

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

TUESDAY

2:00 P.M.

APRIL 10, 2007

PRESENT:

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

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

ABSENT:

**Bonnie Weber, Vice Chairman**

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 County Manager Katy Singlaub read the following disclaimer:

The Chairman and Board of County Commissioners intend that their proceedings should demonstrate the highest levels of decorum, civic responsibility, efficiency and mutual respect between citizens and their government. The Board respects the right of citizens to present differing opinions and views, even criticism, but our democracy cannot function effectively in an environment of personal attacks, slander, threats of violence and willful disruption. To that end, the Nevada Open Meeting Law provides the authority for the Chair of a public body to maintain the decorum and to declare a recess if needed to remove any person who is disrupting the meeting, and notice is hereby provided of the intent of this body to preserve the decorum and remove anyone who disrupts the proceedings.

The Board conducted the following business:

**07-381      AGENDA**

County Manager Katy Singlaub informed the Commissioners that agenda item 7B, regarding the membership of alternates on citizen advisory boards, had been removed and would come back on the agenda for the April 17, 2007 meeting. She requested that items 7G(1) and 7G(2), concerning a Regional Archery Facility, be taken out of the consent agenda to allow for more detailed comment and discussion.

Commissioner Galloway reminded the public that the Board did not hear legislative items before 4:00 p.m.

In response to the call for public comment, Sam Dehne recommended increasing public comment time from two to three minutes.

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered that the agenda for the April 10, 2007 meeting be approved with amendments to remove item 7B and move items 7G(1) and 7G(2) out of the consent agenda.

**07-382            RESOLUTION OF RECOGNITION AND APPRECIATION –**  
**VERNON MCCARTY**

County Manager Katy Singlaub read and presented the Resolution of Recognition and Appreciation to Vern McCarty.

Mr. McCarty commented that he had always been a man of few words and thanked the Commissioners for the opportunity to serve.

The Commissioners congratulated Mr. McCarty on his retirement and posed for a group photograph. The audience acknowledged Mr. McCarty with a standing ovation.

There was no response to the call for public comment.

On introduction and motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Weber absent, it was ordered that the following Resolution be adopted:

**RESOLUTION OF RECOGNITION AND APPRECIATION**

**WHEREAS**, Vernon McCarty has served as County Coroner for 27 years;  
and

**WHEREAS**, Through his leadership in the profession, he continues to be recognized in the field; and

**WHEREAS**, His commitment and dedication have made him trusted and respected throughout the community and nationally; and

**WHEREAS**, Vernon McCarty, through dedication and support of staff, has developed a professional team; and

**WHEREAS**, Through his dedication and leadership, he has provided instruction to police, fire and other emergency agencies; and

**WHEREAS**, Vernon McCarty was one of the first individuals in the United States to become a diplomat and board certified fellow of the American Board of Medicolegal Death Investigators; and

**WHEREAS**, He has provided leadership and expertise in responding to emergency situations in support of the Community and nation; and

**WHEREAS**, Vernon McCarty is a subject matter expert and valuable member of the Regional Crisis Action Team; and

**WHEREAS**, He has continuously demonstrated dedication, professionalism and leadership assisting with national issues; now, therefore, be it

**RESOLVED**, That the Board of Washoe County Commissioners extends its sincere appreciation to Vernon McCarty for his admirable leadership and dedication and that the Board wishes Vern every success and satisfaction in his future endeavors, both personal and professional.

#### **PUBLIC COMMENT**

Robert Cameron noted his attendance at a State Legislative committee meeting regarding the bill to create a regional water authority, where he observed an attempt by Senator Amodei to embarrass Commissioner Galloway and by Senator Schneider to demean the testimony of Steve Bradhurst. Mr. Cameron advised the County to get the best consultant it could on the issue.

Sam Dehne agreed with Mr. Cameron that northern Nevada gets little respect from southern Nevada. He suggested that northern Nevada government might not be worthy of respect.

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

On behalf of Commissioner Weber, Chairman Larkin requested a future agenda item to discuss code enforcement officers and best practices.

Commissioner Galloway observed that he had not felt demeaned by Senator Amodei. He hoped everyone could remain focused on the issues, which were most important, and not on whether someone made an intemperate remark.

Commissioner Galloway announced several upcoming meetings. The Nevada Tahoe Regional Planning Agency (TRPA) would be discussing a revitalization project at the Cal Neva, the TRPA would review place-based (land use) planning with the County's Advisory Planning Commission, and the Regional Planning Governing Board would consider service area inclusion for building projects on the Storey County border and on Peavine Mountain. Commissioner Galloway also announced a ribbon cutting ceremony at the County's newly renovated building in Incline Village.

Commissioner Sferrazza indicated that he would hold a District 3 Town Hall meeting at the Senior Citizens Center on April 18, 2007, which would be followed by a meeting of the Central Citizen Advisory Board.

**07-383            INTERIM REPORT – WASHOE COUNTY GOVERNMENTAL FUNDS – FINANCE**

On recommendation by Trish Gonzalez, Comptroller, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Weber absent, it was ordered that the unaudited Interim Financial Report for Washoe County Governmental Funds for the eight months ended February 28, 2007 be accepted.

**07-384            WATER RIGHTS DEED – TRUCKEE MEADOWS WATER AUTHORITY (TMWA) – WATER RESOURCES**

On recommendation by Vahid Behmaram, Water Rights Manager, and Paul Orphan, Engineering Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Weber absent, it was ordered that the granting of the Water Rights Deed by Washoe County to the Truckee Meadows Water Authority be approved and the Chairman be authorized to execute the same.

**07-385            GRANT – NEVADA DIVISION OF EMERGENCY MANAGEMENT – 2005 EMERGENCY MANAGEMENT PERFORMANCE GRANT – EMERGENCY MANAGEMENT**

On recommendation by Cathy Ludwig, Grants Coordinator, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Weber absent, it was ordered that the 2005 Emergency Management Performance Grant (EMPG) be accepted from the State of Nevada, Division of Emergency Management in the amount of \$65,000, requiring a 50 percent match in the amount of \$32,500 to be shared by Washoe County and regional partners. It was further ordered that the Chairman be authorized to execute the Regional Emergency Operations Plan Agreement and the Finance Department be directed to make the following fiscal year 2007-08 budget adjustments:

<b>Account</b>	<b>Description</b>	<b>Amount</b>
<b>Increase Revenue</b>		
TBD – 431100	Federal Grant Revenue	\$ 32,500
TBD – 431100	Federal Grant Revenue	32,500
<b>Increase Expenditure</b>		
TBD – 710100	Professional Services	\$ 32,500
TBD – 710100	Professional Services	32,500

**07-386            AWARD OF BID – JANITORIAL SERVICES FOR REGIONAL ANIMAL SERVICES – BID NO. 2570-07 – PURCHASING**

This was the time to consider award of the bid for janitorial services for the Regional Animal Services Center. Bids were received from Best Janitorial Services, Inc. and Qual-Econ U.S.A., Inc.

Upon recommendation of Darlene Penny, Buyer, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Weber absent, it was ordered that Bid No. 2570-07 for janitorial services for the Regional Animal Services Center be awarded to Best Janitorial Services, Inc., the lowest responsive and responsible bidder, in the amount of \$5,133 monthly, bringing the estimated annual value of the contract to \$61,596. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute a two-year agreement with one single-year renewal option.

**07-387            INTERLOCAL AGREEMENT – DAMONTE RANCH HIGH SCHOOL – WORK PROGRAM – JUVENILE SERVICES**

On recommendation by Michael Wright, Program Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Weber absent, it was ordered that the Interlocal Agreement between Washoe County Juvenile Services and the Washoe County School District, Damonte Ranch High School, to commence a relationship in which Damonte Ranch High School reimburses Juvenile Services for the cost of providing supervision for juveniles on the Work Program, be approved and the Chairman be authorized to execute the same.

**07-388            INTERLOCAL AGREEMENT – NEVADA DEPARTMENT OF TRANSPORTATION – WORK PROGRAM – JUVENILE SERVICES**

On recommendation by Michael Wright, Program Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Weber absent, it was ordered that the Interlocal Agreement between Washoe County Juvenile Services and the Nevada Department of Transportation (NDOT), to commence a relationship in which the NDOT reimburses Juvenile Services for the cost of providing supervision for juveniles on the Work Program, be approved and the Chairman be authorized to execute the same.

**07-389            INTERLOCAL AGREEMENT – RENO-SPARKS LIVESTOCK EVENTS CENTER – WORK PROGRAM – JUVENILE SERVICES**

On recommendation by Michael Wright, Program Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Weber absent, it was ordered that the Interlocal Agreement between Washoe County Juvenile Services and the Reno-Sparks Livestock Events

Center, to commence a relationship in which the Reno-Sparks Livestock Events Center reimburses Juvenile Services for the cost of providing supervision for juveniles on the Work Program, be approved and the Chairman be authorized to execute the same.

**07-390            INTERLOCAL AGREEMENT – TRUCKEE MEADOWS WATER  
AUTHORITY (TMWA) – WORK PROGRAM – JUVENILE  
SERVICES**

Commissioner Galloway expressed concern about the possible liability or risk associated with having youthful offenders in the Work Program working at a water treatment plant. Robin Serna, Senior Field Work Supervisor, explained that the juveniles had various offenses, most of them minor. He stated that only a very small number were actually coming out of a juvenile detainee facility, perhaps one or two out of 100 participants in a given weekend; most were dropped off and picked up by their parents. Mr. Serna emphasized that the juveniles were kept under close supervision at all sites where work was performed. He described the work performed as basic landscaping and indicated the juveniles were present in and around some secured TMWA facilities. Mr. Serna pointed out that Juvenile Services had been working with juveniles in the same capacity at the Water Treatment Plant for a number of years with no problems.

Commissioner Galloway asked County Manager Katy Singlaub if she concurred that it was sufficiently safe for juvenile offenders to work at the Water Treatment Plant. Ms. Singlaub stated her belief that there was no danger to the public or to the facility. She emphasized that the juveniles were closely supervised and usually were not detainees. Ms. Singlaub pointed out that the Board could ask for restrictions on the program.

Commissioner Galloway suggested the request be approved on the condition that no detainees were to participate in the Work Program at the Water Treatment Plant.

In response to the call for public comment, Sam Dehne agreed with Commissioner Galloway's comments and appreciated the staff's explanation.

On recommendation by Michael Wright, Program Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Weber absent, it was ordered that the Interlocal Agreement between Washoe County Juvenile Services and the Truckee Meadows Water Authority (TMWA), Water Treatment Plant at Glendale, to continue the relationship in which TMWA reimburses Juvenile Services for the cost of providing supervision for juveniles on the Work Program, be approved and the Chairman be authorized to execute the same. It was further ordered that there were to be no detainees allowed to participate in the Work Program at the Water Treatment Plant.

