

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

AUGUST 14, 2007

PRESENT:

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

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

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

County Manager Katy Singlaub stated: "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."

07-888 AGENDA

***2:16 p.m.** Commissioner Humke arrived.

In response to the call for public comment, Guy Felton stated the agenda should not be adopted and suggested there were treasonous statements on the printed agenda concerning rules of decorum.

Sam Dehne objected to the two-minute time limitation on public comment and the fact that there were currently only four Commissioners on the Board. He alleged that agenda item 11, concerning water rights applications, was not written in accordance with the Open Meeting Law.

Chairman Larkin asked County Manager Katy Singlaub and Assistant District Attorney Melanie Foster about the legal sufficiency of agenda item 11. Ms. Singlaub and Ms. Foster both agreed the item met legal requirements as written.

Ms. Singlaub noted there had been a request by the District Attorney to consider agenda item 15, regarding authorization of a position for a pediatric physician, at approximately 3:30 p.m.

In accordance with the Open Meeting Law, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the agenda for the August 14, 2007 meeting be approved.

07-889 PROCLAMATION – OSHER LIFELONG LEARNING INSTITUTE DAY

Chairman Larkin read the proclamation and presented it to Lamerne Kozlowski, President of the Osher Lifelong Learning Institute (OLLI), and Shera Alberti-Annunzio, a liaison with the University of Nevada, Reno.

Ms. Kozlowski expressed her thanks to the Commissioners. She commented there were currently 320 members of the OLLI with a goal to reach 500 members. Ms. Alberti-Annunzio stated the University of Nevada, Reno was proud to support the activities of the organization.

There was no public comment on this item.

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

PROCLAMATION

WHEREAS, ElderCollege was founded in 1991 by older adults interested in lifelong learning, and has become a successful member-directed, learning-in-retirement organization sponsored by Extended Studies at the University of Nevada, Reno; and

WHEREAS, ElderCollege has fostered leadership, intellectual exploration and personal growth during the past 16 years through a distinctive array of courses and activities for hundreds of seasoned adults interested in learning for the joy of learning; and

WHEREAS, In 2007 the Bernard Osher Foundation of San Francisco recognized the valuable contribution ElderCollege has made to the Reno/Sparks community by granting \$100,000 to further the organization's commitment to lifelong learning in Nevada; and

WHEREAS, On August 15, 2007 ElderCollege officially changes its name to become an Osher Lifelong Learning Institute (OLLI), continuing the founding

principles of ElderCollege and furthering the efforts of the members and committees that guide and drive the local organization; and

WHEREAS, The new Osher Lifelong Learning Institute (OLLI) at the University of Nevada, Reno now becomes one of 112 Osher institutes established since 2001 at such universities as University of California-Berkeley, UC Davis, UCLA, Brandeis, Duke, Northwestern, Rutgers, Tufts, and New York University; and

WHEREAS, OLLI will continue as a member-driven organization supported by the University of Nevada, Reno to maintain and grow lively courses and enriching activities that serve the lifelong learning community in Washoe County; now, therefore, be it

PROCLAIMED, By the Washoe County Board of Commissioners that August 15, 2007 is recognized as Osher Lifelong Learning Institute (OLLI) Day!

07-890 PUBLIC COMMENT

Jason Walters expressed opposition to the proposed Sonterra development pipeline to transfer water to Fernley from Hualapai Flat on the edge of the Black Rock Desert near Gerlach. He placed several photographs of the area on file with the Clerk.

Jan Chastain, Guy Felton and Sam Dehne all objected to the use of electronic voting machines.

Sam Dehne reiterated his concerns about the wording of agenda item 11 concerning water rights applications. He expressed his support for funding to support the family shelter.

Gary Schmidt agreed with Mr. Walters' comments. He read from the Citizen Advisory Board policy book and criticized the reappointment of John Jackson to a fourth term on the Sun Valley Citizen Advisory Board when there had been another qualified applicant. Mr. Schmidt placed an excerpt from the Washoe County website on file with the Clerk concerning citizen advisory board membership information.

COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS

Chairman Larkin requested that the County Manager obtain a copy of the "Red Team" test of the electronic voting system in California and bring it back to the Board for discussion at a future Commission meeting. He was interested in knowing more about the parameters of the test, whether it involved any peer review, along with some indication of its scientific credibility. Chairman Larkin announced a groundbreaking ceremony for the opening of the Golden Eagle Regional Park by the City of Sparks.

Commissioner Galloway pointed out that the Board had been very proactive in urging a paper trail, which could be used to audit electronic voting machines in Washoe County. He asked the public to contact Nevada's Secretary of State regarding the electronic voting issue.

Regarding Gary Schmidt's earlier comments about citizen advisory board reappointment, Commissioner Galloway stated the appropriate time to consider the information would have been during the public meeting when the reappointment decision was made. He did not believe that retroactive reconsideration of the appointment was appropriate.

Commissioner Weber asked when discussion of redistricting would be placed on the Board's agenda. She requested that County Manager Katy Singlaub provide an update by mid September 2007.

Commissioner Humke noted the passing of famous Nevadan Harold Curran, a former Washoe County employee, teacher and noted historian.

2:47 p.m. Chairman Larkin declared a brief recess to expel Guy Felton from the meeting room for creating a disturbance.

2:48 p.m. The meeting resumed.

Katy Singlaub, County Manager, stated there had been an administrative determination by the City of Reno that the parking lot proposed by Washoe County would be a temporary structure. She indicated this would allow light posts and planters to be placed at the property line rather than curbside, resulting in approximately \$500,000 in savings.

DISCUSSION – CONSENT AGENDA

Agenda items 8H, 8J(1) and 8J(2) (minute items 07-917, 07-918 and 07-920) were removed from the consent agenda for individual discussion and consideration by the Board.

In response to the call for public comment, Sam Dehne objected to items being on the consent agenda that were more than just mundane "housekeeping" matters.

07-891 MINUTES

There was no public comment on this item.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the minutes of the regular meeting of June 12, 2007 be approved.

07-892 **ACCEPT CASH DONATION – REGIONAL PUBLIC SAFETY TRAINING CENTER**

On behalf of the Board, Commissioner Galloway acknowledged the cash donation of \$10,948.25 and thanked the Washoe County Honorary Sheriff's Deputies Association, Inc. for their generosity.

There was no public comment on this item.

Upon recommendation of Greg Befort, Director of the Regional Public Safety Training Center (RPSTC), on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the cash donation of \$10,948.25 from the Washoe County Honorary Sheriff's Deputies Association, Inc., for the purchase of two VBrick Windows Media Encoder appliances, be accepted and the Finance Department be directed to make the necessary budget adjustments.

07-893 **INCREASE FUNDING – REGIONAL GIS MAPPING – 911 EMERGENCY RESPONSE ADVISORY COMMITTEE**

There was no public comment on this item.

Upon recommendation of Rick Vandenberg, Chair of the 911 Emergency Response Advisory Committee and Communications and Technology Director for the City of Reno, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the increase in funding from the E911 Fund to support regional GIS mapping provided by the City of Reno, in the amount of \$65,588 for fiscal year 2007/08, be approved.

07-894 **LIBRARY ASSISTANT II POSITION – LIBRARY**

There was no public comment on this item.

Upon recommendation of Dianne Varnon, Associate Library Director of Programs and Services, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the conversion of a vacant 21-hour part time fully benefited Library Assistant II position (PCN 2012) into two 15-hour part time Library Assistant II positions, to increase staffing hours from 21 to 30 and to realize approximately \$5,500 in salary savings for the current year, be approved.

