grading and construction of rockery walls within two years from the date of approval by Washoe County.
3. A copy of the Final Action Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits, including building and grading permits, issued by Washoe County.
4. The applicant and any successors shall direct any potential purchaser/operator of the special use permit to meet with the Department of Community Development to review conditions of approval prior to the final sale of the special use permit. The subsequent purchaser/operator of the special use permit shall notify the

Department of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.

5. The height of all proposed rockery retaining walls shall not exceed six feet (exposed) in height. The color of the materials used to construct the rockery retaining walls shall be tan or brown to match the color of the hillside as closely as practicable. Compliance with this condition will be determined by the staff of the Department of Community Development.
6. All slopes steeper than 3:1 shall be mechanically stabilized with 6"-12" rock rip rap. The rock rip-rap utilized shall be native rock, that matches the color of the surrounding hillside as closely as practicable. All rip-rap slopes shall contain planting pockets every two hundred (200) square feet, in staggered rows for the planting of native bushes and vegetation. Bushes or other native vegetation shall be planted in all planting pockets. Bushes shall be at least one-gallon size. All rip-rap areas shall be seeded with native vegetation so that over time the plants will obscure the stabilized areas. Compliance with this condition shall be determined by the staff of the Department of Community Development before financial assurances are released.
7. The applicant shall submit a plan for revegetation of all disturbed areas to the Washoe - Storey Conservation District. The applicant shall supply a letter from the Washoe - Storey Conservation District to the Department of Community Development approving the revegetation plan. The applicant shall abide by the recommendations of the Washoe - Storey Conservation District for all revegetation activities, including the seed mix to be used and the timing of the planting. Compliance with this condition will be determined by the staff of the Department of Community Development, before financial assurances are released.
8. The applicant shall install temporary irrigation for all disturbed areas for a period of not less than three years to ensure that new plants and seeded areas grow and thrive. Compliance with this condition shall be determined by the Department of Community Development prior to release of financial assurances.
9. The applicant shall provide financial assurances to the Department of Community Development equal to one hundred and twenty percent (120%) of the cost of revegetation of all disturbed areas by a certified landscape contractor, to ensure continuation of the mitigation efforts, to be held not less than three years to ensure the continued survival of plants beyond that time period for mitigation of visual scarring and for erosion control. Compliance with this condition will be determined by the staff of the Department of Community Development.
10. The applicant shall treat all rockery walls and all exposed rip-rap areas with "Permeon" simulated desert varnish or an equivalent rock stain product to ensure that all newly placed rocks and all rockery walls match the color of the

surrounding hillside as closely as practicable. Compliance with this condition shall be determined by the Department of Community Development prior to the final inspection of the grading and rockery walls by the Department of Building and Safety.

11. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts, shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

ENGINEERING CONDITIONS

12. Compliance with the following conditions shall be determined by the County Engineer, prior to the issuance of a grading permit:
 - A. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted to the County Engineer for approval when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or disposal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.
 - B. For construction areas larger than 1 acre and as required by the Clean Water Act, the site operator shall submit to the Nevada Division of Environmental Protection (NDEP) a Notice of Intent (NOI) for stormwater discharges associated with construction activity to be covered under a National Pollutant Discharge Elimination System (NPDES) permit. Proof of submittal of the NOI shall be submitted to the County Engineer prior to the issuance of a grading or building permit.
 - C. Applicant shall indicate on the plans where exported materials will be taken and a grading permit shall be obtained for the import site.
 - D. Exported materials shall not be sold without the proper business license.

- E. A grading bond of \$1,000/acre of disturbed area shall be provided to the Engineering Division prior to any grading.
- F. Cross-sections indicating cuts and fills shall be submitted when applying for a grading permit. Estimated total volumes shall be indicated.
- G. All disturbed areas left undeveloped for more than 30 days shall be treated with a dust palliative. Disturbed areas left undeveloped for more than 45 days shall be revegetated. Methods and seed mix must be approved by the County Engineer with technical assistance from the Washoe-Storey Conservation District.
- H. Documented access to the property (APN 051-010-03) is required prior to the issuance of a grading or building permit.
- I. The maximum driveway grade shall be 14% as shown on the submittal plan/profile.

FIRE CONDITIONS

- 13. Compliance with the following conditions shall be determined by the Reno Fire Department, prior to the issuance of a grading permit:
 - A. Emergency vehicle access and turnaround meeting the provisions of Washoe County Code 60 shall be provided. Specifically, an approved turnaround shall be provided. The applicant should contact the Reno Fire Department for further information.
 - B. Water for fire suppression meeting both duration and flow as outlined in Chapter 60 of the Washoe County Code shall be provided. Specifically, the applicant should contact the Reno Fire Department to discuss fire hydrant location.

VECTOR-BORNE DISEASES CONDITION

- 14. The applicant shall fill voids between boulders, utilized in construction of rockery walls, by placing smaller rock within six inches of the face of the rockery wall, for a minimum of one-third of the height of the wall. Compliance with this condition shall be determined by the District Health Department, Vector-Borne Diseases Program.

CONDITIONS ADDED MAY 4, 2006

- 15. All work related to the development of the property shall be prohibited with the exception of work performed by licensed engineers to obtain necessary data for the completion of plans to rectify damages done to property(s) beyond the scope of the approved special use permit.

16. The Board of Adjustment on June 1, 2006, shall review the applicant's submittal of the estimated cost calculated to restore the site to the conditions allowed under the original scope of work approved by this special use permit. Upon acceptance of the amount, the applicant shall provide financial assurances (cash, cashier's check, Certificate of Deposit in the name of Washoe County, Letter of Credit, or other satisfactory form) to cover 120% of the estimated costs to staff of the Department of Community Development. The funds shall be presented to staff of the Department Community Development at the time specified at the June 1, 2006 BOA meeting and the funds shall be held until the restoration is complete. Compliance with this condition shall be determined by the staff of the Department of Community Development.

CONDITIONS ADDED JUNE 1, 2006

17. Where there is a conflict, this condition supersedes Condition No. 16, above. The Board of Adjustment on July 6, 2006, shall review the applicant's submittal of the estimated cost calculated to restore the site to the conditions allowed under the original scope of work approved by this special use permit. Upon acceptance of the amount, the applicant shall provide financial assurances (cash, cashier's check, Certificate of Deposit in the name of Washoe County, Letter of Credit, or other satisfactory form) to cover 120% of the estimated costs to staff of the Department of Community Development. The funds shall be presented to staff of the Department Community Development at the June 22, 2006 submittal or at a time acceptable to the staff prior to the July 6, 2006 Board Of Adjustment meeting, and the funds shall be held until the restoration is complete. Compliance with this condition shall be determined by the staff of the Department of Community Development.
18. Washoe County Surveying and Engineering staff shall be invited to any meeting between Mr. Mollenberg and Mr. Parker's surveyors or engineers.
19. Where there is a conflict between the conditions below and the previous conditions of approval, the conditions of the Special Use Permit as amended shall apply.
20. The applicant shall present plans acceptable to the County Engineer and to the Director of Community Development for restoration of all disturbed areas outside of the limits of the approved special use permit. The plans shall include appropriate re-contouring of all disturbed areas to the original topographic contour according to the 2' contours provided by the Washoe County Geographic Information Systems Department. The plans shall include engineering, hydrology and revegetation plans to the satisfaction of the County Engineer and to the Director of Community Development.

21. The plans shall indicate that disturbed soil shall be relocated to the top of the hill, consistent with the pre-disturbance contour, and appropriately compacted such that a building pad of not greater than 0.65 acres is created. The final elevation for a building pad shall not be lower than 5020’.
22. Prior to final inspection and final approval of all grading, re-contouring, revegetation, site restoration and all other work performed under the approval of this amended special use permit, the applicant shall present a letter, stamped by a civil engineer, registered in the State of Nevada certifying that final contour and elevation, at any point, do not vary by greater than 2 feet in elevation from the original topographic contour according to the 2’ contours provided by the Washoe County Geographic Information Systems Department. The letter shall also certify that dimensions of all cut-and-fill areas and of all other disturbed areas does not vary by greater than 10% in any dimension from the plans approved for all grading, re-contouring, revegetation, site restoration and all other work performed under the approval of this amended special use permit (*For example a roadway with a specified width of 12 feet [144 inches] could not vary in total width by more than 14.4 inches*). A variation greater than 10% in any dimension or greater than 2 feet in final elevation shall be determined to be out of compliance with this amended special use permit.
23. [DELETED BY BCC]
24. [DELETED BY BCC]
25. The applicant shall complete a “Right-of-Entry, Hold Harmless” agreement to the benefit of Washoe County. Should the County Engineer and/or the Director of Community Development determine that the restoration of the site has not been completed in a satisfactory manner, within the time specified by this amended special use permit the County Engineer and/or the Director of Community Development shall authorize the expenditure of the financial assurances required, to complete the work. The applicant shall agree that the judgment of the County Engineer and/or the Director of Community Development is final and shall not hinder the County from completing the required restoration.
26. The applicant shall provide a copy of the State of Nevada Stormwater Pollution Prevention Plan (SWPPP), documentation that all fees have been paid and Washoe County checklists and fees are paid for all required Best Management Practices (BMP’s) for the subject site, to the County Engineer. Prior to commencement of any work authorized by this amended special use permit the applicant shall present a letter, stamped by a civil engineer, registered in the State of Nevada, certifying that all initial BMP’s are in place on the subject site.
27. No building permit for any structure, dwelling, utilities, or any additional site improvements shall be issued until all required grading, re-contouring, revegetation, site restoration and all other work authorized to be performed under the approval of this amended special use permit has been completed to the