**07-391**            **INTERLOCAL AGREEMENT – UNIVERSITY OF NEVADA,  
RENO, INTERCOLLEGIATE ATHLETICS DEPARTMENT –  
WORK PROGRAM – JUVENILE SERVICES**

On recommendation by Michael Wright, Program Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Weber absent, it was ordered that the Interlocal Agreement between Washoe County Juvenile Services and the University of Nevada, Reno (UNR), Intercollegiate Athletics Department, to continue the relationship in which UNR reimburses Juvenile Services for the cost of providing supervision for juveniles on the Work Program, be approved and the Chairman be authorized to execute the same.

**07-392**            **INTERLOCAL AGREEMENT – UNIVERSITY OF NEVADA,  
RENO, DEPARTMENT OF BIOLOGY – WORK PROGRAM –  
JUVENILE SERVICES**

On recommendation by Michael Wright, Program Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Weber absent, it was ordered that the Interlocal Agreement between Washoe County Juvenile Services and the University of Nevada, Reno (UNR), Department of Biology, to commence a relationship in which UNR reimburses Juvenile Services for the cost of providing supervision for juveniles on the Work Program, be approved and the Chairman be authorized to execute the same.

**07-393**            **INTERLOCAL AGREEMENT – UNIVERSITY OF NEVADA,  
RENO, DEPARTMENT OF AGRICULTURE – WORK PROGRAM  
– JUVENILE SERVICES**

On recommendation by Michael Wright, Program Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Weber absent, it was ordered that the Interlocal Agreement between Washoe County Juvenile Services and the University of Nevada, Reno (UNR), Department of Agriculture, to continue the relationship in which UNR reimburses Juvenile Services for the cost of providing supervision for juveniles on the Work Program, be approved and the Chairman be authorized to execute the same.

**07-394**            **GRANT – DIVISION FOR AGING SERVICES – NEVADA AGING  
AND DISABILITY RESOURCE CENTER – SENIOR SERVICES**

On recommendation by Marietta Bobba, Director of Senior Services, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Weber absent, it was ordered that a grant award from the Division for Aging Services for the Nevada Aging and Disability Resource Center program in the amount of \$39,824 be accepted retroactively for the period of October 1, 2006 through September 30, 2007 and the Finance Department be directed to make the following budget adjustments:

<b>Account</b>	<b>Description</b>	<b>Amount of Increase/(Decrease)</b>
10579-431100	ADRC – Federal Revenue	\$ 39,824
10579-701110	ADRC – Base Salaries	37,278
10579-710512	ADRC – Auto Expense	146
10579-710300	ADRC – Operating Supplies	800
10579-711210	ADRC – Travel	1,600

**07-395      EXPENDITURE – VOLUNTEER APPRECIATION BREAKFAST – SENIOR SERVICES**

On recommendation by Marietta Bobba, Director of Senior Services, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Weber absent, it was ordered that a Volunteer Appreciation Breakfast to be held April 20, 2007 for all volunteers at Washoe County Senior Services at an approximate cost of \$583 be approved. The expenditure was already included in the Department’s fiscal year 2006-07 budget.

**07-396      SHERIFF’S SECURITY AGREEMENT – NEVADA STATE CONTRACTORS BOARD – SHERIFF**

On recommendation by Lou Gazes, Sergeant, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Weber absent, it was ordered that the Sheriff’s Security Agreement between the Washoe County Sheriff’s office and the Nevada State Contractors Board, to provide uniformed deputy sheriffs for security, be approved and the Chairman be authorized to execute the same. Estimated security costs will be \$3,415 with no fiscal impact to the County.

**07-397      ACCEPT DONATIONS – HONORARY DEPUTY’S ASSOCIATION/DENNIS AND JANICE BARILE – COMMUNITY EMERGENCY RESPONSE TEAM – SHERIFF**

Commissioner Galloway expressed gratitude on behalf of all the Commissioners to the Washoe County Sheriff’s Office Honorary Deputy’s Association for their donation in support of the Truckee Meadows Citizen’s Police Academy. He thanked Dennis and Janice Barile for their donation to the Community Emergency Response Team Program in memory of Dale Davis.

On recommendation by Craig Callahan, Chief Deputy, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Weber absent, it was ordered that donations from the Washoe County Sheriff’s Office Honorary Deputy’s Association in the amount of \$1,000 for support of the Truckee Meadows Citizen’s Police Academy and from Dennis and Janice Barile in memory of Dale Davis in the amount of \$20 for the Community Emergency

Response Team Program be accepted and the Finance Department be authorized to make the following budget adjustments:

Account	Description	Amount
<b>Increase Revenue</b>		
20236-484000	CERT - Donations	\$ 1,020
<b>Increase Expenditure</b>		
20236-710300	CERT – Operating Supplies	20
20236-710872	CERT – Food Purchases	1,000

**07-398      ACCEPT DONATION – RICK WILLARD – HANDGUN – SHERIFF**

On behalf of all of the Commissioners, Commissioner Galloway expressed gratitude to Rick Willard, a member of the Washoe County Honorary Deputy Sheriff’s Association, for his donation of a handgun to the Sheriff’s office.

On recommendation by John Cryer, Executive Assistant to the Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Weber absent, it was ordered that the donation of one Smith and Wesson, Model 340TD, 0.357-caliber handgun, serial number CJZ7822, with a value of \$940, be accepted from Rick Willard, a member of the Washoe County Honorary Deputy Sheriff’s Association.

**07-399      AGREEMENT – INDEPENDENT CONTRACTOR SERVICES – SHERIFF**

On recommendation by Todd Vinger, Chief Deputy, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Weber absent, it was ordered that the Independent Contractor Agreement for Services between Michael Rutledge and the Washoe County Sheriff’s office be approved in the amount of \$60,000 and the Chairman be authorized to execute the same. It was further ordered that the Finance Department be directed to make the necessary budget adjustments.

**07-400      LEASE – BUREAU OF LAND MANAGEMENT – REGIONAL ARCHERY FACILITY – PARKS**

Al Rogers, Assistant Director of Regional Parks and Open Space, explained that the proposal before the Board was to execute a Recreation or Public Purposes Lease with the Bureau of Land Management (BLM) for 110 acres in the Lemmon Valley area. He explained that the Silver Arrow Bowmen group had already been leasing approximately 7.5 acres for over 20 years to operate their archery range and requested that the County expand the lease of the property to include 110 acres for full use as a Regional Archery Facility. Mr. Rogers noted that the County looked at the Regional Shooting facility in Palomino Valley as a possible location but found it to be

incompatible to coexist with the archery range. He displayed a map showing the location of the proposed Regional Archery Facility directly north of Lemmon Valley. Mr. Rogers pointed out that the Silver Arrow Bowmen group and the BLM conducted a \$30,000 environmental assessment for the site and the only fiscal impact to the County had been a \$100 application fee.

**3:14 p.m.** Chairman Larkin temporarily left the meeting and Commissioner Humke assumed the gavel.

Commissioner Galloway said that he had heard the presentation about the Archery Facility at a meeting of the Regional Parks and Open Space Commission. Mr. Rogers indicated that the Parks Commission had unanimously approved the project.

In response to the call for public comment, Sam Dehne hoped that the Regional Archery Facility did not require taxpayers to pay any lease money.

Jim O'Kelly, Vice President of the Silver Arrow Bowmen Archery Club, commented that the Archery Club had worked on this project over the last seven years. Their goal was to come up with a pristine park that was friendly to wildlife and required very few changes to the area. Mr. O'Kelly described plans, in concert with the Nevada Division of Wildlife, to have some type of classroom or educational area to conduct programs for youth groups, hunter safety, field archery and safety training.

**3:15 p.m.** Chairman Larkin returned to the meeting.

On recommendation of Jennifer Budge, Park Planner, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered that the Recreation or Public Purposes Lease with the U.S. Department of the Interior, Bureau of Land Management, for 110 acres in Lemmon Valley to be used as a Regional Archery Facility, be approved and the Chairman be authorized to execute the same.

**07-401      SUBLEASE AGREEMENT – SILVER ARROW BOWMEN  
ARCHERY CLUB – REGIONAL ARCHERY FACILITY – PARKS**

Jennifer Budge, Park Planner, conducted a Power Point presentation and reviewed highlights of the project. She pointed out the growing number of participants in the sport and stated the Archery Facility would help the County to meet regional acreage park needs in Park District 2A. Ms. Budge talked about the desirability of the remote location and natural setting for use by archery enthusiasts. She emphasized the partnership with the Silver Arrow Bowmen, who submitted a five-year development plan for the site to the Bureau of Land Management and would be pursuing grant money to make additional improvements.

Chairman Larkin commented that there had been considerable maintenance costs related to the target frames associated with the last archery range he

had been involved with in Carson City. Ms. Budge stated that Washoe County maintenance costs would be minimal, including basic weekly ranger patrols, assistance with four annual special events, and some general maintenance once or twice per month in the off season. She noted that the Silver Arrow Bowmen would bear the majority of the maintenance costs, including maintenance of any target frames, as well as the costs for any additional improvements.

In response to the call for public comment, Kelly Dean, President of the Silver Arrow Bowmen, pointed out that the Silver Arrow Bowmen had maintained a portion of the area for quite some time and would continue to do so. He stated that the County would put signs up, provide a ranger to do some occasional maintenance, and provide mobile restrooms. Mr. Dean explained that the Silver Arrow Bowmen needed to be in cooperation with the County and the Nevada Division of Wildlife in order to obtain grants to do improvements based on their five-year plan.

Paul Farina, Range Captain with the Silver Arrow Bowmen, made himself available for questions.

Commissioner Humke asked if any citizen would be able to use the range. Al Rogers, Assistant Director of Regional Parks and Open Space, indicated that the land would not be turned over to the Silver Arrow Bowmen and any member of the community could use the facility unless it was reserved for specific events.

On recommendation of Jennifer Budge, Park Planner, on motion by Commissioner Humke, seconded by Chairman Larkin, which motion duly carried with Commissioner Weber absent, it was ordered that the Sublease Agreement with the Silver Arrow Bowmen Archery Club, a local nonprofit 501(c)(3) organization, for operation of the Regional Archery Facility in Lemmon Valley, be approved and the Director of Regional Parks and Open Space be authorized to execute the same.

**07-402            DISCUSSION/DIRECTION – CONCURRENCY MANAGEMENT**  
**STATUS REPORT – COMMUNITY DEVELOPMENT**

Community Development Director Adrian Freund explained that concurrency management, which meant coordinated planning for adequate public services and facilities, was a requirement of the Regional Plan Settlement Agreement of 2005. The Regional Planning Governing Board adopted amendments in July 2006 requiring the development and adoption of concurrency by Washoe County, the City of Reno and the City of Sparks. Mr. Freund stated that significant progress had been made and the jurisdictions were moving forward to implement their programs. He pointed out that the Cities operated on a two-map system while Washoe County operated under a one-map system, presenting some issues with respect to when concurrency management came into place and when full concurrency could be assured.