07-895 **AGREEMENT – UNR COST ANALYSIS FOR HOMELESS AND JAIL STRATEGIES – MANAGEMENT SERVICES**

Chairman Larkin indicated the report on this item had already been completed and presented to the State Legislature. He wondered when the full report

would be provided to the Board. County Manager Katy Singlaub stated it would be on the Commission's agenda in September 2007. She pointed out the report had been presented to the Organizational Effectiveness Committee and the Criminal Justice Advisory Committee.

Commissioner Galloway did not agree with the idea that all homeless individuals represented a social cost. He stated there were many technically homeless people living in weekly motels who held jobs and paid their own way.

There was no public comment on this item.

Upon recommendation of John Slaughter, Management Services Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the professional service agreement with the University of Nevada, Reno, to support research and analysis of the cost of homelessness in Washoe County and development of jail diversion strategies for non-violent mentally ill offenders, in the amount of \$70,000, retroactive to July 1, 2006, be approved, the Chairman be authorized to execute the same, and the Finance Department be authorized to make the necessary adjustments.

07-896 AWARD OF BID – PORTABLE TOILET RENTALS – BID NO. 2611-08 – PURCHASING

This was the time to consider award of the bid for portable toilet rentals for the Purchasing Department. Bids were received from Sani-Hut Company, Sierra Restroom Solutions, and United Site Services.

There was no public comment on this item.

Upon recommendation of Charlene Collins, Buyer for the Purchasing Department, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Bid No. 2611-08 for portable toilet rentals, on behalf of Washoe County Departments, be awarded to United Site Services, the lowest responsive and responsible bidder, in an estimated annual amount of \$26,076, and the Purchasing and Contracts Administrator be authorized to execute an agreement with United Site Services for a one (1) year period effective 10/01/2007, with two (2), one (1) year renewal options at the discretion of the County.

07-897 REPORT – DELINQUENT SPECIAL ASSESSMENT SALE CANCELLED – TREASURER

Commissioner Weber commended the Treasurer's Office for its ability to cancel the special assessment sale once all delinquencies had been paid.

There was no public comment on this item.

Upon recommendation of Linda Jacobs, Deputy Treasurer, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that receipt of the Report of Sale - June 28, 2007, Delinquent Special Assessment Sale be acknowledged. It was noted that the sale was cancelled because all delinquencies had been paid.

07-898 AUTHORIZE EXPENDITURE – NATIONAL ADOPTION DAY – SOCIAL SERVICES

There was no public comment on this item.

Upon recommendation of Mike Capello, Director, Department of Social Services, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Social Services be authorized to expend up to \$15,000 in fiscal year 2007/2008 for the Department's Adoption Day celebrations. It was noted these funds would cover the cost of sponsoring adoption day activities including food, entertainment, decorations, a reception for adoptive families, public awareness, and costs of photographs and video recording of the adoption hearings.

07-899 REAPPOINTMENT/APPOINTMENT – EAST WASHOE VALLEY CITIZEN ADVISORY BOARD – COMMUNITY DEVELOPMENT

There was no public comment on this item.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Valerie Williams and Ann York be reappointed as At-Large members and Patrick Cates be appointed to fill a newly created position as an At-Large alternate on the East Washoe Valley Citizen Advisory Board, with terms to expire on June 30, 2009.

07-900 REAPPOINTMENT/APPOINTMENT – SOUTHWEST TRUCKEE MEADOWS CITIZEN ADVISORY BOARD – COMMUNITY DEVELOPMENT

There was no public comment on this item.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Steve Cohen be reappointed as an At-Large member, Connie Moberg be appointed as an At-Large member, and Diane Smith be appointed as a Windy Hill/Frost Ranch member on the Southwest Truckee Meadows Citizen Advisory Board, with terms to expire on June 30, 2009.

**07-901 REAPPOINTMENT/APPOINTMENT – WEST WASHOE VALLEY
CITIZEN ADVISORY BOARD – COMMUNITY DEVELOPMENT**

There was no public comment on this item.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that William Elliot and Debbie Sheltra be reappointed as At-Large members on the West Washoe Valley Citizen Advisory Board, with terms to expire on June 30, 2009.

**07-902 ACCEPT DONATION – WASHOE COUNTY REGIONAL
ANIMAL SERVICES – PUBLIC WORKS**

Commissioner Galloway acknowledged the \$1,000 donation and thanked Deborah Watkins on behalf of the Board.

There was no public comment on this item.

Upon recommendation of Jean Ely, General Services Division Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that a \$1,000.00 donation from Deborah Watkins to Washoe County Regional Animal Services be accepted and that the Board extend their appreciation for this generous contribution. It was further ordered that the Finance Department be directed to make the following budget adjustments:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE/(DECREASE)
205-CC-500000-484000	Donation Revenue	\$1,000.00
500200-710500	Shelter – Other Expense	\$1,000.00
	Total Expense	\$1,000.00

**07-903 FREE MICROCHIP SERVICES – NEVADA HUMANE SOCIETY –
PUBLIC WORKS**

In response to the call for public comment, Sam Dehne expressed his support for the program.

At the request of Commissioner Weber, General Services Division Director Jean Ely provided some clarification about the program to spay/neuter and implant microchips in pit bulls. She stated it was an excellent opportunity for Regional Animal Services to partner with the Nevada Humane Society in a program that would allow animals to be returned to their owners rather than being impounded and possibly euthanized.

Upon recommendation of Jean Ely, General Services Division Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which

motion duly carried, Chairman Larkin ordered the Washoe County Regional Animal Services to partner with the Nevada Humane Society (NHS) to offer “free” microchip services during the NHS “Free Pit Bull Spay/Neuter, Plus a Reward” program. It was further noted the cost to Animal Services included \$4.95 per microchip, plus staff time to implant the chip.

**07-904 AGREEMENT – REGIONAL GLOBAL POSITIONS SYSTEM
(GPS) BASE STATION NETWORK – PUBLIC WORKS**

There was no public comment on this item.

Upon recommendation of Jeff Cruess, Deputy County Surveyor, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Cooperative Agreement between Washoe County and Carson City for building and maintaining a regional global positions system (GPS) base station network be approved, and the Chairman be authorized to execute said Agreement upon presentation.

**07-905 AGREEMENT – VETERANS OF FOREIGN WARS (VFW), VERDI
POST NO. 10053 – LEASE OF SPACE- PUBLIC WORKS**

There was no public comment on this item.

Upon recommendation of Roger Van Alyne, Deputy Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the Facility Use Agreement between Veterans of Foreign Wars of the United States (VFW), Verdi Post No. 10053, a Nonprofit Nevada Corporation, and Washoe County, for lease of space in the VFW Building in Verdi, Nevada and the continued use by the Verdi Township Citizen Advisory Board, be approved retroactively for the period July 1, 2007 through June 30, 2008 and the Chairman be authorized to execute the same. It was noted that lease expense for fiscal year 2007/08 was \$1,040 and funds were available in the Community Development Department cost center [116430-710505].

**07-906 RESOLUTION – TWO USED SURPLUS VEHICLES – SIERRA
FIRE PROTECTION DISTRICT – PUBLIC WORKS**

There was no public comment on this item.