- satisfaction of the County Engineer and the Director of Community Development. Specifically, revegetation shall be determined to be satisfactorily completed when all disturbed areas are visually indistinguishable from the adjacent undisturbed hillsides or when more than 50% of all disturbed areas are covered with native vegetation.
28. Prior to approval of a permit for grading and site restoration, the plans shall be modified to eliminate the "10' wide construction road" located to the northeast of the proposed building pad and proceeding west near the bottom of the drainageway. That area shall be returned to original contour, and revegetated. Large boulders or other obstacles acceptable to the County Engineer and the Director of Community Development shall be placed in a staggered row every 50 feet along the line of the roadway to prevent vehicular traffic in that area when site restoration is complete.
 29. The cut slope on the east end of the proposed building pad shall be revegetated. Revegetation of that slope shall include native tree species.
 30. All light-colored boulders, in all disturbed areas with exposed areas greater than twenty-five square feet shall be treated with "Permeon Simulated Desert Varnish" or equivalent product to darken the exposed boulders to match undisturbed, exposed rocks and boulders on adjacent, undisturbed slopes.
 31. All rip-rap areas shall be treated with "Permeon Simulated Desert Varnish" or equivalent product to darken the exposed boulders to match undisturbed, exposed rocks and boulders on adjacent, undisturbed slopes.
 32. All trees shall meet minimum size standards for commercial and civic uses and shall be provided with temporary irrigation for a time period of not less than two years.
 33. Prior to approval of a permit for grading and site restoration the applicant shall present the Director of Community Development with a letter from the Washoe County Department of Water Resources indicating that all requirements of the shared use agreement for that portion of the roadway that is utilized by the applicant and by Washoe County for access to the adjacent water tank have been satisfactorily completed.
 34. No stockpiling of earthen material shall be allowed on the subject parcel or adjacent properties without required approval and permits.
 35. Prior to any grading all work on adjacent properties shall have properly executed easements.
 36. Prior to export of materials, a proposed Construction Traffic Haul Route Plan shall be submitted to the Engineering Division for review and approval. Any

existing or proposed roads that will be used as construction haul routes and are not designated truck routes must be evaluated by a geotechnical study to determine the existing structural section and its load capacity. If the pavement section is inadequate to support the proposed construction loadings, the roadway must be redesigned or reconstructed as needed to provide a 20-year design life in accordance with the AASHTO Interim Guide for Flexible Pavement.

37. A detailed hydrology/hydraulic report prepared by a registered engineer shall be submitted to the Engineering Division for review and approval. The report shall include the locations, points of entry and discharge, flow rates and flood limits of all 5- and 100-year storm flows impacting both the site and offsite areas and the methods for handling those flows. The report shall include all storm drain pipe and ditch sizing calculations and a discussion of and mitigation measures for any impacts on existing offsite drainage facilities and properties.
38. The hydrology/hydraulic report and design of the drainages crossing the road shall be submitted to the Engineering Division for review and approval.
39. The applicant shall record a deed of trust on the subject property to the benefit of Washoe County, should the re-grading and restoration not be completed within 120 days. The Department of Community Development shall determine compliance with this condition.
40. The applicant shall supply a document agreeing to all conditions of approval imposed by the Board of County Commissioners. The Department of Community Development shall determine compliance with this condition.
41. The applicant shall supply a contract, to be paid by the applicant, for inspection of the site daily and report to the County Engineer daily, that all re-grading and restoration is being done in accordance with the approved restoration plans and County Code. The Department of Community Development shall determine compliance with this condition.
42. The applicant shall record a promissory note to the benefit of Washoe County, should the re-grading and restoration not be completed within 120 days. The Department of Community Development shall determine compliance with this condition.

06-940 LEGISLATIVE ISSUES – LEGISLATIVE AFFAIRS

John Slaughter, Management Services Director, updated the Board on the bill draft requests (BDR's) as listed in the staff memorandum dated August 16, 2006 starting with the Flood Control Fund BDR.

Commissioner Galloway stated the Flood Control Fund BDR was not specific regarding the flood control district size or rates. He felt the same issues would

arise as did during the creation of the remediation district where there was discussion and bargaining on the boundaries and rates.

Naomi Duerr, Truckee River Flood Management Project Director, presented some slides to the Board, which were placed on file with the Clerk. She stated there would be a special assessment district (SAD) and a flood control district. She said both could be enacted by the County, but the Flood Project Coordinating Committee recommended hiring a consultant to do an economic benefit cost analysis that would provide the economic underpinnings to then go through the rate setting process.

Commissioner Galloway said he wanted to be assured that, if the Board approved the BDR, it would not make people on high ground miles away from any possible flooding pay for this. Ms. Duerr replied this would be a watershed-based district that would look at areas contributing floodwaters and exacerbating the flooding problem. She indicated it would include people on higher ground, but not necessarily people in Incline Village.

Ms. Duerr said the Board had the authority to set up a flood control district that would cover all or part of the County. She stated for Clark County it was the whole County, but special areas could be identified here that would be part of the flood control district. She said the public opinion survey indicated implementation of a flood control district had the most support as a way to increase funds for the project. She stated the people that might live in a flood control district were those people whose lands were flooded in the 1997 flood that would no longer be flooded once the flood project was installed and would receive a special benefit with a SAD. She indicated those people had been heard to say that they did not want to pay for the whole cost of the project just because they were located in a low area.

Ms. Duerr stated everyone on the Flood Project Coordinating Committee agreed that it would have to be a consensus bill with agreement on its structure.

Commissioner Galloway said, if someone's paving of a property or their roof runoff was exacerbating someone else's problem, it would be fair that they pay that much. He said they should not have to pay for the complete remediation of an area that might have flooded, even if no houses had been built, because it flooded naturally from time to time anyway.

Katy Singlaub, County Manager, indicated a SAD was contemplated and the benefit engineering would include everybody contributing some portion based on benefit. She said some people benefit more, which would be the purpose of the SAD.

Commissioner Galloway asked if this was an enabling bill, rather than one imposing a solution on the County, which he felt was critical. Ms. Duerr agreed it was critical and that was what this BDR would do. She reiterated the Commission already has the authority to initiate a flood control district. She said this bill would amend the precepts so they work and would incorporate the Flood Project Coordinating Committee

principles that the Board had adopted to date. Ms. Duerr said the Board would have to take affirmative action to initiate an ordinance once all that was done. She stated the County was also asking for a direct appropriation from the State of Nevada.

Commissioner Humke said the Flood Project Coordinating Committee members did not like to discuss any entity having veto power, and to move forward all entities must agree to the broad brushstrokes of what was being done. He indicated two general funding methods were laid out: a countywide district and a SAD. He said these were in addition to the 1/8-cent sales tax and Chairman Larkin's idea of a State general appropriation out of surplus. He said there was some resistance in the industrial area along the river to the SAD. He stated the County could avail itself of the existing flood control legislation but that was a uniquely Clark County solution, which he did not believe this County wanted. He believed the County wanted to foster its own agreements and solution to flood control, and he believed the Legislature would allow the County to do that under the local option concept.

Commissioner Sferrazza said he supported Commissioner Galloway's position on the SAD. He said his problem with Ms. Duerr's roof runoff and streets analogy was some subdivisions were properly designed to eliminate storm runoff and they were being treated the same as subdivisions that were not properly designed. Ms. Duerr said the Flood Project Coordinating Committee had authorized moving forward with an economic analysis that would provide that kind of information, and she discussed the options that could come out of it. She indicated that was why they wanted to hire a special firm for advice.

Mr. Slaughter discussed BDR's 2, Public Safety and Sales Tax Initiative; 3, Jail Overcrowding; and 4, State Lands Transfer. There were no questions.

8:16 p.m. Commissioner Galloway temporarily left the meeting.

Mr. Slaughter discussed the background of BDR 5, Annexation Settlement Agreement. He said it was down to how best to get it to the Legislature, and the Regional Planning Governing Board recommended the County carry the bill.