Mr. Freund indicated there were service level and facility assessments throughout Washoe County's comprehensive planning process, including water, sewer,

flood control, sheriff, fire, regional transportation, parks and schools. He noted the beginning of the process was the Area Plan Update, which included a broad analysis of resources and public service capacity intended to constrain any development opportunities in excess of the available resources. Mr. Freund displayed a chart, which was placed on file with the Clerk and illustrated the County's system of concurrency management. He reviewed the adequate public facilities (APF) determinations required at each stage of the planning process, including the Area Plan Update, Comprehensive Plan Amendment or Specific Plan stage, Tentative Map and Special Use Permit stage, and Final Map/Site Plan stage. Building permits and the collection of impact fees attendant to new development would follow satisfactory APF determinations. Mr. Freund pointed out that the agencies providing services were given opportunities to comment on their individual concerns about service levels. He stated that the additional APF determinations in the process would be codified in Article 702 of the Washoe County Development Code.

Mr. Freund identified the necessity for some continuing development on concurrency with respect to the Federal and State roadway systems, which presented major funding issues and were difficult to manage in terms of capacity and level of service. He referred to the "lumpy infrastructure" of the regional roadway system with its current impact fee system, meaning that the community typically ran behind the level of service targets for a period of time until new lanes were in place, then exceeded the level of service for a period of time until it deteriorated again.

Mr. Freund pointed out the Set of Guiding Principles for Concurrency developed by a stakeholder group that included representatives of public agencies, the development community interests, and citizens. The document was placed on file with the Clerk. He stated that no Board action was required on the Principles. Mr. Freund explained that each of the jurisdictions would have to develop systems, based on the Guiding Principles, that were similar and not in conflict with each other, but they did not have to be identical in nature.

Margaret Powell, Sparks City Planner, gave a brief status report on concurrency management for the City of Sparks. She stated that Sparks was still in the process of negotiating contracts, one for facilities master planning and two for the Sparks Master Plan Update. Ms. Powell placed a document containing her comments on file with the Clerk.

John Hester, Director of Community Development for the City of Reno, placed a 14-page Power Point presentation on file with the Clerk. He highlighted a chart on page 13 of the presentation, which had produced the most discussion on the issue.

Mr. Hester explained that the City of Reno was trying, through population forecasts and land use policies, to place 35 percent of new development within infill areas and 65 percent outside, consistent with the Regional Plan and consistent with market research on the best achievable outcomes. The infill areas were based on Reno's Regional Centers and Transit Oriented Development (TOD) Corridors. He gave

examples of some of the higher density projects that had been approved and built in the City of Reno, as well as the density assumptions for those projects. Mr. Hester mentioned land use policies, including the removal of Development Constraint Areas from the Regional Plan, and the use of planning information by the Regional Transportation Commission and by facility planners for water, wastewater and flood management. He discussed population forecasts used for facility planning, with forecasts through the year 2030 used in the “first phase” for all areas and a 100-year forecast used in the “second phase” to provide a “facility lifecycle” for schools, water lines, sewer lines, and streets.

Mr. Hester displayed the chart on page 13 of his presentation, illustrating the City of Reno’s current thinking on what would be done in their code for different types of services and facilities. He pointed out that water, wastewater, flood management and transportation access would all require full services and facilities before any development could be occupied. Services and facilities for regional transportation, police, fire, parks and recreation, and public works/parks maintenance would be considered based on a proportional contribution, tempered by variable or interim mitigation. For example, a fire or police department affected by new development would have the prerogative to require full service facilities as necessary. Mr. Hester noted that a policy was being considered to send proposed projects to the Nevada Department of Transportation (NDOT) if a traffic study was required by the Reno Municipal Code (100 units or more) and the study showed impact on NDOT facilities. State and Federal Transportation was otherwise considered the primary responsibility of NDOT. Mr. Hester indicated that the Washoe County School District would be responsible for planning school facilities.

Mr. Hester stated that the concurrency management plan would go to the Reno Planning Commission during the month of April and to the Reno City Council in May, followed by the drafting of codes. For facility plans, he indicated that a draft should be ready in June and available for a public hearing in July.

Commissioner Humke asked whether the proportional contributions were informal requests or statutorily authorized fees. Mr. Hester clarified that proportional contribution did not refer to a fee for project approval, but a finding of concurrency was required before projects could be approved. Commissioner Humke wondered if variable mitigation meant that there was a tax rate being collected sufficient to provide those services. Mr. Hester explained that service providers such as the police department could agree to provide a proportional share of services or could decide there was enough development to require a new facility. Commissioner Humke commented that the ability of the School District to plan for future services appeared to be the weakest part of the plan. Mr. Hester remarked that, because the Washoe County School Board had not participated in signing the Settlement Agreement, the Agreement could not require them to do concurrency planning, so it said that the School District should be approached and asked to participate in the process. Mr. Hester related that the School District would do some facility planning but it was up to them to tell the three jurisdictions how their planning would fit into concurrency management. Commissioner Humke and Mr. Hester

agreed that the School District had a lot to contend with and all three entities had invited them to participate.

Commissioner Galloway had heard that a lot of the places converted for downtown infill had been turned into short-term rentals rather than owner-occupied residences. He wondered if that could really be considered infill. Mr. Hester did not have statistics available. Commissioner Galloway asked if the City of Reno should try to find out or perhaps regulate them in some way. He pointed out that the Reno-Sparks Convention and Visitors Authority would like to collect tax on those that were being used for short-term tourist accommodations. Mr. Hester responded that he did not personally know the answer to that question. He stated that, to his knowledge, the City of Reno had not created any condominium-hotels in the downtown area; most of the conversions were condominiums for long-term residents. Mr. Hester agreed that units rented for less than one month would be subject to a room tax. He explained that “functional population”, which calculated the number of hours per day that employees and tourists occupied an area, was really the most important concept for concurrency and facility planning. Commissioner Galloway asked Mr. Hester to check into ordinances and provide information about condominium owners who rented their units out for less than 30 days.

Commissioner Galloway commented that he had been involved in a lot of the negotiations leading to concurrency and the discussion had been centered on government bodies intensifying land use when they changed zoning or master plan designations. He asked Mr. Freund what had changed for the better, especially in terms of resource constraint and facilities before the tentative map approval stage. Mr. Freund pointed out that the County had initiated a new Master Facilities planning process, which would produce a document to go to the Regional Planning Commission for conformance review as indicated in the Settlement Agreement. He indicated that the Master Facilities and Flood Plan document was a massive undertaking and work was currently being done by Eco:Logic for at least two areas to identify how services might or might not be provided within the Truckee Meadows Service Area. He stated that, prior to the Settlement Agreement, the County started its process of Area Plan Updates to actually build resource constraints into the amount of land available for development at that point in time. Commissioner Galloway questioned whether zoning and planning changes were discretionary for each entity, or if they must first pass some defined and objective test. Mr. Freund observed there was a great deal of work in progress. He reiterated Mr. Hester’s comments about a finding of concurrence and the County’s requirement for an APF determination; both essentially a demonstration that an area could be served and resources would be available for any proposed development. Mr. Freund talked about the analysis of theoretical capacities or development potential in the comprehensive plan amendment, which was a new piece in the process. He stated that it would be up to the Planning Commission to endorse those determinations. Commissioner Galloway wondered whether there would be review at the regional level or if it would all be done at the local entity level. Mr. Freund could not answer every part of the question. He stated that the Regional Planning Commission was doing conformance review to see if the Master Facilities Plan conformed to the Regional Plan. He was not certain if there would be further oversight at the regional level. Commissioner Galloway expressed concern

that placing everything at the subdivision level would not be a radical change and would be a dilution of what had been intended for concurrency management. He gave the theoretical example of zoning for 800,000 people when there was only enough water to assure service to 200,000 people.

Chairman Larkin pointed out that the Commission could tweak the process in just about any manner that was consistent with the Settlement Agreement. Mr. Freund stated that the Board would ultimately adopt a plan based on recommendations from the Planning Commission. He highlighted that the Settlement Agreement language talked about a higher-level checkpoint that would not allow more intense zoning or land use until the area was included in all applicable services and facilities plans, as found in conformance with the Regional Plan. Additionally, the Agreement language said that applicable services and facilities would be provided concurrent with the impacts from any additional entitlements for development. Commissioner Galloway stated he was more concerned about the higher-level checkpoint.

Commissioner Galloway suggested that, if the School District did not have the money to build facilities to serve new development, the Regional Planning Commission should require developers to work out the problem with the School District before giving approvals. Mr. Freund believed that the School District wanted to participate but thought their fiscal situation might be slowing their progress somewhat on facilities management.

Mr. Freund indicated that he had laid out his chart with potential checks and balances at different levels to dispel any perception that things happened at any one point in the planning process. He stated it was also an attempt to try to fit concurrency into the County's one-map process, particularly knowing there might not be resources available for the County to change to a different type of system or a two-map system at any point in the near future. Mr. Freund characterized it as a work in progress. He estimated there would be a draft of the main body of the Master Facilities Plan by the end of July, with completion some time around September 2007.

Commissioner Sferrazza asked if Article 702 provided for increases in density at stages other than the subdivision level. Mr. Freund explained that Article 702 was being used as the basis to build the new concurrency code, but it currently applied only to wastewater and had not really been used at planning levels higher than the tentative map stage. He indicated that potential density increases through land use amendments could take place under the current system but would be subject to checks and balances in Article 702 after the Board adopted changes to it, including the addition of services other than wastewater. On further questioning, Mr. Freund confirmed with Commissioner Sferrazza that checks would not just take place at the tentative map or final map stage, but would also be included for master plan amendments and zoning changes.

Commissioner Humke asked whether the analysis for wastewater services was two-tiered, including analysis by the City or County engineering staff and a different

analysis by the District Health Department. Mr. Freund explained that the Health Department was always included in agency review and distribution for comments. He indicated that there were a number of properties using septic tanks or other alternative treatment systems that would be approved by the Health Department. Commissioner Humke inquired if there was a “trump card” or veto power that could be exercised by the Health Department. Mr. Freund responded that the Health Department did have substantial influence on the development approval process. He commented that he had seen a number of projects stopped from developing as planned and sent back to the drawing board because they did not have soil properties or areas suitable for wastewater disposal. He added that the Health Department also had a number of requirements regarding properties required to connect if municipal water or sewer service was available within a given distance.

No action was taken on this item.