Upon recommendation of Jean Ely, General Services Division Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Resolution to donate two (2) used surplus 2003 Chevrolet Tahoe 4x4 Police Package SUVs [VIN #1GNEK13Z33J291258 and VIN #1GNEK13Z63J291593] in “AS IS” condition to Sierra Fire Protection District from the Equipment Services Fund; be approved and the Chairman be authorized to execute the following Resolution:

RESOLUTION

A RESOLUTION TO DONATE ASSETS TO SIERRA FIRE PROTECTION DISTRICT FROM THE EQUIPMENT SERVICES FUND

WHEREAS, Equipment Services was established to provide fleet services including acquisition, maintenance and disposal of fleet vehicles and equipment and to provide management and administration of related fleet services for Washoe County; and

WHEREAS, Equipment Services is disposing of certain used equipment, which is surplus to its needs, including: one (1) 2003 Chevrolet Tahoe 4x4 Police Package SUV (VIN #1GNEK13Z33J291258) having 105,624 miles with an estimated salvage value of \$9,655; and one (1) 2003 Chevrolet Tahoe 4x4 Police Package SUV (VIN #1GNEK13Z63J291593) having 112,246 miles with an estimated salvage value of \$9,305; and

WHEREAS, the Sierra Fire Protection District is in need of two vehicles and has expressed an interest in obtaining two surplus used vehicles from Washoe County to use in the course of performing fire inspections, transportation from station to station, in support of fire fighting personnel, use at career stations and for other uses within the District; and now, therefore, be it

RESOLVED, that the Washoe County Board of County Commissioners supports the needs of the Sierra Fire Protection District and declares:

Section 1. NRS 244.1505, Section 2 (a), empowers the Board of County Commissioners to donate to governmental entities certain property that the Board determines is no longer required for public use and is determined to have reached the end of its useful life.

Section 2. The above-mentioned surplus used Washoe County assets will be donated in "AS IS" condition to the Sierra Fire Protection District.

Section 3. This Resolution shall be effective upon passage and approval by the Board of County Commissioners.

Section 4. The County Clerk is hereby directed to distribute copies of this Resolution to the Comptroller's Office, Finance, Purchasing, Equipment Services, Management Services, and Sierra Fire Protection District.

07-907 **AGREEMENT – SUN MESA, LLC – BOUNDARY LINE**
ADJUSTMENT – PARKS

There was no public comment on this item.

Upon recommendation of Jennifer Budge, CPRP, Park Planner, Regional Parks and Open Space, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that an amendment to the existing Sun Mesa Park Design and Construction Agreement between Washoe County and Sun Mesa, LLC, reflecting a boundary line adjustment reducing the park's acreage from 2.885 acres to 2.79 acres, be approved and the Chairman be authorized to sign the necessary documents upon presentation.

07-908 AGREEMENT – TRAIL IMPROVEMENT PROJECT – PARKS

There was no public comment on this item.

Upon recommendation of Carolyn Poissant, AICP, Park Planner, Regional Parks and Open Space, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the Challenge Cost Share Agreement with the USDA Forest Services – Humboldt-Toiyabe National Forest, for a cooperative trail improvement project in the East Peavine Non-Motorized Area and Rancho San Rafael Regional Park, be approved. It was further ordered that the Director of Regional Parks and Open Space be authorized to sign all necessary documents associated with said Agreement.

07-909 ACCEPT CASH DONATION – PARKS

On behalf of the Board, Commissioner Galloway acknowledged the donations totaling \$21,779.05 and thanked the various businesses, individuals, and organizations for their generosity, including: Kiley Ranch Communities, El Dorado Savings Bank, First Independent Bank, Red's Little Waldorf Saloon, Allstate Insurance and Laurie Braxier of State Farm Insurance.

There was no public comment on this item.

Upon recommendation of Rosemarie Entsminger, Fiscal Compliance Officer, Regional Parks and Open Space, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that a total of \$21,779.05 in cash donations from various businesses, organizations and individuals, for the Department of Regional Parks and Open Space programs and facilities, be accepted and the Finance Department be directed to make the appropriate budget adjustments.

07-910 GRANT – PUBLIC SAFETY - OFFICE OF CRIMINAL JUSTICE ASSISTANCE – PROJECT SAFE NEIGHBORHOODS – SHERIFF

There was no public comment on this item.

Upon recommendation of Craig Callahan, Chief Deputy for the Washoe County Sheriff's Office, on motion by Commissioner Galloway, seconded by

Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the supplemental State of Nevada, Department of Public Safety-Office of Criminal Justice Assistance fiscal year 2004 Project Safe Neighborhoods Grant award in the amount of \$13,451.00 be approved and the Finance Department be authorized to make the following budget adjustments:

ACCOUNT	DESCRIPTION	AMOUNT OF INCREASE/(DECREASE)
Increase Revenues:		
10414-431100	Firearms Investigation Unit-Federal Grants	\$13,451.00
Increase Expenditures:		
10414-701110	Firearms Investigation Unit-Base Salaries	\$13,451.00

07-911 ACCEPT DONATION – COMMUNITY EMERGENCY RESPONSE TEAM PROGRAM – SHERIFF

Commissioner Galloway acknowledged the \$100 donation in memory of Dale Davis and thanked Jill and Ron Kopicko for their generosity on behalf of the Board.

There was no public comment on this item.

Upon recommendation of Craig Callahan, Chief Deputy, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the \$100.00 donation from Jill and Ron Kopicko in Memory of Dale Davis for the Community Emergency Response Team Program, be approved and the Finance Department be authorized to make the following budget adjustments:

ACCOUNT	DESCRIPTION	AMOUNT OF INCREASE/(DECREASE)
Increase Revenues:		
20236-484000	CERT Donations	\$100.00
Increase Expenditures:		
20236-710300	CERT Operating Supplies	\$100.00

07-912 WATER RIGHTS DEEDS – UTILITIES INC. OF NEVADA – WOODLAND VILLAGE PHASE 16 – WATER RESOURCES

There was no public comment on this item.

Upon recommendation of Vahid Behmaram, Water Rights Manager, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that two Water Rights Deeds between Utilities Inc. of Nevada and Washoe County transferring 33.67 acre-feet of groundwater rights to support Woodland Village Phase 16 be approved and the Chairman be authorized to execute the

same. It was further ordered that the Water Rights Manager be directed to record said Deeds.

07-913 AGREEMENT – WATER SALE – TWISTED SISTERS, LLC – WATER RESOURCES

There was no public comment on this item.

Upon recommendation of Vahid Behmaram, Water Rights Manager, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Water Sale Agreement between Washoe County and Twisted Sisters, LLC for 0.50 acre-feet of underground water rights be approved and the Chairman be authorized to execute the same. It was further ordered that the Water Rights Manager be directed to record said Agreement.

07-914 RIGHT-OF-WAY GRANT – SERIAL NO. N - 82362 – BUREAU OF LAND MANAGEMENT – WATER RESOURCES

There was no public comment on this item.

Upon recommendation of Joe Stowell, Licensed Engineer, Department of Water Resources, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the U.S. Department of the Interior, Bureau of Land Management Right-Of-Way Grant Serial Number N-82362 be approved and the Chairman be authorized to execute the same.

07-915 TEMPORARY CONSTRUCTION EASEMENTS – PLEASANT VALLEY INTERCEPTOR PROJECT (PVIP), PHASE 2 – WATER RESOURCES

There was no public comment on this item.