Commissioner Humke asked why the County had to carry the bill. Commissioner Weber said she had the same reluctance.

Chairman Larkin said it would resolve a legal issue on non-contiguous annexations with the various entities. Mr. Slaughter said the BDR clarified that this could be done.

Mr. Slaughter explained BDR 6, Public Purchasing.

Commissioner Sferrazza stated he opposed this BDR, and he did not understand why the County would want to avoid competition on its contracts and bids.

John Balentine, Purchasing and Contracts Administrator, indicated the surrounding states all had advertising purchasing limits of \$50,000 or higher. He said it takes a lot of time and effort to put out formal bids and Request for Proposals (RFP's). He said Clark County had found minority businesses that were not up to competing in the formal bid process received a larger portion of the dollars spent by the County. He said the Public Purchasing Study Commission brought this forward, and he asked for the Board's support.

In response to Chairman Larkin, Mr. Balentine said approximately 30 percent of all of the contracts issued would fall within the \$50,000 or less category, which would leave 70 percent still requiring formal bid. He stated there was still a requirement to obtain two competing written quotations if a contract was between \$25,000-\$50,000. He said nothing prevented advertising a bid or an RFP on anything under \$50,000 if it was felt that would be the best option.

Commissioner Sferrazza stated he was concerned the Board might not see 30 percent of the contracts. Mr. Balentine said they would not come before the Board and take up the Board's time, but staff would provide anything the Board wanted to see with one phone call to his office. Commissioner Sferrazza replied it was not a matter of taking the Board's time because the Board was here to make sure the best bang for the buck was obtained for the taxpayers. He indicated Mr. Balentine had not changed his position about going up to \$50,000.

Commissioner Sferrazza asked if multiple contracts could be advertised all at once by putting a million dollars of bid items in one advertisement. Mr. Balentine replied similar requirements were already being combined, and he explained the bid process.

8:22 p.m. Commissioner Galloway returned to the meeting.

Commissioner Sferrazza asked if the number of bids could be increased to five, or some larger number than two, if advertising were eliminated. Mr. Balentine replied sometimes five or even two did not exist. He said a sole source justification was required if they could not get two bids.

Chairman Larkin asked the County Manager to comment on the policies and procedures in place for auditing purchases. Ms. Singlaub replied an annual external audit was done on a sample basis, special audits were conducted by internal audit, and audits could be done at any time by direction of the Board. Chairman Larkin asked if Ms. Singlaub felt there was sufficient managerial oversight on all contracts and purchasing. Ms. Singlaub replied there were a lot of checks and balances in addition to multiple authorizations for any expenditure of funds. She said there were also statutory and ordinance requirements.

Chairman Larkin asked if Mr. Balentine could indicate what the increase in efficiency would be for his office by raising the limit to \$50,000. Mr. Balentine replied

there would definitely be an increase in efficiency, but he was not sure he could come up with an exact percentage. He said his office was struggling because the County had grown considerably with the addition of three departments, two new courts, social workers being brought over from the State, and adding animal control workers from the City of Reno; while two positions had also been lost.

Commissioner Galloway asked if it was the formal advertising in newspapers that was the problem. He asked what was wrong with advertising on the County website. Mr. Balentine replied everything was posted on the website. He said the law was interpreted by purchasing departments statewide that the dollar limit becomes the formal bid limit, which requires a formal document be issued with a formal opening time and formal protest procedures set up. He said that was a very time and resource consuming process.

Commissioner Galloway said the opportunity for a small business to bid on a \$35,000 job could be very important to the business. He suggested working with the bill's content to require less formal advertising within the \$25,000-\$50,000 range without eliminating the requirement for some advertising. Mr. Balentine said a trigger could be used such as the Consumer Price Index. Commissioner Galloway said an Invitation for Bid (IFB) was not required if it was \$26,000, but why shouldn't the law require it at least be posted electronically for a certain number of days entertaining quotes. He said he would favor that type of reform.

Commissioner Sferrazza indicated he did not have a problem simplifying the process, but he would rather it require some lesser form of advertising from \$0-\$50,000.

Mr. Slaughter explained BDR 7, Administrative Physician Definition.

Commissioner Humke explained a doctor on the Health Board wanted a medical doctor licensed in the State of Nevada to serve as the District Health Officer. He commented licensing in the State was some of the most stringent in the nation, and Clark County had gotten an exemption from the Legislature for this administrative position. He said the Legislature had passed it for Clark County, which he felt was a flaw because Washoe County also had a Health District. He indicated this was cleanup so the County could avail itself of the legislation if needed.

Commissioner Sferrazza requested a placeholder BDR for a Public Employees Retirement System (PERS) bill.

8:38 p.m. The Board took a brief recess so Commissioner Sferrazza could get his paperwork regarding his request for a BDR.

8:48 p.m. The Board reconvened.

Commissioner Sferrazza said NRS 286.470 set up a system that computed the PERS retirement of elected city councilmembers, mayors, or county commissioners separately from other employees in the PERS system. He said Subsection 3 was added after his election as a County Commissioner, which cut his retirement in half. He discussed the problem and requested a BDR to amend NRS 286.470, Subsection 3. Commissioner Sferrazza placed NRS 286.470 and the letter from PERS dated October 24, 1995 on file with the Clerk.

Commissioner Weber felt this would be more appropriate coming from the Nevada Association of Counties (NACO), but it might be too late since the NACO BDR's had already been adopted. Commissioner Sferrazza said he had requested this from NACO, and they indicated it should come from the County first.

Commissioner Galloway stated he had no problem with putting it in. He suggested changing Subsection 3 to say five years instead of the entire period, which would solve Commissioner Sferrazza's problem. Commissioner Galloway discussed what he believed was the reason for the restrictions.

Chairman Larkin felt, if the State Legislature wanted to undertake the role of monitoring the salaries and benefits, it would be appropriate for the State Legislature to sponsor this through a State Legislator. He said he would not support a BDR where he could materially benefit. Commissioner Galloway replied neither he nor Chairman Larkin would benefit. Chairman Larkin said they did not know the consequences of the BDR and how it would go through the Legislature. He said he would not support it if there was even a remote possibility that he could benefit down the road. Commissioner Weber agreed.

Commissioner Galloway said the Commission supported the NACO salary bills and they benefited the Commissioners. He said it was just a fairness issue and was not comparable to those bills.

Commissioner Sferrazza said it would not benefit Chairman Larkin unless his salary was less than the average salary of a member for regular service. He said the Commission had always been paid more than that.

Chairman Larkin asked if the BDR's should be voted on individually or as a package. Mr. Slaughter replied in past years they were voted on as a package.

Commissioner Humke moved to approve BDR's 1-7 for the 2007 Nevada Legislative Session as described in the staff report dated August 16, 2006. Commissioner Galloway seconded the motion. Commissioner Galloway said Mr. Slaughter suggested he put on the record that his vote in supporting this was based on Mr. Slaughter's opinion that BDR 3, Jail Overcrowding, might be capable of dealing with a potential overload of bookings; and, if a solution was found, it could be incorporated into the BDR.

Chairman Larkin asked if that would change the substance of the BDR. Commissioner Galloway replied staff felt it would not. Mr. Slaughter agreed it did not, and it would be brought before the Board if it did.

Commissioner Sferrazza stated he would like to move to amend BDR 6, Public Purchasing, to ensure there would be some form of advertising for items between \$10,000 and \$25,000 in Item C. Commissioner Galloway said he would second that motion to amend.

Chairman Larkin asked Commissioner Sferrazza to clarify his amendment. Commissioner Sferrazza replied that, except as otherwise provided by specific statute, in 1(b) it indicated, "... may enter into a contract of any nature without advertising ...". He wanted it change to say, "without formally advertising." He said the rest of it would remain the same.

After additional discussion on wording, Commissioner Galloway said the intent was not to eliminate advertising entirely but to eliminate the requirement for the formal bid document. He stated the language could be refined later.

Paul Lipparelli, Legal Counsel, said there were two sections of State law that were impacted. One was the requirement to advertise and second was the restriction against the award of contracts that were not advertised. He said, if the definition of what had to be advertised was changed, it would impact how bids were awarded. He said it was clear the Commission wanted to maximize the exposure of the County's interest in awarding contracts through informal means of advertising, such as web sites. He clarified the problem for Purchasing was the preparation of bid packages and the process mandated for public award, not the advertising. He said he would work with Mr. Slaughter to make it work.

On call for the vote on the amendment to the motion, it passed on a 5-0 vote.

On call for the vote for approval of the BDR's, the motion passed unanimously.

Commissioner Sferrazza moved to request a BDR to amend NRS 286.470, Subsection 3, to strike the words "entire period of elective service" and substitute "five years of elective service." Commissioner Galloway seconded the motion.