**07-403            CONSULTING SERVICES – EPI-USE AMERICA, INC. – SAP SOFTWARE CHANGES – TECHNOLOGY SERVICES**

Commissioner Sferrazza confirmed with Cory Casazza, Chief Information Management Officer, that this sole source justification was for a software program already purchased by the County and there were no other companies that could provide compatible services.

There was no response to the call for public comment.

On recommendation by Laura Schmidt, IT Manager, on motion by Commissioner Sferrazza, seconded by Chairman Larkin, which motion duly carried with Commissioner Weber absent, it was ordered that consulting services by EPI-Use America, Inc., a sole-source vendor, be approved in the amount of \$125,500 for the implementation of SAP Employee Self-Service changes, Org Publisher and SAP Qualifications Catalog. The motion was based on the sole source justification provided in the staff report and the necessity of the employee self-service software.

**07-404            AWARD OF BID – SECURITY GUARD SERVICES – BID NO. 2583-07 – PURCHASING**

This was the time to consider award of the bid for security guard services on behalf of the Facility Management Division of the Public Works Department. Bids were received from:

Sanitors Services, Inc.	Guardsmark, LLC
Wackenhut of Nevada, Inc.	Martin-Ross and Associates
Securitas Security Services USA, Inc.	

Upon recommendation of Michael Sullens, Senior Buyer, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried

with Commissioner Weber absent, it was ordered that Bid No. 2583-07 for security guard services on behalf of the Facility Management Division of the Public Works Department be awarded to Sanitors Services, Inc., 4155 North Rancho Drive, #150, Las Vegas, Nevada 89130, the lowest responsive and responsible bidder, at the contracted rate of \$15.69 per hour straight time and \$23.53 per hour for work performed on County-observed holidays. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute a two-year agreement with Sanitors Services, Inc., for security guard services commencing June 1, 2007 through May 31, 2009, with the County retaining an option to renew the agreement for one additional year. The estimated budget for security guard services in fiscal year 2008 is \$510,400; however, this amount may vary depending on the number of actual hours of service requested.

**07-405**            **EXPENDITURE/INTERLOCAL AGREEMENT – REGIONAL WATER MANAGEMENT FUND/CITY OF SPARKS – FLOOD CONTROL FACILITY PLANNING – WATER RESOURCES**

**4:23 p.m.**        Commissioner Galloway temporarily left the meeting.

There was no response to the call for public comment.

Chairman Larkin pointed out that this was the third component in a continuing process related to concurrency planning and facilities management discussed earlier in the agenda.

Commissioner Humke commented that the expenditure appeared to be a necessary component toward satisfying the Annexation Settlement Agreement.

On recommendation of Water Management Planner Chris Wessel, Water Resources Program Manager Jim Smitherman, and Water Resources Planning Manager Jeanne Ruefer, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioners Weber and Galloway absent, it was ordered that the expenditure of \$464,784 from the Regional Water Management Fund be approved and the Chairman be authorized to execute an Interlocal Agreement with the City of Sparks for Conceptual Level Water, Wastewater and Flood Control Facility Planning for the City of Sparks Truckee Meadows Service Areas and Future service Areas.

**07-406**            **INTERLOCAL CONTRACT – LAKE’S CROSSING CENTER – MENTAL HEALTH EVALUATIONS – DISTRICT COURT**

There was no response to the call for public comment.

On recommendation by Ron Longtin, District Court Administrator and Clerk of the Court, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioners Weber and Galloway absent, it was ordered that an Interlocal Contract be approved between the Washoe County Second

Judicial District Court and Lake's Crossing Center, for professional services to conduct mental health evaluations not to exceed \$194,529 for the period of July 1, 2007 to June 30, 2008 and not to exceed \$210,717 for the period of July 1, 2008 to June 30, 2009, for a total two-year cost of \$405,246. It was further ordered that the Chairman be authorized to execute the same.

**07-407            REAPPOINTMENTS – AIRPORT NOISE ADVISORY PANEL –  
MANAGER**

County Manager Katy Singlaub noted that no new applications were received after the County advertised available positions on the Airport Noise Advisory Panel. She stated that William Vandenberg and Patrick Reardon, the two members currently serving on the Panel, were both willing to serve an additional term.

There was no response to the call for public comment.

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioners Weber and Galloway absent, it was ordered that William Vandenberg and Patrick Reardon be reappointed to serve on the Airport Noise Advisory Panel with terms to expire May 31, 2009.

**07-408            APPOINTMENT – RENO-TAHOE AIRPORT AUTHORITY –  
MANAGER**

Commissioner Sferrazza asked if Larry Martin was available to serve an additional term and County Manager Katy Singlaub responded that he was.

**4:28 p.m.**        Commissioner Galloway returned to the meeting.

Commissioner Galloway commented that he had not had sufficient opportunity to do a thorough evaluation of the ten applicants. He suggested the appointment be delayed and a screening process be considered. Chairman Larkin stated there had been no prior screening process but it was entirely up to the Commissioners if they chose to consider one.

Commissioner Sferrazza indicated he had talked with applicants Larry Martin and Mary Simmons, and received several emails in support of Fred Peterson. He remarked that he would normally support reappointment of the incumbent unless there was a reason not to do that. Commissioner Sferrazza asked that those three individuals be interviewed if a screening process were to take place.

Commissioner Galloway believed there was a choice between reappointing the incumbent, opening up a screening process, or allowing time for each Commissioner to personally evaluate each of the applicants.

Commissioner Humke had examined the applications and found it was a close selection between Fred Peterson, Mary Simmons and Larry Martin. He was not sure that a delay and further screening would be helpful. Commissioner Humke nominated Mary Simmons because she was well known to the Board and the community, and her qualifications were well documented in the arenas of accounting, finance, general business and government relations.

Chairman Larkin seconded the nomination for the same reasons enumerated by Commissioner Humke. Although there was some close contention, Chairman Larkin found on reviewing the applications that Ms. Simmons possessed some substantial credentials.

Commissioner Sferrazza had no problem with Ms. Simmons. He mentioned he had talked with applicant Scott Kelly as well. Commissioner Sferrazza preferred to do interviews, at least with the top candidates, if the Board were to move away from reappointing the incumbent.

Commissioner Galloway stated his preference for personally calling the applicants to ask them questions. He was impressed with the qualifications of Mr. Kelly, Ms. Simmons and Mr. Peterson. Commissioner Galloway did not want to prolong the process and did not believe it was right to automatically support the incumbent when there were a number of highly qualified applicants, so he agreed to support the nomination of Ms. Simmons.

Commissioner Sferrazza also supported the motion nominating Ms. Simmons and pointed out that he had supported her for a previous opening. He expressed some remorse for not reappointing the incumbent, Mr. Martin. Commissioner Sferrazza thanked Mr. Martin for his service to the Reno-Tahoe Airport Authority.

There was no response to the call for public comment.

On motion by Commissioner Humke, seconded by Chairman Larkin, which motion duly carried with Commissioner Weber absent, it was ordered that Mary Simmons be appointed to the Reno-Tahoe Airport Authority Board of Trustees, with a term to expire June 30, 2012.

Commissioner Humke asked that the Commission express sincere thanks to all of the applicants. He emphasized the importance of the job and appreciated that so many citizens were willing to come forward.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, the Board of County Commissioners noted the high level of qualifications among the applicants for the Reno-Tahoe Airport Authority Board of Trustees, expressed thanks to all of the applicants who came forward, and expressed appreciation to Larry Martin for his service to the Reno-Tahoe Airport Authority.

**5:49 p.m.** Chairman Larkin declared a brief recess.

**6:35 p.m.** The Board returned.

**07-409**      **RESOLUTION - WATER FACILITIES REFUNDING REVENUE BONDS - SIERRA PACIFIC POWER COMPANY - FINANCE**

**5:30 p.m.** This was the time set in a Notice of Public Hearing published in the *Reno Gazette Journal* on March 30, 2007 to recommend approval and execute a Resolution approving a Plan of Financing; authorizing the issuance and sale of \$80,000,000 Water Facilities Refunding Revenue Bonds (Sierra Pacific Power Company project) Series 2007A and B to refund bonds previously issued to refinance costs of certain water facilities to Sierra Pacific Power Company; authorizing the execution and delivery of an Indenture of Trust from Washoe County to the Bank of New York, as Trustee, with respect to each series of bonds; authorizing the execution and delivery of a Financing Agreement between Sierra Pacific Power Company and Washoe County providing for the repayment of the loan of the proceeds of each series of bonds; authorizing the execution and delivery of a Bond Purchase Agreement with respect to the bonds between Washoe County and UBS Securities LLC, Goldman, Sachs & Co. and Merrill Lynch, Pierce, Fenner & Smith Incorporated as the underwriters of the bonds; authorizing the acceptance of an Inducement Letter from Sierra Pacific Power Company with respect to the bonds; and related matters--Finance.

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

Katy Singlaub, County Manager, said as requested, a letter was provided by Sierra Pacific Power Company, which was placed on file with the Clerk, attesting that they would reflect any savings from this refinancing in reduced rates during their next discussion with the Public Utilities Commission. She explained these Bonds were financed from Sierra Pacific Power Company revenues and were not a general obligation of Washoe County.

In response to Commissioner Galloway, John Sherman, Finance Director, replied the general rate revenue backed the financing and this would help their overall cost structure.

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

Upon recommendation of Mr. Sherman, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered that:

- the following resolution be adopted;

- the execution and delivery of an Indenture of Trust from Washoe County to the Bank of New York, as trustee, with respect to each series of bonds be authorized;
- the execution and delivery of a Financing Agreement between Sierra Pacific Power Company and Washoe County providing for the repayment of the loan of the proceeds of each series of bonds be authorized;
- the execution and delivery of a Bond Purchase Agreement with respect to the bonds between Washoe County and UBS Securities LLC, Goldman, Sachs & Co. and Merrill Lynch, Pierce, Fenner & Smith Incorporated as the underwriters of the bonds be authorized;
- the acceptance of an Inducement Letter from Sierra Pacific Power Company with respect to the bonds be authorized;
- and related matters, and the Chairman be authorized to execute the same:

#### RESOLUTION

A RESOLUTION APPROVING A PLAN OF FINANCING; AUTHORIZING THE ISSUANCE AND SALE OF \$80,000,000 WATER FACILITIES REFUNDING REVENUE BONDS (SIERRA PACIFIC POWER COMPANY PROJECT) SERIES 2007A AND B TO REFUND BONDS PREVIOUSLY ISSUED TO REFINANCE COSTS OF CERTAIN WATER FACILITIES TO SIERRA PACIFIC POWER COMPANY; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE OF TRUST FROM WASHOE COUNTY TO THE BANK OF NEW YORK, AS TRUSTEE, WITH RESPECT TO EACH SERIES OF BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A FINANCING AGREEMENT BETWEEN SIERRA PACIFIC POWER COMPANY AND WASHOE COUNTY PROVIDING FOR THE REPAYMENT OF THE LOAN OF THE PROCEEDS OF EACH SERIES OF BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT WITH RESPECT TO THE BONDS BETWEEN WASHOE COUNTY AND UBS SECURITIES LLC, GOLDMAN, SACHS & CO. AND MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED AS THE UNDERWRITERS OF THE BONDS; AUTHORIZING THE ACCEPTANCE OF AN INDUCEMENT LETTER FROM SIERRA PACIFIC POWER COMPANY WITH RESPECT TO THE BONDS; AND RELATED MATTERS.