Upon recommendation of Jason Phinney, Licensed Engineer, Department of Water Resources, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that Temporary Construction Easements and Grants of Easement Sanitary Sewer Interceptor for the Pleasant Valley Interceptor Phase 2 be accepted and the Chairman be authorized to execute the same. It was further ordered that payment be authorized to First American Title for escrow accounts on Assessor's Parcel Number (APN) 017-310-21 Michael and Elizabeth Schuler in the amount of \$22,100, APN 050-111-13 Thomas and Jessica Adams in the amount of \$27,900, APN 017-372-21 Phillip and Judith Jurach in the amount of \$10,550, and for associated escrow fees not to exceed \$10,000.

07-916 **EXPENDITURE – GOLD LEVEL SPONSORSHIP – WATER RESOURCES**

There was no public comment on this item.

Upon recommendation of Jeanne M. Ruefer, Water Resources Planning Manager, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that an expenditure of \$1,000 for a Gold-Level Sponsorship at the Nevada Water Resources Association 2007 Nitrate Workshop: Nitrates in Nevada Groundwater, held August 9-10, 2007 in Carson City, Nevada, be approved.

07-917 **SPECIAL EVENTS BUDGET – TRUCKEE RIVER FLOOD PROJECT**

Commissioner Weber expressed concern about the expenditure of funds received from the 1/8-cent sales tax for an awareness campaign. Naomi Duerr, Director of the Truckee River Flood Project, stated outreach was viewed as a critical element of the plan. She explained that, although planning for the Project was in its final stages, construction was expected to take another ten years. Ms. Duerr indicated it was important to take actions to reduce flood damages in the interim such as educating residents in a general sense, as well as about how to protect their property and prevent it from being flooded.

Commissioner Galloway suggested focus groups might be helpful. Ms. Duerr replied that a public survey was conducted in May 2006 regarding what people perceived as problems, as well as their opinions about funding options. Commissioner Galloway recalled the survey results had not been very reassuring and he asked to review the information again.

In response to the call for public comment, Sam Dehne suggested that taxpayer dollars should not be expended for "propaganda," particularly the funds budgeted for entertainment and downtown events.

Upon recommendation of Naomi Duerr, Director of the Truckee River Flood Management Project, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion carried on a 3-1 vote with Commissioner Galloway voting "no", Chairman Larkin ordered that the Truckee River Flood Project's fiscal year 2007/08 Special Events budget in an amount not to exceed \$38,500 be approved. It was further noted that funds would be provided by the 1/8-cent sales tax dedicated to planning, implementing and operating the Truckee River Flood Project.

07-918

**PURCHASE REQUISITION – PANDEMIC INFLUENZA
OUTREACH CAMPAIGN – HEALTH**

Commissioner Weber asked for more detail about the outreach campaign. Dr. Randall Todd, EPI Center Director, indicated this was the continuation of a program begun last year. He stated the media campaign was directed at public preparedness, to promote what the public should be doing in the event a pandemic were to occur. Dr. Todd emphasized the campaign was timed to coincide with the onset of the flu season and preparation would be helpful for the prevention of other diseases as well. In response to Commissioner Galloway's questions, he clarified some of the specific measures that would be highlighted during the campaign, such as handwashing and staying home when sick.

There was no response to the call for public comment.

Upon recommendation of Patsy Buxton, Fiscal Compliance Officer, Washoe County Health District, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that Purchase Requisition #1000021346, issued to Brown & Partners (joinder to Southern Nevada Health District) in the amount of \$70,000 for the Pandemic Influenza Outreach Campaign on behalf of the Epidemiology and Public Health Preparedness Division of the District Health Department, be approved.

07-919

**AUTHORIZE POSITION – PEDIATRIC PHYSICIAN – DISTRICT
ATTORNEY/SOCIAL SERVICES**

County Manager Katy Singlaub pointed out this position was the result of a recommendation of the oversight panel that looked at the County's child welfare system.

District Attorney Richard Gammick stated the County was faced with a unique opportunity to benefit the Social Services Department and the Child Abuse Response and Evaluations (CARES) program by hiring a full-time pediatrician. He explained that Dr. Catherine Wagoner had been working with the County for about four years, through its contract with Washoe Medical Center/Renown Healthcare. Prior to that time, Mr. Gammick observed she had acquired about five years of experience working with child assault cases. He indicated there had been a recommendation from the Child Death Review Committee that the County have a certified forensic pediatrician within its system and Dr. Wagoner had expressed strong interest in becoming forensic certified, probably in 2008. Mr. Gammick added that the pediatrician would be responsible for treating children at the Kids Cottages who were in County custody and for providing reviews of sexual abuse examinations to the CARES program.

Chairman Larkin and Mr. Gammick discussed funding for the position during the current fiscal year, as well as subsequent fiscal years.

Commissioner Galloway asked why the current contract with Renown Healthcare was not sufficient to provide the necessary services. Mr. Gammick indicated that Dr. Wagoner had been providing excellent services under the Renown contract and there was a desire to keep her in the community. Other than Dr. Wagoner, he stated it had been difficult for the County to get coverage from the pediatric physicians in the community.

Chairman Larkin pointed out this was also a strategic move to place Washoe County in the forefront for taking measures to prevent child deaths.

In response to Commissioner Galloway's question, Mr. Gammick stated that Dr. Wagoner would work for Mike Capello, Director of the Social Services Department, and would also oversee the CARES program.

Commissioner Galloway wondered if Dr. Wagoner's findings would be considered neutral by the court rather than her being perceived as the prosecutor's hired physician. Mr. Gammick emphasized that the District Attorney's office never interfered with a professional medical opinion during any court case.

Mr. Capello pointed out that overseeing the CARES program was not a full-time responsibility but those duties in combination with providing care to the Kids Cottages' children required a full-time pediatrician.

Assistant County Manager John Berkich called attention to the letter from Dr. Ellen Clark, County Coroner and Medical Examiner, recommending Dr. Wagoner for the position.

In response to the call for public comment, Sam Dehne stated it would have been nice to have Dr. Wagoner present for the consideration of this item. He expressed his support for the position.

Chairman Larkin clarified that the Board was agendized to consider authorization of the position and, if the position were authorized, selection of a physician to fill the position would take place at a subsequent Commission meeting.

Upon recommendation of District Attorney Richard Gammick and Director of Social Services Mike Capello, on motion by Commissioner Humke, seconded by Commissioner Humke, which motion duly carried, it was ordered that the creation of one pediatric physician position effective October 1, 2007, as evaluated by the Job Evaluation Committee to provide medical care for children in the custody of the Washoe County Department of Social Services and to provide physician oversight for the Child Assault Response and Evaluations (CARES) program, be approved with a projected fiscal impact in fiscal year 2007-08 of approximately \$160,000. It was further ordered that the Finance Department be directed to make the necessary budget adjustments.

07-920 **PURCHASE REQUISITION – MEDICAL SUPPLY PRODUCTS – HEALTH**

Commissioner Weber complimented staff for providing a detailed explanation in the staff report of the products purchased under this item. Chairman Larkin agreed and hoped all future staff reports of this type would include such detail.

There was no public comment on this item.

Upon recommendation of Patsy Buxton, Fiscal Compliance Officer, District Health Department, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the fiscal year 2007/08 Purchase Requisition #3000007875, issued to McKesson General Medical Corp (Contract #M-487 (6)) up to the amount of \$69,800 for medical supply products in support of the medical clinic operations on behalf of the Community and Clinical Health Services Division of the District Health Department, be approved.