Commissioner Humke said he would not support the motion. He felt this would be better presented to an individual legislator for an individual BDR because it had a somewhat limited application. He stated he was not sure it was appropriate for the full County Commission, in one County, to support a bill that might have limited application.

Commissioner Sferrazza suggested eliminating NRS 286.470, and he would be happy to meet with Commissioner Humke later to figure out a way to go to the Legislature.

On a call for the vote, the motion failed with Commissioners Weber and Humke and Chairman Larkin voting “no.”

**06-941 RESOLUTION OF INTENT – GENERAL OBLIGATION
(LIMITED TAX) FLOOD CONTROL BONDS – SERIES 2006**

Commissioner Galloway commented the Debt Management Commission had considered and approved these bonds.

Upon recommendation of John Sherman, through Katy Singlaub, County Manager, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the following Resolution of Intent be approved and the Chairman be authorized to execute the same:

RESOLUTION NO. 06-941

A RESOLUTION OF INTENT, PROPOSING THE ISSUANCE OF, AND AUTHORIZING THE PUBLICATION OF NOTICES RELATING TO GENERAL OBLIGATION (LIMITED TAX) FLOOD CONTROL BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) SERIES 2006 IN THE MAXIMUM PRINCIPAL AMOUNT OF \$60,000,000 FOR THE PURPOSE OF FINANCING FLOOD CONTROL PROJECTS; PROVIDING THE MANNER, FORM AND CONTENTS OF THE NOTICES THEREOF; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, Washoe County in the State of Nevada (the “County” and the “State”, respectively) is a county duly organized and created under the provisions of Nevada Revised Statutes (“NRS”) Section 243.340; and

WHEREAS, the County is authorized to acquire, establish, construct and expand projects for the management of flood plains or the prevention of floods as set forth in the plan adopted pursuant to NRS 377B.100 (the “Project”) and to issue general obligation bonds additionally secured by the infrastructure tax imposed pursuant to Chapter 377B on the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed in the County (the “Pledged Revenues”) for the purposes of defraying wholly or in part the cost of the Project; and

WHEREAS, the Board proposes to issue up to \$60,000,000 of general obligation flood control bonds additionally secured by the Pledged Revenues (the “Bonds”) for the Project; and

WHEREAS, based on a revenue study previously presented to the Board, the Board has determined that the Pledged Revenues will at least equal the amount required in each year for the payment of interest and principal on the Bonds; and

WHEREAS, the Board proposes to incur this general obligation without an election unless a petition signed by the requisite number of registered voters of the County is presented to the Board requiring the Board to submit to the qualified electors of the County for their approval or disapproval of the following proposal:

GENERAL OBLIGATION (LIMITED TAX) FLOOD CONTROL BOND ADDITIONALLY SECURED BY PLEDGED REVENUES PROPOSAL:

Shall the Board of County Commissioners of Washoe County in the State of Nevada, be authorized to incur a general obligation indebtedness on behalf of the County by the issuance at one time, or from time to time, of the County’s general obligation (limited tax) flood control bonds, in one series or more, in the aggregate principal amount of not exceeding \$60,000,000 for the purpose of financing, wholly or in part, the acquisition, establishment, construction, and expansion of projects for the management of flood plains or the prevention of floods as set forth in the plan adopted pursuant to NRS 377B.100, such bonds to mature commencing not later than five (5) years from the date or respective dates of the bonds and ending not later than thirty (30) years therefrom, to bear interest at rate or rates not in excess of the statutory maximum rate in effect at the time bonds are sold, to be payable from general (ad valorem) taxes (except to the extent pledged revenues and other moneys are available therefor), and to be issued and sold at par, or below or above par, and otherwise in such manner, upon such terms and conditions, and with such other detail as the Board may determine, including at its option but not necessarily limited to provision for the redemption of bonds prior to maturity without or with the payment of a premium?

(the “Proposal”); and,

WHEREAS, pursuant to NRS §§ 350.011 to 350.0165, inclusive, the Board has submitted the Proposal to the Debt Management Commission of Washoe County (the “Commission”); and

WHEREAS, the Commission has heretofore approved the Proposal; and

WHEREAS, Subsection 3 of NRS § 350.020 in effect provides that if the payment of a general obligation of the County is additionally secured by pledged revenues, and the governing body (i.e., the Board) determines that the pledged revenues will at least equal the amount required in each year for the payment of interest and principal, the County may incur the general obligation without an election, unless a petition requesting an election signed by 5 percent of the registered voters in the County is presented to the Board within 90 days after the publication of a notice of the adoption of this resolution of intent; and

WHEREAS, Subsection 3 of NRS § 350.020 also requires that a public hearing be held before the Bonds are issued.

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

Section 1. This resolution shall be known as and may be cited by the short title “Resolution of Intent to Issue 2006 Flood Control Bonds” (this “Resolution”).

Section 2. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the Board and the officers of the Board directed:

- (a) Toward the Project to be financed by the Bonds; and
- (b) Toward the issuance of the Bonds to defray, in part, the cost thereof, be, and the same hereby is, ratified, approved and confirmed.

Section 3. The County and the officers of the County be, and they hereby are, authorized and directed to publish a notice of the adoption of the resolution of intent relating to the Board’s proposal to issue the Bonds in a newspaper of general circulation in the County, at least once, such notice to be published in substantially the form, which was placed on file with the Clerk.

Section 4. The County Clerk is authorized and directed to publish once, at least 10 days before the date of the public hearing described in the notice, in a newspaper of general circulation in the County a notice of public hearing, at least as large as 5 inches high by 4 inched wide, in a form placed on file with the Clerk.

Section 5. A public hearing on the Bonds is hereby ordered to be held before the Board at the time, date and place specified in the notice set forth in Section 4 hereof, or as otherwise specified by the Director of Finance of the County.

Section 6. The Bonds, in the event no petition is filed during the period allowed by NRS § 350.020(3), shall be authorized by an ordinance or ordinances to be effective after the expiration of the above specified period of publication.

Section 7. The authority to issue the Bonds designated in the Proposal set forth in the notice shall be deemed and considered a continuing authority to issue and deliver the Bonds designated in such Proposal at one time or from time to time, in one series or in more than one series, all as ordered by the Board. Neither the partial exercise of the authority so conferred nor the lapse of time shall be considered as exhausting or limiting the full authority so conferred.

Section 8. 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 9. 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 10. 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 effect any of the remaining provisions of this resolution.

Section 11. This resolution shall become effective and be in force immediately upon its adoption.

06-942 REIMBURSEMENT – STATE DIVISION OF CHILD AND FAMILY SERVICES – ROOM AND BOARD FOR CHILDREN IN CUSTODY – SOCIAL SERVICES

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the Department of Social Services be authorized to reimburse the State Division of Child and Family Services (DCFS) the amount of \$297,792.28 for the room and board costs of children in the custody of Washoe County in higher levels of care receiving Social Security Benefits for fiscal years 2004, 2005, and 2006.

06-943 AWARD OF BID – DICTATION/TRANSCRIPTION SYSTEM – BID NO. 2546-07 – PURCHASING

This was the time to consider award of the bid for the dictation/transcription system for the Purchasing Department. The Notice to Bidders for

receipt of sealed bids was published in the *Reno Gazette-Journal* on June 29, 2006. Proof was made that due and legal Notice had been given.

One bid was received from Superior Business Products.

Katy Singlaub, County Manager, indicated the bid was satisfactory and cost effective. She said the primary users of the system had reviewed it and found it met all of their needs.

Chairman Larkin asked if there was a reason that off-the-shelf software and hardware could not be used. Mike Capello, Social Services Director, said the system needed to provide the flexibility to allow staff to get their notes input in the required timeframe. He stated a number of systems were researched and described how field staff would use the system. He indicated once the dictation was in the system, it allowed the stenographers to easily manage and store the dictation. He explained staff was consulted and there was a very positive reception by the social workers to a demo of the system.

Chairman Larkin was concerned about the learning curve. Mr. Capello felt the key was initial staff training, which was included in the \$179,000. He stated there would be super users within the department and usage would be monitored. He was confident the dictation piece of the system was an easy process. He said the stenographer's piece was more complicated, but they were a smaller group to train.

Commissioner Galloway was concerned about the social worker's notes being dictated over an open telephone line. Mr. Capello replied telephone dictation would always be over a landline and the system was protected. He said it was not unlike physicians that dial into dictation services. He said the difference was this one was in house and protected by its own server.

Upon recommendation of Charlene Collins, Buyer, through John Balentine, Purchasing and Contracts Administrator, and Mr. Capello, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that Bid No. 2546-07 for the dictation/transcription system for the Purchasing Department on behalf of the Social Services Department be awarded to the sole bidder, Superior Business Products, in the amount of \$109,983 and with annual maintenance for the next five years in the amount of \$69,641, for a total award amount of \$179,624.