**WHEREAS**, Washoe County, Nevada (the "County") is a political subdivision of the State of Nevada authorized and empowered by the County Economic Development Revenue Bond Law, Sections 244A.669 to 244A.763 of the Nevada Revised Statutes, as amended (the "Act"), to issue revenue bonds to finance one or more projects, including any land, building, structure, facility, system, fixture, improvement, appurtenance, machinery, equipment, or any combination thereof or any interest therein, used by any corporation (including a public utility) in connection with the furnishing of water if available on reasonable demand to members of the general public, and to refund the same; and

**WHEREAS**, the Act provides that such revenue bonds shall be payable solely and only from the revenues derived from a project, including payments under a lease, agreement of sale or financing agreement or under notes, debentures, bonds and other secured or unsecured debt obligations executed and delivered by the obligor pursuant to such lease, agreement of sale or financing agreement; and

**WHEREAS**, the Act provides that such revenue bonds of the County shall be secured by a pledge of the revenues out of which such bonds shall be payable, and if title to or in such project remains in the obligor, such bonds shall also be secured by a pledge of one or more notes, debentures, bonds or other secured or unsecured debt obligations of the obligor; and

**WHEREAS**, the County has heretofore issued its \$80,000,000 aggregate principal amount Water Facilities Refunding Revenue Bonds (Sierra Pacific Power Company Project) Series 2001 (the "Prior Bonds") for the purpose of refunding the County's Water Facilities Revenue Bonds (Sierra Pacific Power Company Project) Series 1990 which were issued for the purpose of financing costs to Sierra Pacific Power Company (the "Company") in connection with the furnishing of water available on reasonable demand to members of the general public within the County; and

**WHEREAS**, the Company has requested the County to issue its refunding revenue bonds in one or more series in the aggregate principal amount of not to exceed \$80,000,000 in order to refund all or part of the Prior Bonds; and

**WHEREAS**, pursuant to notice published in the "Reno Gazette Journal" on March 30, 2007, this Board conducted a public hearing (at the meeting at which this resolution is being adopted and prior to the adoption hereof) on the proposal to issue such refunding revenue bonds for the purposes specified above; and

**WHEREAS**, all who appeared at such public hearing were given an opportunity to express their views for or against such proposal, and this Board has considered all oral and written statements, if any, in favor of the proposal and all oral and written objections, if any, against the proposal, and has determined that it is advisable to proceed with such proposal; and

**WHEREAS**, the County's Water Facilities Refunding Revenue Bonds (Sierra Pacific Power Company Project) Series 2007A (the "Series A Bonds") in the principal amount of \$40,000,000 will be issued under and pursuant to, and are to be secured by, an Indenture of Trust dated as of April 1, 2007 (the "Series A Indenture"), by and between the County and the Bank of New York, as trustee (the "Series A Trustee"); and

**WHEREAS**, the County's Water Facilities Refunding Revenue Bonds (Sierra Pacific Power Company Project) Series 2007B (the "Series B Bonds" and, together with the Series A Bonds, the "Bonds") in the principal amount of \$40,000,000 will be issued under and pursuant to, and are to be secured by, an Indenture of Trust dated as of April 1, 2007 (the "Series B Indenture" and, together with the Series A Indenture, the "Indentures"), by and between the County and the Bank of New York, as trustee (the "Series B Trustee" and, together with the Series A Trustee, the "Trustee"); and

**WHEREAS**, the proceeds of the Series A Bonds will be loaned to the Company for the purpose of refunding a like principal amount of the Prior Bonds pursuant to a Financing Agreement dated as of April 1, 2007 (the "Series A Financing Agreement"), by and between the Company and the County, whereby the Company will covenant and agree (i) to make payments (directly to the Series A Trustee, as the County's Assignee, pursuant to such Financing Agreement) sufficient to provide for the payment of the principal of and interest and premium, if any, on the Series A Bonds, as when the same become due and payable, and (ii) to make such other payments and satisfy such other obligations as may be required by the Act; and

**WHEREAS**, the proceeds of the Series B Bonds will be loaned to the Company for the purpose of refunding a like principal amount of the Prior Bonds pursuant to a Financing Agreement dated as of April 1, 2007 (the "Series B Financing Agreement" and, together with the Series A Financing Agreement, the "Financing Agreements"), by and between the Company and the County, whereby the Company will covenant and agree (i) to make payments (directly to the Series B Trustee, as the County's Assignee, pursuant to such Financing Agreement) sufficient to provide for the payment of the principal of and interest and premium, if any, on the Series B Bonds, as and when the same become due and payable, and (ii) to make such other payments and satisfy such other obligations as may be required by the Act; and

**WHEREAS**, the County proposes to enter into a Tax Exemption Certificate and Agreement (the "Tax Agreement") among the County, the Company and the Trustee in order to implement certain procedures with respect to the tax-exempt status of interest on the Bonds; and

**WHEREAS**, it is proposed that the Bonds will be sold by the County to UBS Securities LLC, Goldman, Sachs & Co. and Merrill Lynch, Pierce, Fenner & Smith Incorporated (the "Underwriters") pursuant to a Bond Purchase Agreement (the "Bond Purchase Agreement") between the County and the Underwriters; and

**WHEREAS**, it is proposed that the Company will deliver to the County and the Underwriters an Inducement Letter (the "Inducement Letter") setting forth certain representations, warranties, and covenants of the Company in connection with the sale and purchase of the Bonds; and

**WHEREAS**, the County has received a five-year operating history from the Company;

**NOW, THEREFORE, Be it Resolved by the Board of County Commissioners of Washoe County, Nevada as follows:**

### **PART I - PLAN OF FINANCING**

**Section 1.1.** That the plan of financing which contemplates the issuance of the Bonds by the County in one or more series in the aggregate principal amount of not to exceed \$80,000,000 to refund a like principal amount of the Prior Bonds, as referred to in the preamble hereof, is hereby approved in principal.

### **PLAN II - THE BONDS**

**Section 2.1.** That, in order to refund a like principal amount of the Prior Bonds previously issued for the purpose of refinancing costs of certain water facilities (the "Project") for the Company, the Bonds be and the same are hereby authorized and ordered to be issued in the aggregate principal amount of \$80,000,000 pursuant to the Indentures in substantially the forms presented to the Board at the time of the adoption of this resolution and containing substantially the terms and provisions set forth therein, and the forms, terms and provisions of the Bonds and the Indentures are hereby approved, and the Chairman of this Board and the County Clerk are hereby authorized and directed to execute, attest, seal and deliver the Indentures, and the Chairman of this Board, the County Clerk, and the County Treasurer are hereby authorized and directed to execute, attest, countersign, seal and deliver the Bonds as provided in the Indentures, including the use of facsimile signatures on the Bonds, if appropriate. The Bonds shall (i) be in such denominations; (ii) bear such date; (iii) mature at such time not later than March 1, 2036; (iv) bear interest at such interest rates fixed or determined from time to time according to a specified standard and procedure, as provided in the Indentures; (v) be in such form; (vi) carry such resignation privileges; (vii) be executed in such manner; (viii) be payable at such place or places within or without the State; (ix) be subject to such terms of redemption; and (x) be subject to such other terms and conditions, all as provided in the Indentures.

**Section 2.2.** That the County lend the proceeds of the Bonds to the Company to refund a like principal amount of the Prior Bonds pursuant to the Financing Agreements in substantially the forms presented to the Board at the time of the adoption of this resolution and containing substantially the terms and provisions (including repayment provisions) set forth therein, and the forms, terms and provisions of the

Financing Agreements are hereby approved, and the Chairman of this Board and the County Clerk are hereby authorized and directed to execute, attest, seal and deliver the Financing Agreements.

**Section 2.3.** That the form, terms and provisions of the Tax Agreement in substantially the form presented to the Board at the time of the adoption of this resolution, and containing substantially the terms and provisions set forth therein, are hereby approved, and the Chairman of the Board is hereby authorized and directed to execute and deliver the Tax Agreement.

**Section 2.4.** That the sale of the bonds to the Underwriters pursuant to the Bond Purchase Agreement, in substantially the form presented to the Board at the time of the adoption of this resolution and containing substantially the terms and provisions set forth therein, is hereby authorized and approved, and the form, terms and provisions of the Bond Purchase are hereby approved, and the Chairman of the Board is hereby authorized and directed to execute and deliver the Bond Purchase Agreement.

**Section 2.5.** That the form, terms and provisions of the Inducement Letter, in substantially the form presented to the Board at the time of the adoption of this resolution and containing substantially the terms and provisions set forth therein, are hereby approved, and the Chairman of this Board is hereby authorized and directed to accept the Inducement Letter on behalf of the County by executing the same and delivering a copy thereof to the Company.

**Section 2.6.** That it is hereby found, determined and declared that the Bonds and interest and premium, if any, thereon shall never constitute the debt or indebtedness of the County within the meaning of any constitutional or statutory provision or limitation and shall not constitute nor give rise to a pecuniary liability of the County or a charge against its general credit or taxing powers, but each series of the Bonds and interest and premium, if any, thereon shall be payable solely and only from the revenues derived from the related Financing Agreement, including payments from the related municipal bond insurance policy described below.

**Section 2.7.** That the County hereby finds and determines that (i) the amount necessary in each year to pay the principal of and interest on each series of the Bonds is set forth in the related Financing Agreement as a formula which will insure that the Company is obligated to pay amounts sufficient to pay the principal of, and interest and premium, if any, on, such Bonds and said formula is hereby found to be sufficient for such purposes; (ii) no reserves are necessary or advisable in connection with the retirement of the Bonds or the maintenance of the Project or for any other purpose; (iii) the Company has sufficient financial resources to meet its obligations under the Financing Agreements; (iv) the Company is not obligated under each Financing Agreement to maintain the Project or to carry proper insurance with respect thereto because it no longer owns the Project, but the County shall have no obligation whatsoever in these regards; and (v) sufficient safeguards are provided by the Financing Agreements and the Indentures to assure that all money provided by the County through

the issuance of the Bonds will be expended solely for the purpose of refunding the Prior Bonds.