3:50 p.m. Chairman Larkin declared a brief recess.

4:07 p.m. The Board reconvened with all members present.

07-921 **PURCHASE REQUISITION – PHARMACEUTICAL PRODUCTS – HEALTH**

Commissioner Weber complimented staff for providing a detailed explanation in the staff report of the products purchased under this item.

There was no public comment on this item.

Upon recommendation of Patsy Buxton, Fiscal Compliance Officer for the District Health Department, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that the fiscal year 2007/08 Purchase Requisition #3000007805, issued to Cardinal Health (Contract #MMS24001) up to \$106,950 for pharmaceutical products in support of the medical clinic operations on behalf of the Community and Clinical Health Services Division of the District Health Department, be approved.

4:12 p.m. The Board convened as the Board of Directors for the Sierra Fire Protection District with all members present.

4:30 p.m. Having already convened as the Board of Directors for the Sierra Fire Protection District, the Board also convened as the Board of Commissioners for the Truckee Meadows Fire Protection District to discuss agenda item 20 concerning the development of cost recovery procedures for human-caused fires (see separate Fire Board minutes).

5:05 p.m. The Board completed its agenda as the Board of Fire Commissioners for the Truckee Meadows Fire Protection District.

07-922 **FIRE ATTACK SYSTEM – SHERIFF’S OFFICE HH-1H HUEY HELICOPTER – MANAGEMENT SERVICES/FIRE COORDINATOR**

Katy Singlaub, County Manager, said staff wanted to extend their appreciation to Commissioner Galloway for his help in crafting this agenda item.

Commissioner Galloway discussed the funding to outfit the Washoe County Sheriff’s Office Regional Aviation Unit (RAVEN) Huey helicopter as detailed in the staff report dated August 8, 2007.

Kurt Latipow, Fire Services Coordinator, stated the actual cost for retrofitting the Huey helicopter came in at \$162,586.91, which was less than the \$250,000 projected.

In response to Chairman Larkin, Mr. Latipow said the contract would be awarded as soon as the Board approved the retrofit. He stated the helicopter was projected to be ready for service in mid-September.

Russ Pedersen, RAVEN Sergeant, indicated there was one trained pilot, but additional training would be required and coverage would have to be identified.

In response to Commissioner Galloway, Mr. Latipow explained the most effective system was chosen.

Commissioner Humke commented on an e-mail he received from a constituent that showed a standard bucket on a long line. Mr. Latipow said that system was not as efficient especially from a deployment prospective. He stated the underbelly tank gave the helicopter the flexibility to fly in and drop the suction device into any water source that was as little as one inch deep. He said the use of the bucket restricted the size of the water source, and it was much safer to fly an aircraft without a long line attached.

There was no public comment on this item.

Upon recommendation of Kurt Latipow, Fire Service Coordinator, on motion by Commissioner Galloway, seconded by Chairman Larkin, it was ordered that the following actions be taken as part of the retrofit of the Washoe County Sheriff’s Office HH-1H Huey Helicopter for fire suppression purposes:

- With the gratitude of the Board, accept a total of \$2,170 in donations to the Washoe County Sheriff’s Office Regional Aviation Unit (RAVEN) [\$1,000 from Noland Family Trust, \$500 from Birdie Starr, \$75 from Kid

City Academy, \$50 from Mr. and Mrs. Turchi, \$35 from Mr. and Mrs. Gillett, and \$10 from Barbara Hollenberger].

- Approve the purchase and installation of a new emergency locator transmitter, single person helicopter tow bar, ground handling wheels and a Garmin 530 aircraft radio for the HH-1H Huey at a cost not to exceed \$26,763.41.
- Award an emergency contract, pursuant to NRS 332.112, to purchase an under-the-belly fire attack system for the Sheriff's Office HH-1H Huey Helicopter from Isolair Helicopter Systems in the amount of \$135,823.50.
- Direct the Finance Department, if emergency contract awarded and donations accepted, to transfer \$81,293.46 from the General Fund contingency (189000), and to make a temporary transfer of \$79,123.45, to be repaid at a future date from other sources, from the Public Works Construction Fund (PW920573), and the \$2,170 in donations to Fire Suppression (GF187532) in the total amount of \$162,586.91 in connection with these purchases.
- Direct the Finance Department to make the appropriate budget adjustments.

**07-923 PRESENTATION OF APPRECIATION – FORMER
COMMISSIONER PETER J. SFERRAZZA**

Chairman Larkin made a Presentation of Appreciation to former County Commissioner, Judge Peter J. Sferrazza.

Judge Sferrazza said working for Washoe County was a wonderful job. He was thankful he continued to work for the County but in a different capacity. He thanked the Commissioners for their faith in him and for giving him the opportunity to serve as a Judge in the Reno Justice Court.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Presentation of Appreciation to former Commissioner Peter J. Sferrazza be approved.

5:30 p.m. The Board took a temporary recess.

6:14 p.m. The Board reconvened with Commissioner Humke absent.

**07-924 ORDINANCE NO. 1339 – BILL NO. 1518 – AMENDING WASHOE
COUNTY CODE – CLARIFYING PURCHASE AMOUNT**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on August 3, 2007 to consider second reading and adoption of Bill No. 1518. Proof was made that due and legal Notice had been given.

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

Commissioner Galloway stated he believed the last discussion and direction was to remove the strikeouts in paragraph two making the only change the additional annual amounts. Katy Singlaub, County Manager, replied there was a new version of the ordinance. Commissioner Galloway said he was okay with the way it was now, but he wanted to be clear that version was being approved.

In response to Chairman Larkin, Melanie Foster, Assistant District Attorney, stated the new version of the Ordinance was available to the public.

There being no response to the call for public comment, the hearing was closed.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Humke absent, Chairman Larkin ordered that Ordinance No. 1339, Bill No. 1518, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY CLARIFYING THE AMOUNT FOR WHICH PURCHASES MUST BE SUBMITTED TO THE BOARD OF COUNTY COMMISSIONERS,**" be approved, adopted and published as amended in accordance with NRS 244.100.

**07-925 ORDINANCE NO. 1340 – BILL NO. 1519 – AMENDING POWERS
– LOCAL MANAGING BOARD – SOUTH TRUCKEE MEADOWS
GENERAL IMPROVEMENT DISTRICT**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on August 3, 2007 to consider second reading and adoption of Bill No. 1519. Proof was made that due and legal Notice had been given.

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

Commissioner Galloway stated he interpreted that amendment item d) meant if the Local Managing Board (LMB) for the South Truckee Meadows General Improvement District (STMGID) became dissatisfied with having Washoe County perform certain services, the LMB could obtain those services elsewhere. Melanie Foster, Assistant District Attorney, clarified it meant the LMB would behave in the same way County departments and the Health District did in that they agreed to use Washoe County Purchasing to make their purchases.

Commissioner Galloway asked if STMGID would be able to contract elsewhere for the services currently provided by Water Resources. Ms. Foster replied that issue was not raised as part of these discussions, and she did not feel it was STMGID's intent to do that. Commissioner Galloway said he did not mind if they did, he just wanted

it clarified. Ms. Foster said they could if it was something the County could not furnish in house. She stated STMGID would still have to come to the Board if the dollar amount was over \$50,000, which was the same requirement as for County departments.