**06-944 PUBLIC UTILITY EASEMENT – TRUCKEE MEADOWS WATER
AUTHORITY – RANCHO SAN RAFAEL REGIONAL PARK
PIPELINE PROJECT – PARKS**

In response to the call for public comments, John Enloe, Ecologic Engineering, commented Ecologic Engineering and Truckee Meadows Water Authority (TMWA) staff had been negotiating for approximately a year with the Regional Parks and Open Space staff and the Rancho San Rafael Regional Park Advisory Board for this

easement. He said the solution would have the dollar savings associated with this easement split between the mitigation measures and the savings to the TMWA ratepayers. He said this \$25 million project would benefit TMWA, Lemmon Valley, Sun Valley, Golden Valley, and Washoe County customers. He said TMWA had offered \$170,000 worth of landscaping mitigation improvements and would receive approximately \$170,000 in anticipated savings, which was approved by the Advisory Board; however, the Parks Commission felt the mitigation measures were not sufficient. He requested the Board reconsider the approval by the Advisory Board. He indicated TMWA was willing to abide by the Board's decision, but would appreciate the Board considering the mitigation measures be limited to \$170,000.

In response to Commissioner Sferrazza, Mr. Enloe replied there was approximately \$340,000 in cost savings for avoiding the utilities, paving, traffic control, and difficulty of construction in the travel way.

Commissioner Galloway stated that, in fairness to the Parks Commission, this was the number on which consensus could be reached. He stated there was reluctance to allow any easement at all.

Upon recommendation of Lynda Nelson, Natural Resource Planner, through Doug Doolittle, Regional Parks and Open Space Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Larkin ordered that a public utility easement for the proposed TMWA pipeline project within Rancho San Rafael Regional Park, including proposed mitigation measures with a total value of \$250,000, be approved and the Chairman be authorized to execute all necessary documents and agreements associated with this project upon presentation.

**06-945 REAPPOINTMENT – OPEN SPACE AND REGIONAL PARKS
COMMISSION – PARKS**

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that Jakki Ford be reappointed to the Open Space and Regional Parks Commission for a term from July 1, 2006 through June 30, 2010.

Commissioner Weber said there was a request out many months ago to fill vacancies for Open Space and Regional Parks Commissioners. She suggested, rather than using a subcommittee, the Commissioner whose district was in need of representation be allowed to submit an applicant's name to the Board.

In response to Chairman Larkin, Doug Doolittle, Regional Parks and Open Space Director, said he did not have the applicants identified by district based on the assumption that appointments had not been made by district in the recent past. He discussed where he believed the current members were from.

Commissioner Sferrazza asked that staff verify the addresses were home addresses.

After further discussion regarding the application process, Commissioner Galloway suggested looking to see if there was anyone acceptable to this Commission from the people already interviewed but not appointed. He said, if Commissioner Weber wanted to suggest a person at that time, she might do so. He said it could be re-advertised if there was no one acceptable.

Commissioner Galloway stated he did not want to see a subcommittee for one vacancy, but would support using a subcommittee if there were five or six vacancies.

Commissioner Weber said she had solicited people from District 5 for the opening. She knew applications were turned in, and she did have someone to recommend.

Commissioner Galloway asked if she would agree to put all of the old and new applications before the Board. He indicated this agenda did not permit the appointment of the second applicant, and he suggested putting it on the earliest possible agenda.

On motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the applications brought before the subcommittee along with recently received applications be brought to the Board for review and possible appointment of a member to the Open Space and Regional Parks Commission. It was further ordered that the Regional Parks and Open Space Department indicate which Commissioner Districts were represented by the current members.

**06-946 AWARD OF BID – WASHOE COUNTY SERVICE CENTER –
PUBLIC WORKS**

This was the time to consider award of the bid for the Washoe County Service Center for the Public Works Department.

One bid was received from Reyman Bros. Construction.

Katy Singlaub, County Manager, commented this was the old Incline Village Library. She said it had been the Commission's objective to remodel the library space so it could be occupied by County operations that were presently leasing facilities.

Upon recommendation of David Solaro, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the bid for construction of the Washoe County Service Center for the Public Works Department be awarded to the responsive and responsible bidder, Reyman Bros. Construction, in the amount of \$1,101,230 and the Chairman be authorized to execute the contract documents upon presentation.

06-947

ACCEPTANCE OF DEVELOPER-BUILT WATER, SEWER AND RECLAIMED FACILITIES – WATER RESOURCES

Upon recommendation of Jerry McKnight, Finance and Customer Service Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the following developer-built water, sewer and reclaimed facilities dedicated to Washoe County in the amount of \$3,333,847 be accepted:

Water Facilities	DWR No.	Value
The Foothills @ Wingfield IIIA	1000577	\$296,238
Sharon Hills Unit 9	1000240	180,589
Bobby Page Cleaners	1000433	1,271
Magnolia Phase 2 B & D	1000542	33,382
RLC – Technology	1000485	16,379
Wedge Parkway	1000570	62,218
Eagle Canyon III Unit 7	1000598	238,453
Jesse Hall Elementary	1000736	265,834
Sharon Hills Unit 10	1000535	1,270
Upper Highlands @ Cimarron Ph. II	1000690	368,119
Estates at Mt. Rose	1000440	676,230
Camp We-Che-Me Improvements	1000294	1,271
Water Total		\$2,141,254

Sewer Facilities	DWR No.	Value
Pyramid Highway Storage	1000545	\$2,220
Sharon Hills Unit 9	1000240	127,507
9055 Codoba	1000632	2,762
Eagle Canyon III Unit 7	1000598	208,054
Jesse Hall Elementary	1000736	75,518
Sharon Hills Unit 10	1000535	9,818
Estates @ Mt. Rose	1000440	590,711
Cam We-Che-Me Improv	1000294	1,110
Sewer Total		\$1,017,700

Reclaimed Water Facilities	DWR No.	Value
Bobby Page Cleaners	1000433	\$1,271
Magnolia Phase 2 B & D	1000570	1,271
Wedge Parkway	1000570	172,351

Reclaimed Water Facilities	DWR No.	Value
Reclaimed Total		174,893
Total Value		\$3,333,847

06-948 PURCHASE WELL CAPACITY - TESSA WELLS – RESOURCE APPLICATION AND DEVELOPMENT, LTD. – WATER RESOURCES

Chairman Larkin asked if staff could explain how the separate projects in the area fit together. Paul Orphan, Engineering Manager, explained the red lines on the map attached to the staff report, Figure A, were new water lines that closed loops in the Mt. Rose service area. He said some existing lots and homes on wells had required connection to the community system due to mitigation and more than 300 lots and homes would require community service. He indicated the money spent would be recouped through connection fees; and the value added to the system would probably be more than the County was paying, which was a good deal. He stated capacity costs had not risen in the last three years, while all other water improvements costs had gone up dramatically. He said they were basically recouping the original construction costs. He indicated only the people in this area that connect to the system would pay for it.

Commissioner Humke said some well owners in the area did not want to pay the connection fee to hook up, but their water was being drawn down by production wells. He asked if Tessa 1 and Tessa 2 would be drawing down water at a greater rate as a result of this contract. Mr. Orphan said water was already being pumped from the Tessa wells, along with individual wells, so naturally the water table goes down. He said mitigation for a person whose well goes dry was that they could connect to the community system for a permanent supply of water. He felt connecting would probably be cheaper than paying the cost to redrill the well. Commissioner Humke said permanence meant paying a water bill forever as opposed to controlling one's own destiny by having a well. Mr. Orphan said that was part of an ongoing debate; but the power costs to run the well, in addition to the annual costs of repair and operation, were not always taken into consideration.

Katy Singlaub, County Manager, commented this was a cost effective way for the County to meet future water requirements by permitting the County to serve approved development without drilling a new well. She stated it forestalls the County from having to explore new water resources.

In response to Commissioner Humke, Mr. Orphan explained there were existing lots that did not have wells that would connect to the community system so there would be fewer straws in the aquifer. He said the areas that could be served would be the Mt. Rose water system south of the Mt. Rose Highway and the government lots north of the Mt. Rose Highway.

After further discussion about capacity and the areas served, Mr. Orphan said the capacity was there, and someone would pump it. He said the County could obtain the capacity to serve people already living there or who have existing lots, or the developers could develop it or to sell it to another developer. He stated that would leave the County without the supply to mitigate individual wells.

In response to Commissioner Sferrazza, Mr. Orphan replied these were permitted wells by the State Engineer. He said the two wells had a capacity of 1,500 gallons per minute (gpm); there was only 290 gpm remaining; and it would be questionable if the County could drill a new well by getting permits on the Mt. Rose fan. He stated 290 gpm was not a water right but was only capacity in a well, which was part of the permitted capacity of 1,500 gpm. He indicated the County was buying the capacity and the facilities.