**Section 2.8.** That the Series A Bonds shall be insured by a municipal bond insurance policy issued by Ambac Assurance Corporation and the series B Bonds shall be insured by a municipal bond insurance policy issued by Financial Guaranty Insurance Company.

### **PART III - OFFERING OF BONDS**

**Section 3.1.** That the use by the Underwriters of the Official Statement (as defined in the Bond Purchase Agreement) relating to the Bonds be and the same is hereby acknowledged; provided, that the County neither has nor assumes any responsibility as to the accuracy or completeness of any of the information contained in the final Official Statement, except as such information relates to the County.

### **PART IV - GENERAL**

**Section 4.1.** That the Chairman of this Board, the County Treasurer and the County Clerk, or any of them, are hereby authorized and directed to execute, attest, seal and deliver any and all documents, and do any and all things, deemed necessary to effect the issuance and delivery of the Bonds and the execution, delivery and acceptance of the instruments authorized hereby, and to carry out the provisions of such instruments and the intent and purpose of this resolution, including the preamble hereof.

**Section 4.2.** That the provisions of this resolution are hereby declared to be separable and if any section, phrase or provision shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions.

**Section 4.3.** That all resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4.4.** That this resolution shall become effective immediately upon adoption.

**Section 4.5.** At the time of delivery of the Bonds to the Underwriters thereof, the Company shall pay to the County an economic development revenue bond issuance fee of the lesser of 1/10 of 1 percent of the principal amount of the Bonds, or \$50,000 per series of Bonds. In addition, the Company shall be responsible for the fees and expenses of any consultants retained by the County in connection with the issuance of the Bonds and the County's bond counsel.

**APPEAL CASE NO. AX07-006 (IRA RODMAN) - VARIANCE**  
**CASE NO. VA07-004 - COMMUNITY DEVELOPMENT**

**5:30 p.m.** This was the time set to consider the appeal of the Board of Adjustment's denial of Variance Case No. VA07-004 (Ira Rodman) to reduce the front yard setback from 20 feet to 15 feet for a corner lot, in order to facilitate the construction of a new home with attached garage. The project is located at 533 Eagle Drive, in Incline Village at the intersection of Cross Bow Court and Eagle Drive. The ±0.63-acre parcel is designated Medium Density Suburban (MDS) in the Tahoe Area Plan, and is situated in a portion of Section 14, 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 (APN 131-213-01).

The Chairman opened the public hearing by calling on anyone wishing to speak for or against Appeal Case No. AX07-006.

Don Morehouse, Planner, conducted a PowerPoint presentation highlighting the site plan, the outcome of the Board of Adjustment (BOA) hearing on March 1, 2007, and a map of the subject parcel concerning Appeal Case No. AX07-006, which was placed on file with the Clerk.

Wyatt Ogilvy, applicant representative, explained by moving the garage further away the grade of the garage would decrease; however, by moving it further down the slope the applicant would be constrained and would have to redesign due to the Code of Ordinances of the Tahoe Regional Planning Agency (TRPA) height limitations. He said to stay within the height limitations the driveway would downslope into the garage space which would not be an ideal design.

Commissioner Galloway said by reviewing the existing conditions he could not determine the height limitations. Mr. Ogilvy distributed a vicinity map and photos indicating the property with the existing conditions that was placed on file with the Clerk. He said the existing structure had a separate garage connected to the residence by an interlocking eve that covered a walkway. Mr. Ogilvy explained the Board of Commissioners for the existing house had approved a variance in 1983; however, the Code had changed, but the conditions of the site had not. He explained the new plan showed an approved plan set from TRPA and the County that illustrated the existing garage location encroached into the same setback of 15 feet. Mr. Ogilvy said this variance was approved under similar constraints, and he believed that the Development Code acknowledged those constraints through an automatic variance procedure for interior lots. He added the automatic variance procedure did not apply to corner lots because of the line of sight consideration.

Commissioner Galloway said the finding of the BOA was the applicant could not build the garage into the new house. Mr. Ogilvy replied the BOA found no finding for a hardship because there was no response to the explanation regarding an existing structure with a connected garage. Commissioner Galloway stated he did not

find that relevant and said the applicant was trying to find a hardship for building a new house. Mr. Ogilvy said under TRPA's Code a separate structure with a covered walkway would be viewed as a connected structure, and therefore the height would essentially be tied to the low point of grade down beneath the steep slope and conversely at the ridge point of the disconnected garage structure.

Commissioner Galloway said the existing ordinance, with the automatic variance, might be too generous. He asked if the garage was connected in the new plan. Mr. Ogilvy said the proposed structure had a connected garage. Commissioner Galloway said the plan indicated the roof of the garage was even with the roof of the house, so if 20 feet were given the applicant would not have as large a house. Mr. Ogilvy replied the house requirement would be a consideration and a nominal effect on the actual size of the home, but effectually it would change the slope of the driveway.

In response to Commissioner Humke, Mr. Morehouse replied the entire BOA minutes for the March 1, 2007 meeting were in the staff report. Commissioner Humke asked if the applicant or a representative were present at the BOA hearing. Mr. Ogilvy replied the applicant was not present at the BOA meeting.

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

Following discussion concerning the Ordinance, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that Appeal Case No. AX07-006 be denied, and the decision by the BOA be upheld to deny Variance Case No. VA07-004 to reduce the front yard setback from 20 feet to 15 feet, in order to facilitate the construction of a new home with attached garage with the following four findings made by the BOA and one additional finding:

**FINDINGS:**

1. Special Circumstance. There are no special circumstances applicable to the property that would prevent the applicant from building the new home with attached garage; therefore, the strict application of the regulation does not result in exceptional and undue hardships upon the owner of the property;
2. No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
3. No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;

4. Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property; and
5. Reasoned Consideration. That the Board of County Commissioners gave reasoned consideration to the information contained within the staff report and the information received during the meeting.

**07-411            UPDATE - 2007/08 FISCAL YEAR OPERATING BUDGET - FINANCE**

Melanie Purcell, Budget Manager, provided the General Fund FY 2007/08 Budget Update and explained the overall General Fund Status, revenue, expenses, pending issues, and the findings dated April 10, 2007, which were placed on file with the Clerk. Ms. Purcell indicated the Finance Department was recommending zero above-base requests.

In response to Commissioner Galloway, Ms. Purcell replied if funds became available then the \$2.6 million requested for Full-Time Equivalent (FTE) positions could be considered. Commissioner Galloway asked if that would include the three patrol deputies and one patrol sergeant. Ms. Purcell said that was correct, and she said staff would watch the revenue estimate every month, and if there was a change in the trends and the State revised their estimate, then staff may feel comfortable after the first quarter to return to the Board to recommend additional changes.

In response to Commissioner Galloway, John Sherman, Finance Director, replied the Public Safety Levy was an option the Board imposed on the General Property Tax Rate-Making Authority and it was established by policy of the Board on how those funds would be used. He said initially, the policy was generic to Public Safety and Health issues; subsequently it was narrowed to Vector-Control for the West Nile Virus. He said the County had accumulated a certain amount of resources in dedicated funding and suggested using the accumulated balance for certain one-shot capital projects that directly related to Public Safety as articulated in the staff report dated April 2, 2007. Mr. Sherman felt with that funding the base cost increase could be justified.

Commissioner Galloway asked how much money was involved in the excess beyond the one-shot capital projects. Mr. Sherman replied approximately \$326,000. Commissioner Galloway commented that was what was needed for the three patrol deputies.

Commissioner Galloway said the base changed because there may be a capital project not completed, which would be zeroed out. He said upon review of other categories it did not look like everything that could have been zeroed out was. Commissioner Galloway asked if staff had looked at the initial base analysis to see if there were assumptions. Ms. Purcell replied specifically staff reviewed the assumed rate of increase for infrastructure preservation that had historically been an assumption of 5 percent increase in cost. She said that had been reduced to 2 percent recognizing there

was some cost increase in road management. Ms. Purcell said several departments were questioned in terms of areas where their full budget was not being spent and asked them to reconsider. She said based on that they were able to reduce the base in several areas. Commissioner Galloway commended departments for cooperating.

Commissioner Sferrazza said in discussions with the Audit Committee it was noted the County was between \$9 and \$11 million in expenditures over revenues in the current budget. Ms. Purcell stated there was some slow down in spending occurring, but that had not been reflected in the estimates. Commissioner Sferrazza said in reviewing the General Fund estimate the beginning fund balance in FY 2006/07 was \$52 million and the beginning fund balance in 2007/08 was \$32 million. He asked if that meant there was a projection the County would have \$20 million in expenditures over revenues. Mr. Sherman replied that was occurring now to manage the County's spending trend. He said a major slowdown in the revenue stream was the Consolidated Tax, and said staff was reacting to that slowdown by working with departments to slow their spending to the extent the slow down in revenue continued. He said the Board's policy was to target the fund balance between 7 and 9 percent and the tentative budget would be budgeted at 7 percent of total expenditures and transfers. Mr. Sherman said the initial recommendation would be to fund the base and then work with departments and then complete additional analysis of above base requests subject to available funding.

There was no action taken for this item.

**07-412            RESOLUTION - SECOND AMENDMENT TRUCKEE RIVER  
FLOOD MANAGEMENT PROJECT COOPERATIVE  
AGREEMENT - FLOOD PROJECT**

Naomi Duerr, Truckee River Flood Management Project Director, explained the resolution would amend the Truckee River Flood Project Cooperative Agreement. She said the agreement made four changes and explained what those changes were. Ms. Duerr said this agreement would super-cede all previous agreements. She explained Storey County deferred consideration of the agreement until they could review the financial commitment provision. She explained this was being presented to the Cities of Reno and Sparks during their upcoming respective council meetings.

In response to Commissioner Galloway, Ms. Duerr said the modified agreement would be in effect until changed by an agreement of all parties.

In response to Chairman Larkin, Melanie Foster, Legal Counsel, said the County had worked on a separate funding agreement that created the committee and established the ground rules, which was never intended to be the funding mechanism for the remainder of the funds needed for the project. She said staff was working on possible structures, and if Storey County chose to become a voting member, they would be included in those discussions.

Commissioner Humke said it was important to look at Storey County along with the recent dramatic growth in assessed valuation real property and remarked this was right for the entire river.