There being no response to the call for public comment, the hearing was closed.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Humke absent, Chairman Larkin ordered that Ordinance No. 1340, Bill No. 1519, entitled, "**AN ORDINANCE AMENDING THE POWERS OF THE LOCAL DISTRICT MANAGING BOARD FOR THE SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT BY DELEGATING ADDITIONAL POWERS; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO,**" be approved, adopted and published in accordance with NRS 244.100.

07-926 ORDINANCE NO. 1339 – BILL NO. 1520 – AMENDING CHAPTER 65 – POWERS EXERCISED BY COUNTY MANAGER DURING DECLARED EMERGENCY

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on August 3, 2007 to consider second reading and adoption of Bill No. 1520. Proof was made that due and legal Notice had been given.

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

Commissioner Galloway commented this ordinance clarified that the Board of County Commissioners wanted the County Manager to act on their behalf during emergency situations.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Humke absent, Chairman Larkin ordered that Ordinance No. 1341, Bill No. 1520, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE, CHAPTER 65 BY CLARIFYING THE POWERS WHICH MAY BE EXERCISED BY THE COUNTY MANAGER DURING A DECLARED EMERGENCY AND OTHER MATTERS PROPERLY RELATED THERETO,**" be approved, adopted and published in accordance with NRS 244.100.

07-927

**RESOLUTION OF DECLARATION OF SURPLUS – TRANSFER
– OLD VERDI JUSTICE COURT TO VERDI HISTORY
PRESERVATION SOCIETY INC. – PUBLIC WORKS**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette Journal* on July 20, 27 and August 3, 2007 to consider the transfer of APN 038-403-03, known as the Old Verdi Justice Court, to the Verdi History Preservation Society, Inc., a Nevada non-profit, or to reschedule this action to August 28, 2007 at 5:30 p.m. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against the transfer of the Old Verdi Justice Court to the Verdi History Preservation Society, Inc.

Commissioner Weber felt there was no reason to continue it to August 28th, and she requested action be taken today regarding the transfer. She said there were folks in the audience that were here to support this action.

Andy Manor spoke about this action being the collimation of two years of hard work by the Verdi History Preservation Society and Commissioner Weber to keep alive some of the remaining historical sites in Verdi. She requested the Board approve the transfer tonight.

6:24 p.m. Commissioner Humke returned to the meeting.

There being no response to the call for further public comment, the hearing was closed.

Commissioner Weber asked those in the audience that were in support of the transfer to please stand and approximately 13 people stood. Commissioner Weber thanked them for coming.

Upon recommendation of Roger Van Alyne, Deputy Public Works Director, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the transfer of APN 038-403-03, known as the Old Verdi Justice Court, to the Verdi History Preservation Society, Inc., a Nevada non-profit, be approved and the Chairman be authorized to execute the Quitclaim Deed upon presentation. It was noted the potential revenue to the Public Works Property Division (160102-485191) was less than \$500.

07-928

**PUBLIC AUCTION – AWARD OF LEASE – 150 SQUARE FEET IN
SENIOR CENTER – PUBLIC WORKS**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette Journal* on July 20, 27 and August 3, 2007 to review written bids and hear oral bids regarding 150 square feet of County owned space located within the Senior Citizens

Center at 1155 E. 9th Street, Reno, Nevada or to provide direction to staff to continue this item to August 28, 2007 at 5:30 p.m. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing.

Roger Van Alyne, Deputy Public Works Director, stated staff advertised for bids and one was received. He said no notice of oral bids was received so there was only one bid to open.

Chairman Larkin opened the sealed bid and stated it was from Bob Carroll Associates, which he then read aloud. Mr. Van Alyne stated the bid appeared to be in compliance with the solicitation based on what Chairman Larkin read. A copy of the bid was placed on file with the Clerk.

Commissioner Galloway asked if the Board should inquire if there were any oral bids. Mr. Van Alyne said that did not have to be done since no notifications were received of any oral bids. Melanie Foster, Assistant District Attorney, said the Board could ask if they would be more comfortable doing so.

Chairman Larkin asked if there was anyone who wished to address the Commission on this item. There was no response and the Chairman closed the public hearing.

Upon recommendation of Roger Van Alyne, Deputy Public Works Director, on motion by Commissioner Galloway, seconded by Chairman Larkin, which motion duly carried, it was ordered that the written bid from Bob Carroll Associates to lease the 150 square feet of County owned space located within the Senior Citizens Center at 1155 E. 9th Street, Reno, Nevada in the amount of \$300 per month be accepted and the lease be awarded to Bob Carroll Associates. It was further ordered that the Chairman be authorized to execute the Lease Agreement for the same.

Chairman Larkin commented the Senior Center was the proper home for Bob Carroll Associates who had entertained the senior community for many years.

Commissioner Galloway felt the studio in the Senior Center would be something the seniors would enjoy seeing.

07-929 DEVELOPMENT AGREEMENT CASE NO. DA06-006 – PAULSUE LIVING TRUST – TENTATIVE PARCEL MAP CASE NOS. PM05-064, PM05-065 AND PM05-066 – COMMUNITY DEVELOPMENT

5:30 p.m. This was the time set in a Notice of Public Hearing mailed to affected property owners on August 3, 2007 and published in the *Reno Gazette-Journal* on August 3 and 6, 2007 to consider adoption of Development Agreement Case No. DA06-006 for Paulsue Living Trust - 1994 for Tentative Parcel Map Case Nos. PM05-064, PM05-065,

and PM05-066 located in the Warm Springs Specific Plan, pursuant to Nevada Revised Statutes 278.0201 through 278.0207. (APN 077-130-22) If approved, to introduce and have the first reading of an ordinance pursuant to Nevada Revised Statutes (NRS) 278.0201 through 278.0207 to approve the same.

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

Based on the following findings, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that Development Agreement Case No. DA06-006 for Paulsue Living Trust - 1994 for Tentative Parcel Map Case Nos. PM05-064, PM05-065, and PM05-066 located in the Warm Springs Specific Plan pursuant to Nevada Revised Statutes 278.0201 through 278.0207 (APN 077-130-22) be approved and the Chairman be authorized to execute the same:

FINDINGS

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

Chairman Larkin opened the public hearing and called on anyone wishing to speak for or against the proposed ordinance. There being no response, the public hearing was closed.

Bill No. 1521, entitled, "**AN ORDINANCE PURSUANT TO NEVADA REVISED STATUTES 278.0201 THROUGH 278.0207 ADOPTING THE DEVELOPMENT AGREEMENT CASE NO. DA06-006 FOR TENTATIVE PARCEL MAP CASE NOS. PM05-064, PM05-065 AND PM05-066, APPROVED BY THE PARCEL MAP REVIEW COMMITTEE OF WASHOE COUNTY ON OCTOBER 13, 2005**" was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

07-930

DEVELOPMENT AGREEMENT CASE NO. DA07-003 – RUSSELL AND SANDRA JOHNSON – TENTATIVE PARCEL MAP CASE NOS. PM07-022 – COMMUNITY DEVELOPMENT

5:30 p.m. This was the time set in a Notice of Public Hearing mailed to affected property owners and published in the *Reno Gazette-Journal* on August 3, 2007 to consider adoption of Development Agreement Case No. DA07-003 for Russell and Sandra Johnson for Tentative Parcel Map Case No. PM07-022 located in the Warm Springs Specific Plan pursuant to Nevada Revised Statutes 278.0201 through 278.0207. (APN 077-340-18) If approved, to introduce and have the first reading of an ordinance pursuant to Nevada Revised Statutes (NRS) 278.0201 through 278.0207 to approve the same.