Chairman Larkin asked if there was a reason the County did not want to buy the water rights. Mr. Orphan replied the County held water rights in the Pleasant Valley area and the Mt. Rose system, but the County needed capacity to pump. He said the State did not require a water right to serve existing lots and wells. Chairman Larkin said the County was leasing the capacity, but he did not understand why the County would not want to buy the water rights. Mr. Orphan said the County was buying the infrastructure that was already installed. Ms. Singlaub explained this gave the County a place to run the water through.

In response to Commissioner Sferrazza, Mr. Orphan said Resource Application and Development, Ltd. (RAD) brought in water rights for their developments.

Commissioner Galloway said there were more water rights out there than there was pumping capacity and wells. He stated the County had more water rights than it could pump and did not need to pay for more water rights. He said the County would not need this right now if the County could pump more out of its existing wells without them going below the screen. He stated currently the existing wells were being pumped as much as possible, and he discussed the issue of individual wells versus commercial wells causing drawdown.

In response to Chairman Larkin, Mr. Orphan said it would take approximately 10 years to recoup the \$1.6 million at the present growth rate and with well mitigation.

In response to Commissioner Humke, Mr. Orphan said there should be no impact on the Tessa wells in the South Truckee Meadows General Improvement District based on the modeling he had seen in the facility plans. He said there had been some well mitigation cases brought before the Well Mitigation Board from the Mt. Rose/Callahan Ranch area. He stated some were mitigated, but he did not know the exact percentage.

Upon recommendation of Mr. Orphan, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Larkin ordered that the purchase of 290.05 gallons per minute of well capacity in the Tessa Wells from Resource Application and Development, Ltd., in the amount of \$1,608,617 be approved and the Department of Water Resources Director be authorized to issue the purchase order to RAD.

06-949 REIMBURSEMENT AGREEMENT – CONSTRUCTION WATER TRANSMISSION MAIN – SOUTH TRUCKEE MEADOWS – KB HOME RENO INC. – WATER RESOURCES

In response to Chairman Larkin, Paul Orphan, Engineering Manager, said this was an identified transmission main in the South Truckee Meadows Water Facility Plan that ran from the plant to future Tank 11. He stated KB Home Reno Inc. was building the line through a development they were building now because it was more cost effective to do now rather than tearing up streets later.

Upon recommendation of Thomas Kelly, Sr. Licensed Engineer, and Mr. Orphan, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that the reimbursement agreement with KB Home Reno Inc. in an amount not to exceed \$410,000 for the construction of a water transmission main in the South Truckee Meadows be approved and the Chairman be authorized to execute the same.

06-950 RESOLUTIONS – CREATING DISTRICT 3 CITIZEN ADVISORY BOARD (CAB) – MODIFYING GEOGRAPHIC AREAS OF RESPONSIBILITY FOR SOUTHEAST, SOUTHWEST, AND WEST TRUCKEE MEADOWS CABS – COMMUNITY DEVELOPMENT

Commissioner Sferrazza said this item was continued because of concerns with overlapping districts and whether or not people serving on the North Valleys Citizen Advisory Board (CAB) and the Sun Valley CAB could also serve on the District 3 CAB. He indicated he would go with the majority of the Board on those two issues.

In response to Commissioner Sferrazza, Bob Webb, Planning Manager, replied the Sun Valley CAB area also encompassed by Commission District 3 contains both incorporated and unincorporated parcels at its southern end; but the parcels in the incorporated area currently have no residents. He stated the Sun Valley CAB was fairly adamant that they retain their identity. He indicated the question dealt with which Commissioner would recommend from the portion in the south or would the District 3 Commissioner recommend any one of those positions whether it was from that area or not. He asked what would happen and how the recommendations would run for appointments for the Sun Valley CAB if there was no one from that portion of Commission District 3.

Commissioner Weber stated comments were made at the CAB Chair meeting that they did not want their CAB's impacted or changed. Mr. Webb agreed that the southeast and southwest Chairs expressed that concern while the other Chairs did not take a stance either way.

Commissioner Galloway said specific direction needed to be made. Commissioner Sferrazza said he had two appointments on the Golden Valley CAB. He stated Commissioner Weber had agreed there should be some representation from District 3 on the Sun Valley CAB, but no one had applied. Commissioner Galloway asked if it was agreed that it would be one representative if available. Commissioner Sferrazza replied that would be fair.

Commissioner Sferrazza said he did not see how the Southeast or the Southwest Truckee Meadows CAB's would be impacted, since the people living in District 3 could never serve on those CAB's under the existing bylaws. He stated the CAB primarily gave an opportunity to people that lived in District 3 to express concerns with things happening in the County.

Commissioner Sferrazza moved to approve the District 3 CAB with overlapping district boundaries and allowing people to serve on the Sun Valley, Golden Valley, and the District 3 CAB's with the District 3 CAB meeting quarterly and not having any role on planning issues in Washoe County.

Chairman Larkin asked Commissioner Sferrazza to restate his motion.

Commissioner Sferrazza moved to adopt the resolution creating a District 3 CAB containing overlapping areas with both the North Valleys CAB and the Sun Valley CAB; to adopt resolutions modifying the geographic areas of responsibility for the Southeast Truckee Meadows CAB, the Southwest Truckee Meadows CAB, and the West Truckee Meadows CAB; and the Chairman be authorized to execute the resolutions on behalf of the Commission. He further moved that staff be directed to include the following policy on concurrent membership on more than one CAB in the next publication of the *Washoe County CAB Member's Handbook* and to reflect the decisions on membership appointments and membership representation on the North Valleys CAB, which was two members from District 3, and on the Sun Valley CAB, which was one member from District 3.

Commissioner Weber said she could not support the motion because of someone being able to serve on more than one CAB. Commissioner Sferrazza said the North Valleys and the Sun Valley CAB member would like to serve on both.

The motion failed due to lack of a second.

Commissioner Sferrazza moved to adopt the resolution creating a District 3 CAB while eliminating overlapping areas with the North Valleys CAB with that portion of District 3 remaining in the North Valleys CAB and not being a part of the

District 3 CAB; and while eliminating overlapping areas with the Sun Valley CAB with that portion of District 3 remaining in the Sun Valley CAB and not being a part of the District 3 CAB; to adopt resolutions modifying the geographic areas of responsibility for the Southeast Truckee Meadows CAB, the Southwest Truckee Meadows CAB, and the West Truckee Meadows CAB; and the Chairman be authorized to execute the resolutions on behalf of the Commission. He also moved that staff be directed to include the following policy on concurrent membership on more than one CAB in the next publication of the *Washoe County CAB Member's Handbook* and to reflect the decisions on membership appointments and membership representation on the North Valleys CAB, which has two members from District 3, and on the Sun Valley CAB, which has one member from District 3. Commissioner Galloway seconded the motion.

In response to the call for public comments, Steve Cohen opposed the creation of the District 3 CAB, but he understood and agreed with what Commissioner Sferrazza wanted. He felt the CAB's purpose was to put like areas together. He felt, because District 3 contained a lot of areas that were not alike, the District 3 CAB would not really be a CAB. He suggested calling it a District Advisory Board instead of muddying the CAB's role. He wanted to keep the CAB's as the one voice the unincorporated residents had with the County.

In response to Commissioner Weber, Commissioner Sferrazza said the Golden Valley people would be eliminated from District 3 and would stay in the North Valleys CAB. Commissioner Weber said she liked Mr. Cohen's idea. She said that way people could serve in both capacities because it would not be a CAB that would change the rules, but a District Advisory Board with different concerns and issues. She felt that would provide the community with better input.

In response to Chairman Larkin, Mr. Webb said NRS enabled advisory boards, but the only provisions in Chapter 5 that the Board had created were for CAB's.

Commissioner Galloway felt dual representation could be a problem and was not appropriate. He said since Commissioner Sferrazza appointed people to the North Valleys CAB, if there was a problem in Golden Valley that affected people within Commissioner Sferrazza's District, he would get reports from the CAB that he could take into account with what he does there. He stated the same would be true for Sun Valley. He said all of the Commissioners, except Commissioner Sferrazza, could bounce things off a group of citizens that they had a hand in appointing. He said the citizens were a cross section and were a sounding board on general County policies. He said it was true District 3 was not neighborhood oriented, but Commissioner Sferrazza had no other sounding board. He said Commissioner Sferrazza should be given his CAB.

In response to Commissioner Weber, Mr. Webb clarified Commissioner Sferrazza was recommending Option 2 that proposed no overlap in the Sun Valley or the North Valleys CAB's areas.