Upon recommendation of Ms. Duerr, on motion by Commissioner Sferrazza, seconded by Chairman Larkin, which motion duly carried with Commissioner Weber absent, it was ordered that the following resolution be adopted and the Chairman be authorized to execute the same:

**RESOLUTION APPROVING THE SECOND  
AMENDED TRUCKEE RIVER FLOOD CONTROL  
MANAGEMENT PROJECT COOPERATIVE AGREEMENT**

**WHEREAS**, Washoe County, the City of Reno, the City of Sparks and the University of Nevada Reno entered into the Truckee Meadows Flood Management Project Cooperative Agreement (the "Cooperative Agreement") in April of 2005; and

**WHEREAS**, by resolution, the Board of County Commissioners of Washoe County ("Board") approved the Cooperative Agreement in April of 2005; and

**WHEREAS**, the Flood Project Coordinating Committee ("FPCC") acted in July of 2005 to recommend to the parties to the Cooperative Agreement that it be amended to add four non-voting members to the FPCC, one representing Storey County, one representing the Pyramid Lake Paiute Tribe, and two representing the Community Coalition, and to grant the University of Nevada voting members the same ability to designate alternates as was granted to the other voting members; and

**WHEREAS**, by resolution, the Board approved such amendments to the Cooperative Agreement in October of 2005; and

**WHEREAS**, the Flood Project Coordinating Committee ("FPCC") acted on March 16, 2007, to recommend to the parties to the Cooperative Agreement that it be amended to add one elected official from Storey County as a voting member of the FPCC; to change the status of the two University of Nevada-Reno members from voting members to non-voting members; to memorialize the addition of a representative of the Reno-Tahoe Airport Authority to the non-voting membership; and to change the voting structure to permit the voting members to approve an action with an affirmative vote of 66 percent of the members (5 to 7 members); and

**WHEREAS**, Chapter 277 of the Nevada Revised Statutes requires that the public agencies approve cooperative agreements by resolution; and

**NOW THEREFORE**, it is hereby resolved by the Board of County Commissioners of Washoe County that the Second Amended Truckee Meadows Flood Management Project Cooperative Agreement, hereto and incorporated herein as Exhibit A, which was placed on file with the Clerk, be approved.

**07-413            DISCUSSION - LEGISLATIVE ISSUES**

John Slaughter, Management Services Director, stated the deadline for bills to be out of the first house committee was April 13, 2007 and indicated Washoe County was tracking 607 bills. Mr. Slaughter said the Legislative Council Bureau (LCB) requested from the County an analysis on the fiscal impact of 143 bills this session and remarked all of those fiscal notes had been answered.

In response to Commissioner Galloway, Mr. Slaughter explained when a bill was requested the LCB staff reviewed it and their fiscal division would determine if it would have a fiscal impact on State or local government, and if so, the dollar amount.

Mr. Slaughter reviewed a status report on several bills of interest and the Board's position dated April 10, 2007, which was placed on file with the Clerk.

**7:50 p.m.** Commissioner Weber participated in the following discussion via telephone.

A discussion began concerning AB 513, a bill concerning General Improvement District's (GID). Mr. Slaughter said property owners at Winnemucca Ranch had been searching for a way to allow the project to move forward. He said a GID that began as a County GID, but over time transferred to a City GID, would allow the City authority over the governing Board and all services including police and fire. Mr. Slaughter said staff had until April 13, 2007 to determine the language for the bill, and noted the discussion was still in progress.

Chairman Larkin asked what specific language was being discussed. Mr. Slaughter replied the Legislature was concerned GID legislation could be changed statewide allowing a proliferation or multiple types of GID's. He said one proposal was the GID must be in a sphere of influence and limited in acreage.

Katy Singlaub, County Manager, said staff requested the Board's direction because the notion was pursuant to the Annexation Settlement Agreement. She said the County submitted the legislation to allow noncontiguous annexation, but had not yet acted on that in Committee. She said there had been an alternative submitted to allow the Regional Plan and Annexation Settlement Agreement to be implemented another way.

Commissioner Sferrazza asked if this was similar to a redevelopment agency. Ms. Singlaub explained it would be a GID in which the Cities would function the way the County did in forming a GID. She said the proposal indicated the District taxpayers would fund District services. She commented the intention was to have a minimum acreage threshold. Commissioner Sferrazza felt that would be appropriate for any new urban or suburban development in the unincorporated County. Ms. Singlaub stated a proposed offer was for the County to have the same ability to establish such

Districts where police services would be provided and funded by the taxpayers of the District.

In response to Commissioner Galloway, Mr. Slaughter replied the discussion included allowing a city of up to 125,000 in population have one GID, and a larger city have two GID's. Commissioner Galloway said under current growth limits the City of Sparks could have one; and the County and the City of Reno could have two. Mr. Slaughter stated that was correct. Commissioner Galloway asked if there was an equal representation issue. Mr. Slaughter replied a requirement under consideration was that a GID area would apply for annexation.

Chairman Larkin stated he was intrigued, but was concerned on a proliferation of GID's; however, the idea of limiting the number by population was attractive.

Commissioner Humke considered it his obligation to assist the proponents who wished to be a part of the City of Reno and maintaining the spirit of the Settlement Agreement.

Commissioner Weber stated she did not support the noncontiguous annexation, and therefore, thought the concept of the GID's was a positive piece of legislation.

Ms. Singlaub indicated there was some support for the limitation to the number of GID's and amount of acreage. She said there was concern in existing GID statute on the capacity to expand Districts in a noncontiguous fashion. She explained this legislation would be exclusive to Washoe County, and based on the Board's discomfort with noncontiguous annexation, staff indicated to the proponents the Board would be uncomfortable with noncontiguous expansion of a District.

Chairman Larkin stated that was correct. He said noncontiguous expansion of noncontiguous property was oxymoronic and reached beyond logical sense and good planning. He remarked he would not support noncontiguous expansion of a noncontiguous GID.

Commissioner Sferrazza agreed he would not want this used for noncontiguous expansion, and he agreed with limits to GID's. He thought they should have the right to vote as other GID's; however, if it were going to be a City GID then the City, not the County, should create it. He asked if the Board was required to support or oppose the bill. Chairman Larkin said there was no bill at the present time, but staff sought the Board's input so when there was discussion they could express the desire of the Board. Ms. Singlaub clarified there was a bill that amendments were being proposed for, but the Board did not have those before them. She commented Senator Bill Raggio had requested the views of the Board concerning the proposal.

Ms. Singlaub inquired on the Board's reaction that the County be able to create a GID that included police services since it would be a positive step forward for the County. Chairman Larkin agreed with that concept. Commissioner Weber liked the idea of the GID and the police services and not encompassing GID's that were already created.

Commissioner Galloway suggested hearing from the existing GID's on providing those services to them. Ms. Singlaub replied it would be for GID's created pursuant to this provision.

Ms. Singlaub said an issue concerned the distribution of consolidated tax to GID's. She explained under current statute if GID's were created their services were provided by the County, then those consolidated taxes that supported the service provision in that area would be carved out and given to the District. She said a recent proposal would apply to new Districts were no services were provided and no population, residences or expenditures, therefore, no revenues from the consolidated tax share would go to the District, but get carved out of the County. She reported that would be unacceptable to the County and if a City created a GID that consolidated taxes it should come out of that City's share.

Chairman Larkin said there was a standing philosophy in this Country that benefits accrue to those that pay for them and that costs were assessed through those that generate them. He said that principle applied in this instance. The other Commissioners agreed with this concept.

Ms. Singlaub stated those were the policy questions that staff had and said if there were others she would bring them before the Board.

Mr. Slaughter discussed SB 487 regarding water resources in the County.

Rosemary Menard, Water Resources Director, distributed and reviewed a consolidated packet containing comments from the various water purveyors, and the County's response to the attached comments dated March 19, 2007, which were placed on file with the Clerk.

Ms. Menard stated when SB 487 was released staff revisited the comments from the Board to see what was in the revisions. She indicated virtually none of the Board's comments were incorporated.

Chairman Larkin said in reviewing the spreadsheet the center column indicated no changes made to SB 487, but per the last column, it did not mean the item the Board addressed was not addressed. Ms. Menard replied it was the judgment call of the Board to see how their comments were reflected. She explained the comments on eminent domain and the concerns about the application of eminent domain to water rights were not made, but noted the eminent domain language included in SB 487 was the standard eminent domain language for all government agencies.

Chairman Larkin said he did not want to leave the impression that the Legislature was non-responsive to the Board. He said the amendment might not have changed, only that the wording did not match exactly. Ms. Menard said during the joint purveyors meeting on February 5, 2007 she was given the task to work with the Truckee Meadows Water Authority (TMWA) to create an interlocal agreement strategy for accomplishing what the Board had agreed to on record, a regional agency to address water supply. She said the amendments introduced to the Senate Natural Resources Committee were a joint effort with the TMWA staff in discussing the opportunity and characterization along with improvements to shape SB 487 that they would like in the legislation for the opportunity of local jurisdictions to create this entity by a joint powers authority.

Chairman Larkin characterized the changes by stating there was a preamble that capsulated what the Board sent to Senator Mark Amodei in a letter dated February 22, 2007 and placed on file with the Clerk. He said Section 23(2) was the most relevant in stating where the Cities of Reno and Sparks, the County, and TMWA may create the Northern Nevada Water Authority as a joint powers authority by cooperative agreement pursuant to the appropriate legislation and continued the idea of the interlocal agreement, but moved away from that agreement to a more permanent solution. He asked what would happen if they were not successful in the interlocal or the joint powers agreement before the December 31, 2007 deadline. Ms. Menard replied should this pass and become law, the provision of the bill including the authority, voting, and, governance structure would go into effect. She said Section 23(2) stated if the jurisdictions came together and arrived at their own agreement concerning the governance structure then they would have the authorization to mandate the rest of the bill, and if not, then the listed provisions in the bill, particularly in the governance structure, would go into effect.

Commissioner Galloway stated he neither supported the amendment or the bill. He felt the amendment was a policy reversal, and he provided a copy of the proposed Amendment to Senate Bill 487 with his written comments, which was placed on file with the Clerk. He said the amendment stated this bill needed several assurances to the public to protect the public welfare, and if those were not listed it was not acceptable. He noted there was no negotiating position to regain items requested. Commissioner Galloway reviewed several of his comments, and said the amendment did not limit the authority to new water, did not prohibit reallocating existing dedicated water by use of eminent domain or any other means, and eliminated the protection the Board wanted for the public. He said the amendment did not include language specifically prohibiting the new authority from levying taxes on the general population without a public vote. He believed this bill was detrimental to the public interest because it created a mechanism for subsidizing new growth without that growth paying for itself, but having the public to pay. Commissioner Galloway added the public could pay financially or have their water reallocated in such a manner to impact their quality of life. He said it was definitely a subsidy bill and a bill that consolidated power unnecessarily. He commented the new preamble of the amendment stated to provide for centralized decision-making without any qualifiers, which was contrary to the first eight items the Board requested. He said it

also stated, "assigned service territories," which was contrary to Nos. 6, 7, 8 and 13. Commissioner Galloway continued that paragraph two stated "it allowed for the possible exclusion of the Sun Valley General Improvement District (SVGID) and the South Truckee Meadows General Improvement District (STMGID) who would still be governed by the new authority, but not necessarily have a seat on the Board." He said that was a point the Board insisted throughout the purveyors meetings and in public commitments. He said if you wanted platitudes to what should be done, instead of a bill that protected abuse of power, then let the bill be a resolution of goals not a bill. Commissioner Galloway stated he could not support the bill, and he believed if the amendment was supported it would support the bill, which he found unacceptable.