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

In response to Commissioner Galloway, Trevor Lloyd, Planner, said all development agreements went through the same lengthy and rigorous process.

Based on the following findings, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that Development Agreement Case No. DA07-003 for Russell and Sandra Johnson for Tentative Parcel Map Case No. PM07-022 located in the Warm Springs Specific Plan pursuant to Nevada Revised Statutes 278.0201 through 278.0207 (APN 077-340-18) be approved and the Chairman be authorized to execute the same:

FINDINGS

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

Chairman Larkin opened the public hearing and called on anyone wishing to speak for or against the proposed ordinance. There being no response, the public hearing was closed.

Bill No. 1522, entitled, "AN ORDINANCE PURSUANT TO NEVADA REVISED STATUTES 278.0201 THROUGH 278.0207 ADOPTING THE DEVELOPMENT AGREEMENT CASE NO. DA07-003 FOR TENTATIVE PARCEL MAP CASE NO. PM07-022, APPROVED BY THE PARCEL MAP REVIEW COMMITTEE OF WASHOE COUNTY ON MAY 10, 2007" was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

07-931 COMPREHENSIVE PLAN AMENDMENT CASE NO. CP07-003 –
COMMUNITY DEVELOPMENT

5:30 p.m. This was the time set in a Notice of Public Hearing mailed to affected property owners and published in the *Reno Gazette-Journal* on August 3, 2007 to consider a request to amend the Cold Springs Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment request would re-designate Assessor's Parcel Number (APN) 81-131-34 ($\pm 2,500$ square feet) from the land use category of Public/Semi-Public (PSP) to Industrial (I). The subject property is located at 18995 Reno Park Blvd., approximately 3/4-mile southwest of its intersection with Village Parkway. The subject parcel is within the Truckee Meadows Service Area (TMSA), and within the Area of Interest of the City of Reno, as identified by the 2002 Truckee Meadows Regional Plan. The subject parcel is located within Section 30, T21N, R18E, MDM, Washoe County, Nevada. The property is within Washoe County Commission District 5 and within the Cold Springs Citizen Advisory Board boundary. To reflect changes requested within this application and to maintain currency of general area plan data, administrative changes are proposed that include: a revised map series with an updated parcel base and revised table of land uses. And if approved, to authorize the Chairman to sign the Resolution for the updated area plan after a determination of conformance with the Regional Plan by the Truckee Meadows Regional Planning Agency.

Chairman Larkin opened the public hearing and called on anyone wishing to speak for or against the proposed amendment.

Kelly Mullin, Assistant Planner, explained the previous use for the parcel was for a public well site, which was abandoned. She said the conversion of the parcel to Industrial would make it the same zoning as the surrounding parcels. She stated the Planning Commission and staff were both recommending approval of the request.

There being no response to the call for public comment, the public hearing was closed.

Based on the following findings in accordance with Washoe County Development Code Sections 110.820.15 and 110.820.35, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the request to amend the Cold Springs Area Plan, being a part of the Washoe County Comprehensive Plan, to re-designate APN 081-131-34 ($\pm 2,500$ square feet) from the land use category of Public/Semi-Public (PSP) to Industrial (I) for David and Corinne Dunn,

be approved and the Chairman be authorized to execute the resolution for the updated area plan after determination of conformance with the Regional Plan by the Truckee Meadows Planning Agency:

FINDINGS:

1. Consistency with Comprehensive Plan. The proposed amendment to the Cold Springs Area Plan is in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan.
2. Compatible Land Uses. The proposed amendment to the Cold Springs Area Plan will provide for land uses compatible with adjacent land uses and will not adversely impact the public health, safety or welfare.
3. Response to Changed Conditions. The proposed amendment to the Cold Springs Area Plan responds to changed conditions that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
4. No Adverse Effects. The proposed amendment to the Cold Springs Area Plan will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Comprehensive Plan.
5. Desired Pattern of Growth. The proposed amendment to the Cold Springs Area Plan will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
6. The proposed amendment is the first amendment to the Cold Springs Area Plan in 2007, and therefore does not exceed the four permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.
7. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.
8. The Washoe County Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.

5:30 p.m. This was the time set in a Notice of Public Hearing mailed to affected property owners on August 3, 2007 to consider the appeal of the Board of Adjustment's (BOA's) denial of Variance Case No. VA07-012, for the Geiger Grade Storage Facility requesting a reduction of the required number of loading and parking spaces for the proposed three story personal storage facility as required in Section 110.410.10, Table 110.410.3 of the Washoe County Development Code from one loading space per storage unit (approximately 258 spaces required) and one parking space per employee, to a total of 29 loading spaces located within the identified fire department access lane surrounding the proposed structure, and seven off-street parking spaces.

The property, APN: 016-581-43, is located on the north side of State Route (SR) 341, Geiger Grade, has an address of 1420 SR 341, and is approximately 1,000 feet east of the intersection of SR 341 and Shadow Hills Drive. The .87± acre parcel is designated General Commercial (GC) and is situated in a portion of Section 27, T18N, R20E, MDM, Washoe County, Nevada. The property is located in the Southeast Truckee Meadows Area Plan, the Southeast Truckee Meadows Citizen Advisory Board, and Washoe County Commission District 2.

Grace Jensen, Planner, conducted a PowerPoint presentation on the Vicinity Map, the Regulatory Zones, and the Site Plan for the proposed Geiger Grade Storage Units. A copy of the presentation was placed on file with the Clerk. She stated property owners who had property within 500 feet of the project site were notified of today's hearing. She discussed the previous actions regarding the applicant's request as outlined in the staff report dated July 23, 2007. She noted she received a petition with approximately 86 signatures against the project, which was attached to the staff report.

In response to Chairman Larkin, Ms. Jensen stated the applicants had advised her they had legal access to the property through the 7-Eleven.

Commissioner Galloway commented no Special Use Permit was required because the property was already zoned GC. Ms. Jensen agreed. He asked if the applicants came back with a substantially new project that was much smaller in size and requested a Director's Modification, would they start with a clean slate or would they have to wait a year if this variance was denied. Ms. Jensen confirmed they would have to submit a substantially different project such as a one or two story building with fewer units. Commissioner Galloway felt one reason the Director did not issue a modification was the project's incompatibility with the neighborhood. Ms. Jensen stated her review indicated the project was not compatible with the neighborhood because there were single story homes on two sides of the proposed development, and she suggested a more modest commercial development would be more appropriate.

In response to Chairman Larkin, Ms. Jensen confirmed the property did not have enough room to put 258 parking spaces for the 258 storage units as required.

She stated the applicants were requesting 29 loading spaces that would be in the fire access lane, which would be in front the garages for loading. She said those spaces would be accessible only to the ground floor units with garage doors. Chairman Larkin commented that was typical of these types of operations. Ms. Jensen said the application also stated there would be seven spaces for units located in the interior of the building. Chairman Larkin said he could see a problem if someone with an interior unit parked in front of a garage. Ms. Jensen said the concern expressed by the public was that the elevator was proposed to be in the southeast corner of the building, and it was human behavior to park as close to the elevator as possible.

In response to Chairman Larkin, Ms. Jensen said the fire department reviewed this project and was okay with it as long as cars could be moved out of the access lane, which was proposed to be 20 feet wide.