Commissioner Sferrazza said what he wanted was opposite of what Mr. Cohen stated when he said the Board should only listen to the unincorporated area because the Board represented both incorporated and unincorporated areas. He said he did go to the Neighborhood Advisory Board (NAB) meetings, but NAB members were appointed by the City of Reno and were there to address city issues. He stated 95 percent of the residents in his District live in the City of Reno, not in Golden Valley or Sun Valley. He said this would allow those people to have some impact on County policies, which he felt was fair.

After further discussion on the CAB's, Mr. Webb reiterated the North Valleys CAB and the Sun Valley CAB boundaries would remain the same. He said the District 3 CAB would not overlap any existing CAB.

Commissioner Sferrazza agreed that perhaps it should not be called the District 3 CAB. Commissioner Galloway suggested calling it the Central CAB. Mr. Webb said he would have to change the resolution if the name was changed and bring it back to the Board. Paul Lipparelli, Legal Counsel, said for Open Meeting Law purposes the term "District 3 CAB" roughly described the boundaries of the CAB. He did not feel it would be a problem to change the name in the resolution at tonight's meeting because it was more of a style point rather than substantive.

Commissioner Sferrazza amended the motion to change the name of the District 3 CAB to the Central CAB. Commissioner Galloway accepted the amendment. On a call for the question, the motion passed on a 5-0 vote.

RESOLUTION

WHEREAS, The County Commissioner representing the citizens of Commission District 3 has expressed a desire for a formal organization through which the citizens can communicate their views and concerns to the Board of County Commissioners; and

WHEREAS, With such an organization, citizens can be kept better informed of decisions and actions of the Board of County Commissioners; now, therefore, be it

RESOLVED, BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA, That the Central Citizen Advisory Board be established under Sections 5.425 to 5.435, inclusive, of the Washoe County Code; and be it further

RESOLVED, That the Citizen Advisory Board's purpose shall be to provide a forum for residents' concerns and to provide on-going two-way communications between the residents and the Board of County Commissioners; and be it further

RESOLVED, That the Citizen Advisory Board may provide advice on any matter within the Board of County Commissioners' jurisdiction such as land use, zoning, services, budget, taxes and other matters affecting the lives, health, property or well-being of the residents; and be it further

RESOLVED, That the Central Citizen Advisory Board's geographical area of responsibility shall encompass the area of Commission District 3, as more specifically defined on the map, which was placed on file with the Clerk; and be it further

RESOLVED, That the membership of the Central Citizen Advisory Board shall consist of seven members who are residents from within the established geographic area of responsibility appointed at-large by the Board of County Commissioners; and be it further

RESOLVED, That in addition to applications from individuals as described under sections 5.425 to 5.435 inclusive, of the Washoe County Code, membership nominations may be made by homeowners associations and other neighborhood-based organizations; and be it further

RESOLVED, That the initial terms of office shall officially begin from the date the Board of County Commissioners appoint the members, but shall thereafter run from July 1 through June 30 of the appropriate years with new members being appointed to staggered terms pursuant to Washoe County Code Section 5.429(4); and be it further

RESOLVED, That the Central Citizen Advisory Board shall be established on August 22, 2006.

RESOLUTION

WHEREAS, The Southeast Truckee Meadows Citizens Advisory Board was formed by the Board of County Commissioners on August 12, 1997 to represent the citizens of the southern suburban area of Washoe County;

WHEREAS, The Board of County Commissioners created the District 3 Citizen Advisory Board on August 22, 2006 and portions of the Southeast Truckee Meadows Citizen Advisory Board's current geographic area of responsibility are now within the geographic area of responsibility for the District 3 Citizen Advisory Board; now, therefore, be it

RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA, That the Southeast Truckee Meadows Citizen Advisory Board's geographic area of responsibility be modified to exclude the areas within Commission District 3, as more specifically defined on *Map 1- Overall CAB Area of Responsibility*, which was placed on file with the Clerk; and be it further

RESOLVED, That the existing geographic membership category of the Southeast Truckee Meadows Citizen Advisory Board, that is Virginia Foothills, be defined as shown on *Map 2- Areas of Responsibility for Selected CAB Positions*, which was placed on file with the Clerk: and be it further

RESOLVED, that this amendment to the geographic area of responsibility of the Southeast Truckee Meadows Citizen Advisory Board become effective the date this Resolution is adopted.

RESOLUTION

WHEREAS, The Southwest Truckee Meadows Citizen Advisory Board was formed by the Board of County Commissioners on September 14, 1982 to represent the citizens of the Southwest Truckee Meadows area of Washoe County; and

WHEREAS, the current geographic area of responsibility for the Southwest Truckee Meadows Citizens Advisory Board was established by resolution of the Board of County Commissioners on March 22, 1994; and

WHEREAS, The Board of County Commissioners modified the geographic area of representation for the West Truckee Meadows Citizen Advisory Board on August 22, 2006 to exclude portions of Commissioner District 2 area within that Citizens Advisory Board's current geographic area of responsibility; now, therefore, be it

RESOLVED BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA, That the Southwest Truckee Meadows Citizen Advisory Board's geographic area of responsibility be modified to include the new areas of Commission District 2, as more specifically defined on *Map 1 - Overall CAB Area of Responsibility*, which was placed on file with the Clerk; and be it further

RESOLVED, That the existing geographic membership categories of the Southwest Truckee Meadows Citizen Advisory Board be defined as shown on *Map 2 - Areas of Responsibility for Selected CAB Positions*, which was placed on file with the Clerk: and be it further

RESOLVED, that this amendment to the geographic area of responsibility of the Southwest Truckee Meadows Citizen Advisory Board become effective the date this Resolution is adopted.

RESOLUTION

WHEREAS, The West Truckee Meadows Citizen Advisory Board was formed by the Board of County Commissioners on May 22, 1990 to represent the citizens of the western area of the Truckee Meadows; and

WHEREAS, the current geographic area of responsibility for the West Truckee Meadows Citizens Advisory Board was established by resolution of the Board of County Commissioners on March 22, 1994; and

WHEREAS, The Board of County Commissioners created the District 3 Citizen Advisory Board on August 22, 2006 and portions of the West Truckee Meadows Citizens Advisory Board's current geographic area of responsibility are now within the geographic area of responsibility for the District 3 Citizen Advisory Board; and

WHEREAS, The Board of County Commissioners desires that the area of Commission District 2 within the current geographic area of responsibility for the West Truckee Meadows Citizen Advisory Board be transferred to the Southwest Truckee Meadows Citizen Advisory Board's geographic area of representation; now, therefore, be it

RESOLVED, BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA, That the West Truckee Meadows Citizen Advisory Board's geographic area of responsibility be modified to exclude the areas within Commission District 2 and Commission District 3, as more specifically defined on *Map 1 - Overall CAB Area of Responsibility*, which was placed on file with the Clerk; and be it further

RESOLVED, That the existing geographic membership categories of the West Truckee Meadows Citizen Advisory Board that is East of McCarran Boulevard and West of McCarran Boulevard be defined as shown on *Map 2 - Areas of Responsibility for Selected CAB Positions*, which was placed on file with the Clerk: and be it further

RESOLVED, that this amendment to the geographic area of responsibility of the West Truckee Meadows Citizen Advisory Board become effective the date this Resolution is adopted.

**06-951 CITIZEN ADVISORY BOARDS – GEOGRAPHIC AREA
REPRESENTATION AND/OR MEMBERSHIP – COMMUNITY
DEVELOPMENT**

In response to the call for public comments, Steve Cohen agreed the borders of the Citizen Advisory Boards (CAB's) needed to be changed. He said, in his experience, the people that came to his CAB were County residents. He stated he was aware both incorporated and unincorporated residents were represented, but County residents viewed their area differently than those from the city. He felt the people moving here from the city did not appreciate the rural lifestyle that most unincorporated people have. He urged the Commission to keep the neighborhoods together if any changes were made to the CAB's.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the discussion and direction to

staff concerning possible changes or modifications to geographic area representation and/or membership on one or all of the County's fifteen CAB's be continued to the second meeting in September.

**06-952 ABATEMENT PROCEEDINGS – REMOVE UNLAWFUL
ADVERTISING FACE ADDED TO (CONTESTED) NON-
CONFORMING SIGN – APN 050-170-04 – COMMUNITY
DEVELOPMENT**

Bob Webb, Planning Manager, stated there were two sets of notification done. The Code Enforcement Officer assigned to the case, Mike Kennedy, sent out notices of violation pursuant to the Development Code to the property owners (Howard and Elva Yarborough), the sign company (Sierra Displays, Inc.), and to the attorney of record (Kenneth J. McKenna, Esq.). He said they also received a copy of the staff report on the day it was approved through agenda review. He said Mr. McKenna has claimed it was a political sign, and he asked that be considered. Mr. Webb stated the response to the attorney indicated it was the framework added to the sign that was at issue today. He said no response was received from the attorney of record.