Commissioner Humke asked if the amendment still contained the two-thirds required vote. Ms. Menard replied because of Section 29(10), which gave the authority the power to raise fees and revenues through service charges, it would require a two-thirds majority in both the Senate and Assembly. Commissioner Humke asked if the timeline of December 31, 2007, in as much a compromise equally detested by all parties, was workable. Ms. Menard replied from a staff perspective it was. She explained the struggle was finding a way for the political players and leadership to recognize the resource issues being dealt with; water supply and environmental water quality. Commissioner Humke clarified that there were three other entities to satisfy not just Washoe County. Ms. Menard agreed and said it was a challenge for all. Commissioner Humke remarked if this amendment went forward it would contain a "trigger", meaning if the joint powers agreement were not negotiated at the local level and not reflected in law then there would be a resulting bill. He asked what effect would it have on the 15 rural counties of Nevada that did not have any kind of water authority. Ms. Menard said as she read the bill, it applied only to Washoe County.

Commissioner Weber remarked Commissioner Galloway's comments appalled her. She said the Legislature was attempting to do their job and the County had the ability to guide and give information to the Legislature for good water policy. She felt positive and optimistic this could be the right thing. Commissioner Weber said the Board had the ability to make this a positive for the community and had to develop trust between the entities.

Chairman Larkin asked if the recommended changes and the direction this community took with water resources was good for the resource. Ms. Menard explained from a resource manager's perspective, the integrated total water management approach was the only way to successfully manage these resources for environmental sustainability, quality of life, and economic vitality. Chairman Larkin said the lack of language for municipal or domestic wells concerned him. He said the Board had made specific overtures to include language directing the new authority to develop and adopt policies protecting the rights and interests of owners of domestic and municipal wells. He said the analysis indicated the LCB staff acknowledged the comments received on the Bill Draft Request (BDR); however, the wells were not addressed by the SCR 26 Subcommittee, so as a result, were not included in the BDR. Chairman Larkin commented if this bill did pass out of the Senate and went to the Assembly, he would

expect staff to be on the Assembly side insisting that language be included protecting municipal and domestic well owners. He said the Board had recommended seven members; however, now it had moved to nine members. He said whether it was seven or nine the representation was roughly the same. Ms. Menard felt this nine-member Board did not match up with representation; however, it was the key players in the region. Chairman Larkin asked if this was good water leadership for the area. Ms. Menard replied a regional strategy was critical in making decisions the region faced with respect to water infrastructure, waste water, using reclaimed water wisely, and dealing with environmental water quality issues.

Commissioner Sferrazza asked if the existing bill would be the law unless something else was agreed upon. Ms. Menard explained he was making the assumption that everything that was needed to pass it in to law would happen. She said if that occurred then the answer would be yes. Commissioner Sferrazza said the existing law in Section 24 set out who the membership of the Board would be. Commissioner Sferrazza asked if there was not a joint powers agreement under this proposed amendment, did we return to Section 24. Ms. Menard said that was correct. Commissioner Sferrazza was concerned about who would pay for the importation or development of new water resources and asked if that was set out in the new or existing bill. Ms. Menard replied neither the BDR nor SB 487 specifically addressed that issue. She said the detail was not established for that policy so it would be a challenging matter. Commissioner Sferrazza commented those conversations occurred with the Board and TMWA and had been consistent throughout, but was not in the bill. He said this did not change much in the bill, but gave the Board an opportunity to negotiate an intergovernmental agreement instead of having the bill imposed by the legislature. Ms. Menard stated SB 487 would give the new authority the responsibility to create a regional water plan that would be a total water management integrated resource plan for all aspects the County was concerned about. However, it only gave the authority the rights and responsibility for the water supply element so there would be a situation where the plan was created and adopted, but the piece they had the authorization to proceed on would be limited to the water supply.

Commissioner Galloway said he was not in favor of broadening the scope, and felt it was not a policy bill that set up a power structure. He said a policy could be, growth must pay for growth. He said this was about "who" decided what future policy would be, not "what" future policy would be. He remarked this bill was about a power structure that did not include the minimal policy protection the public needed. He said it did not say growth must pay for growth, or that reallocating existing dedicated water by eminent domain, or other means of reallocation of water rights would require an agreement by owners and users. Commissioner Galloway said those were the things that should be in a bill before power was given. He said there were certain minimal things that should have been assured, but were not included. He said there was a possibility that water resources could be over allocated with this bill. Commissioner Galloway said under the amendment, although SVGID and STMGID might opt-out in a cooperative agreement, it might also be they did not have any say, which was a fundamental principal he felt had to occur. In response to Commissioner Weber, he stated he never meant to

attack another Commissioner and when he said "you" he meant it as "we" and was a hypothetical "you" at the people using the vernacular.

Commissioner Sferrazza said from a strategy viewpoint he saw how the County may want to support an amendment that might allow for what the County had asked for, a negotiated intergovernmental agreement, instead of having one imposed on us, but he agreed the County would lose some bargaining power.

Chairman Larkin asked if Senator Amodei was requesting the Board's position. Ms. Menard replied staff was asked if the County would move forward on the amendment, and if the County supported the amendment.

Mr. Slaughter remarked he spoke with Senator Amodei and his specific question was knowing the Board's position on the amendment.

Ms. Singlaub added a fact-finder reviewed all the Washoe County regional water issues in 1991 and recommended there be a comprehensive water resource management function and recommended that be under the Washoe County Commission. She said the region never came to a full embracing of that recommendation and that was what Ms. Menard proposed.

Chairman Larkin said he was prepared to support the amendment as submitted and move forward with his endorsement to Senator Amodei, which he felt was the right thing to do at this time. Commissioner Weber voiced her support for the amendment.

Commissioner Humke thought this was a good start and added there were plenty of opportunities along the way for improvements. He said the bill was far from perfect as amended, but suggested moving forward.

Commissioner Galloway stated he was not in support of the amendment. Commissioner Sferrazza added there were some good features to the amendment; however, he could not support it at this time.

Chairman Larkin said by supporting this amendment he did not believe the Board had foregone any of their previous 21 points. Ms. Menard replied the amendment was specifically between the TMWA staff and the Department of Water Resources to put the joint powers authority in and to deal with some of the technical issues that would not be controversial. She did not believe that by supporting the amendment the County would be abrogating their opportunity to advocate for all the other things the County cared about.

On motion by Commissioner Humke, seconded by Chairman Larkin, which motion duly carried with Commissioners Galloway and Sferrazza voting "no," it was ordered that Washoe County support the amended version of SB 487 and that the support be forwarded to the Nevada State Senate Natural Resources Committee Chair and

members. It was further ordered that the Board continue to work on all the points brought up for improvement of a joint power, interlocal agreement or a resulting bill on this issue. It was further ordered that staff be directed to keep the Board informed on a daily basis of the occurrences on this matter and to place all pertinent documents on the County website.

**9:40 p.m.** Commissioner Weber left and did not participate in the remainder of the meeting.

**07-414** **BILL NO. 1506 -AMENDING WASHOE COUNTY CODE**  
**CHAPTER 35 - CORONER'S OFFICE**

Bill No. 1506, entitled, "AN ORDINANCE AMENDING WASHOE COUNTY CODE, CHAPTER 35 BY REPEALING THE SECTIONS RELATING TO THE COUNTY CORONER AND CORONER'S INQUESTS AND ADDING NEW SECTIONS CREATING THE OFFICE OF THE CORONER AND MEDICAL EXAMINER FOR WASHOE COUNTY, NEVADA, CREATING THE POSITIONS OF CHIEF MEDICAL EXAMINER AND CORONER AND ASSISTANT MEDICAL EXAMINER, AND SPECIFYING THE POWERS AND DUTIES OF CHIEF MEDICAL EXAMINER AND CORONER, AND OTHER MATTERS PROPERLY RELATED THERETO." was introduced by Commissioner Sferrazza, the title read to the Board and legal notice for final action of adoption directed.

**07-415** **APPOINTMENT - INTERIM COUNTY CORONER - MANAGER**

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that John Berkich, Assistant County Manager, be appointed as Interim County Coroner effective April 14, 2007.

**07-416** **DISCUSSION - ATTORNEY SERVICES - SECONDARY**  
**CONFLICT CASES - MANAGER**

John Berkich, Assistant County Manager, stated staff needed direction concerning the four questions as listed on page 2 of the staff report dated March 30, 2007, before finalizing the Request for Proposal (RFP) for a Professional Services Agreement concerning secondary conflict cases and structure of secondary conflict program.

Commissioner Sferrazza suggested multiple contracts to cover felonies, misdemeanors, and death since the payment could be different for each group. Melanie Foster, Legal Counsel, said the present conflict contract covered most cases, but there was a limitation in the present contract on how many murder cases the present contractor could handle under his group.

Commissioner Galloway favored some division of qualifications and multiple attorneys with an automatic rotation, which was unbiased.

Ms. Foster clarified the Board had the ability to contract for counsel to handle death cases and felonies involving life sentences; however, those rates were statutory.

Mr. Berkich said staff estimated there could be approximately 500 cases included in this contract.

Chairman Larkin favored a pool of attorneys whether it be division of services or division of expertise. He stated he did not want one contractor that would be farming everything out.

Commissioners Sferrazza, Galloway and Humke all favored the Purchasing Department and Human Resources review the responses for compliance with the RFP but make no recommendations beyond screening out those that were non-responsive.

In response to Mr. Berkich, Ms. Foster replied there should not be an attorney whose profit depends upon how the cases were handed out. She said the administrative function needed to be handled and compensated separately than the compensation the County offered for the actual representation. Discussion ensued on the person best suited for this position and it was noted that a retired attorney could be best suited, but it needed to be a contract.

Mr. Berkich suggested this be brought before the Board during the County Commission meeting of June 12, 2007 to have a broad as group as possible.

#### **REPORTS AND UPDATES FROM COUNTY COMMISSION MEMBERS**

Chairman Larkin announced there would be a Regional Planning Governing Board meeting on April 12, 2007 where there would be a public hearing on the Regional Plan update. He requested an agenda item for the process to replace retiring Judge Edward Dannan, Reno Justice Court.

Commissioner Sferrazza said he had scheduled a town hall meeting for April 18, 2007 at the Senior Center.

\* \* \* \* \*

**10:12 p.m.** There being no further business to come before the Board, the meeting was adjourned.

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

**ATTEST:**

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

*Minutes Prepared by  
Lisa McNeill and Stacy Gonzales  
Deputy County Clerks*