Chairman Larkin asked if it was specifically indicated to the parties that this issue would come before the Board tonight. Mr. Webb reiterated they received a copy of the staff report. Chairman Larkin asked if anyone in the Manager's Office had been contacted. Katy Singlaub, County Manager, replied she had not been advised of any contact, but could not confirm there was none.

Commissioner Humke said he had visited site, and he discussed the sign. He said the argument that the southbound face was a political sign was without merit and it had to come down.

Chairman Larkin asked if there was anything to the claim it was a political sign. Paul Lipparelli, Legal Counsel, stated the content of the sign had no bearing on whether it was a conforming or nonconforming sign in the provisions of Washoe County Code. He said the Board's last action on this was to direct staff not to proceed with any action on the sign until the Nevada Supreme Court appeal was resolved. He said staff was asking for direction on removing the new face on the sign, which was staff's effort to follow previous Board direction to the letter.

In response to Chairman Larkin, Mr. Webb said staff was only proposing taking the additional face off and returning it to the condition in which it existed before the Supreme Court. Chairman Larkin said he did not want to get a call from Senator Robert Townsend saying the County was interfering with his political campaign.

Commissioner Galloway said, if someone had an unauthorized sign that took advantage of Senator Townsend, the Senator had the wherewithal to seek compensation. He felt the Senator, being a person of principal, would not want to

interfere with what needed to be done. Commissioner Sferrazza pointed out this had nothing to do with Senator Townsend; it was just his face on the sign.

Chairman Larkin asked for the record to reflect the sign owner and the attorney of record were notified of this agenda item and there was no one in the audience to respond.

Upon recommendation of Mr. Webb, through Adrian Freund, Community Development Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Community Development code enforcement staff and the District Attorney initiate any necessary legal abatement proceedings, pursuant to Washoe County Code, Section 110.502.60, to remove the unlawful advertising face added to the contested nonconforming off-premise sign frame located on APN 050-170-04, situated south of U.S. Highway 395 in the vicinity of Washoe Hill, if the advertising face was not voluntarily removed by August 31, 2006.

REPORTS/UPDATES FROM COUNTY COMMISSION MEMBERS

Commissioner Humke stated he had attended a Regional Transportation Commission (RTC) meeting last week and would attend the Heath Board meeting this week.

Chairman Larkin stated he had attended a RTC meeting and a Truckee Meadows Flood Control Project meeting last week. He said he met the new Army Corps of Engineers assistant to the project who was located in Sacramento.

Commissioner Galloway stated the recent Lake Tahoe forum was the best he had ever seen in terms of being able to report measurable progress with there being no further degradation in the clarity of Lake Tahoe. He stated there would be a Tahoe Regional Planning Agency meeting tomorrow in South Lake Tahoe. He said the hot topic would be thinning out excess fuels so there would not be a catastrophic fire, and he discussed how bio-fuel plants tied in. He stated Senator John Ensign's backing of the White Pine bill was a breakthrough proposal that would allow Southern Nevada money to be used outside of the Tahoe Basin to reduce wildland fire danger due to excess fuels. He commended Senator Ensign and the whole delegation for supporting it.

Commissioner Sferrazza stated he had attended the National Association of Counties (NACo) meeting in Chicago, and he had a disk containing every discussion and resolution. He discussed the elections for Chair and Vice Chair. He said the new Chair had an initiative she was proposing that suggested the counties get involved in the elections to try and ensure the presidential candidates considered the positions of the counties. He hoped Nevada counties would have greater input into the process at the national level because of the earlier caucus.

Commissioner Sferrazza said he attended the dedication of the Swan Lake Boardwalk and felt it was a good thing for the County.

Commissioner Weber said she attended a very long NACO meeting last Friday where legislative and other issues were discussed.

Katy Singlaub, County Manager, stated Aaron Kenneston, Emergency Management Administrator, was recognized by the International Association of Emergency Managers as being among the group of professionals designated certified Emergency Managers. She said there were only a couple hundred certified in the United States, and he was one of the first in the region.

**06-953 ANNEXATION SETTLEMENT AGREEMENT – INFILL
INCENTIVE PROPOSALS – MANAGER**

Katy Singlaub, County Manager, stated this item involved the Annexation Settlement Agreement element that provided for the County to fund the excess acreage the County received in the agreement over and above what would be called for by the population densities adopted in the agreement. She said the discrepancy could be addressed by transferring properties the County owned to the City of Reno for sale or by infill development for housing or other projects. She discussed the properties as outlined on Page 2 of the staff report. She said staff also recommended the County absorb the maintenance costs of the 58 City of Reno parking spaces that were part of the function of the Mills B. Lane Justice Center agreement. Tom Gadd, Public Works Director, said their value was estimated to be between \$10,000-\$15,000 a year.

Ms. Singlaub discussed the parcel that had been identified for the City of Sparks. She said, longer term, staff was working on policies that would help the County increase densities for affordable housing programs within the County. She stated the Regional Plan update was addressing those increased densities and permitting them in the County. She indicated the County should support the goals and policies of the Regional Plan update to make sure there were infill type projects done within the County.

In response to Chairman Larkin, Ms. Singlaub said the County was trying to contribute assets that had value to the cities without having to come up with cash the County did not have. Chairman Larkin said this had to add up towards the total acreage. Ms. Singlaub said she recalled the discussion was that the Cities recognized there would not be an acre-per-acre remuneration, and the County was given the blessing through the settlement agreement to not meet the acreage targets. Chairman Larkin said that was correct, but there had to be some kind of parity with the acreage versus the money reached eventually. Ms. Singlaub indicated a lot of that would be taken care of by annexations. She stated, as the build-out and voluntary and other annexations occur, the public lands bill might address some of that. She said staff believed that the excess land, approximately 8,000 acres, would be significantly reduced within three to five years.

Chairman Larkin said talks should be started regarding when parity would be reached. He commented on the idea of using the bonding capability the County just donated to the State as a resource. Ms. Singlaub replied the County had been committed to that for years and was willing to transfer it to other entities where it was sometimes easier to find land that was developable for affordable housing.

Commissioner Galloway believed a formula was proposed, but not agreed to. He asked if there was wording in the agreement or was it a side discussion. Ms. Singlaub said staff would have to get back to the Commissioners with that information. She said she had personally committed that the County would explore some sort of infill incentive. Commissioner Galloway felt it was on a best effort basis because of the knowledge it could not be formalized. He said it was a twenty-year or more plan, and it could take the full twenty years to reduce the gap. He stated this extra condition was thrown in at the last minute when it looked like the County would accept the agreement.

Ms. Singlaub stated she met today with the City of Reno staff to work on a way the Pioneer Inn site might be incorporated into a broader downtown project. She said that was certainly up for discussion if there was a way the County's and the Court's requirements could be made whole and the Pioneer site could be included in some sort of City redevelopment project. She indicated that idea was of great interest to the City and it could certainly be a part of an infill incentive agreement.

Commissioner Weber believed there were infill discussions during the negotiations, and she also saw this as being something that was ongoing. She felt it required thinking outside the box to come up with ideas that would meet that obligation.

Ms. Singlaub said she believed the direction from the Regional Planning Governing Board (RPGGB) was to report back with progress. She said staff would like to get any suggestions the Commissioners had so they could be researched and the short-term and long-term implications could be looked at. She asked if these items were at least a starting point for a proposal, which could be reported back to Regional Planning as a status report.

Commissioner Sferrazza discussed why he had a problem supporting the North Hills and the Spokane properties, and he suggested working cooperatively on the Pioneer site.

Commissioner Galloway indicated he felt the report would be more of a work in progress report, and he was hesitant to have it even imply commitments on the Pioneer site, which was purchased to give the courts room to grow. He indicated he did not want to give up any space that would allow for that growth because it would mean moving the courts out of downtown, and the courts were kept downtown to help the City. He said he would be willing to get something on the site that would help the downtown economy.

Ms. Singlaub reassured the Board that none of the discussions with the City about the Pioneer site involved giving away the County's rights to the property needed to fulfill its obligations to the courts and court related facilities.

Ms. Singlaub said the County was supposed to report to the RPGB by its September meeting, and she doubted there would be an alternative proposal before then. She indicated the report, as a work in progress, would be that this discussion with the Board did not provide specific direction for a proposal and that staff would continue to bring this forward to the Board.

Chairman Larkin said he favored conveying the property on D Street to the City of Sparks. Ms. Singlaub said she would pursue that discussion with the City of Sparks. She expressed she was not hopeful there would be a quick resolution of these issues because there were a lot of philosophies and agendas that were in play around this particular agreement element. Chairman Larkin commented part of the County's job was to assist the Cities in their infill projects, which was part of the settlement agreement.

* * * * *

11:12 p.m. There being no further business to come before the Board, the meeting adjourned.

ROBERT M. LARKIN, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Lori Rowe and Jan Frazzetta
Deputy County Clerks*