In response to Chairman Larkin, Ms. Jensen explained this was the first application for a three-story facility in the County. She said this type of facility was usually put into a more urban setting, which this was not. She indicated the project could be one story if it met the parking requirements.

Chairman Larkin stated he understood the applicants not feeling 258 spaces were needed because people would be coming in to pick something up or drop something off and then leaving. He said what he was trying to get at was the character of the property surrounding the project, and he asked if any of the surrounding homes were two story. Ms. Jensen replied they were single-story, single-family dwellings.

Commissioner Humke asked for an explanation of Finding 3. Ms. Jensen explained it was a parcel capable of accommodating a more modest commercial development, and it was staff's opinion the applicant was overbuilding the parcel. She confirmed the project was surrounded by Medium Density Suburban (MDS) homes, and she believed they were on one-acre lots.

The applicant's representative, Chad Wilkinson, CFA, Inc., conducted a PowerPoint presentation that described what County Code allowed, the variance request, the justification for the proposed number of spaces, and the findings. A copy of the presentation was placed on file with the Clerk. Mr. Wilkinson emphasized that the applicants believed the project met the findings required for a variance. He said the site was constrained by the fire access lane and the requirements to stay out of a water-line easement.

During Mr. Wilkinson's discussion of Finding 2, he stated the proposed development met or exceeded all setbacks, height restrictions, fire access requirements, and landscape requirements. He felt the required parking was the disproportionate part of the development. He indicated the required parking did not match what was the nationally recognized standard for parking for this type of use. He said the County, in analyzing developments, would use that standard.

Mr. Wilkinson said the proposed mitigation was that the building height was less than half that allowed in the zoning district. He stated the property had been zoned commercial since at least 1974 and development of a permitted commercial use was not a detriment to property owners who purchased property adjacent to a commercial zone. He said the proposed landscaping would meet or exceed Code as additional mitigation for the adjacent residential properties. He stated this project was one of the lowest possible traffic generating uses. He felt the construction of the 258 parking spaces would be more of a detriment to the neighboring properties than allowing the variance. He discussed what the landscaping would look like after it matured.

Mr. Wilkinson said the proposed use was permitted by right in the zoning district; and, if there were no parking issue, the project would not have been brought before the BOA or the Board of County Commissioners. He felt the biggest issue was the specific standard did not correlate with the parking generated for this type of use, which was not anticipated in Washoe County Code.

Mr. Wilkinson stated the applicants were requesting the decision of the BOA be reversed and the variance approved.

In response to Commissioner Galloway, Mr. Wilkinson explained the point of the presentation was the parking standard had no correlation with nationally recognized parking standards.

Commissioner Galloway stated if a different Code was developed for multilevel-storage units of the type indicated, the Code could be very different and could limit the structure to two stories or have a limit on lot coverage. He agreed a three-story office building could be put on the lot, but it would still need substantial parking. Mr. Wilkinson agreed there were a variety of different uses that could go on the lot, but the applicants were requesting something they felt was compatible with the neighborhood because of the low traffic and parking generating use. Commissioner Galloway said Mr. Wilkinson answered the question even though he was not entirely satisfied with the answer.

In response to the call for public comment, Tom Judy, Southeast Truckee Meadows Citizen Advisory Board (CAB) Chair, said when this application came to the CAB there was a consensus that the applicants were attempting to overdevelop the property, which was not even a full acre. He said the only hardships were those created by the type of development proposed and a more modest development would be appropriate. He felt even though the height of the building was allowed by Code, it was incongruous with the rest of the community. He said some thought the parking requirement was more stringent than needed for this type of development, but it would be appropriate to amend the Code for this type of use. He felt overruling the Board of Adjustment would be inappropriate and would set a precedent for other such developments.

Bob Byrne and Jeffrey Eveland indicated they were against the project but declined to speak.

Joy Sackerson, Clayton Gardner, and Maureen O'Brien discussed their objections to the project.

Applicant Dale Barcomb stated the parking requirements were not appropriate for this type of use, and he requested the Board approve the variance. Applicant Denise Barcomb declined to speak.

There being no further response to the call for public comment, the public hearing was closed.

Commissioner Humke asked if the lighting was considered; and, if there were provisions within the Code that would deal with the lighting being consistent or inconsistent with the surrounding neighborhood. Ms. Jensen replied she was more focused on the parking; and, if the project were built, downcast light would be required.

Commissioner Humke asked if it was permissible to light up the edifice of the building. Mike Harper, Planning Manager, replied if the lighting was 100 feet away from the property boundary, the building could be illuminated. He said the lighting was required to be twelve feet, down-spouted, and not cross property boundaries. He said the variance did not consider the lighting because it was not germane to the parking issue.

Commissioner Humke asked if lighting used to light up the doors, walkways, and driveways would cast light onto adjoining properties. Mr. Harper replied no, not if the lighting was directed downwards. He said the totality of the lighting would potentially draw attention to the building no matter how it was screened because there would be more lighting.

In response to Commissioner Humke, Mr. Wilkinson said Code would be met and they would work with the neighbors on the lighting. He explained there would be security lighting, but there were no plans to illuminate the building. He reiterated the only issue was parking.

Commissioner Galloway said the Code for variances not only required special circumstances sometimes referred to as a hardship, but also required no detriment. Ms. Jensen confirmed that was correct. Commissioner Galloway explained he wanted to make sure that was not a finding volunteered by the BOA but was a Code requirement. He asked if the policy was intended to deal with someone wanting a variance on something that was non-standard, such as the parking standard being overly strict, and if that could be done if there was no detriment. Ms. Jensen replied that was correct.

Commissioner Galloway said he had trouble stating there was no detriment because he felt there was an incredible visual mass compared with the size of

the lot. He said it was not unfair because there was a mechanism, if there was no detriment and there really was a hardship, for the Board to grant the variance. Ms. Jensen said she could not see how the applicants met the finding of special circumstances related to the land because they were self-imposed by the development in her analysis. She felt there was detriment because of natural lighting blocks and shadowing effects.

Commissioner Galloway stated a hardship or a special circumstance would be that no kind of reasonable commercial structure could be built without a variance, not that a specific design could not be built. Ms. Jensen agreed with Commissioner Galloway's analysis and clarified a hardship would be steep slopes or significant hydrologic resources that constrained the property.

Chairman Larkin discussed the contents of the BOA's minutes, which did not reflect any general consensus that the parking standards were excessive. After further discussion with Mr. Barcomb and Mr. Wilkinson about what happened at the BOA meeting, Chairman Larkin stated the record reflected that the consensus was that the variance was denied.

Mr. Wilkinson said the request was to reduce the parking, and he felt whether the parking standard was appropriate for that type of use was a separate issue. Chairman Larkin stated changing the parking code would require a Development Code change. He said approval of the variance was what was before the Board, and he asked if there was any evidence that would persuade the Board to approve the variance because he had not heard any yet. Mr. Wilkinson replied adequate evidence had been shown that indicated the parking standard in Code did not reflect the nationally accepted standard for this type of use. Chairman Larkin said that was a Development Code issue, and he asked again for evidence. Mr. Wilkinson stated it was an oddly shaped parcel and was constrained by drainage and waterline easements. He said those factors constrain the developable area of the lot, which requires a variance because all of the required parking cannot be fit onto the lot. He stated the parking requirement could not be met for this type of use even if the building were reduced to one story.

Chairman Larkin felt the findings had not been made. Mr. Wilkinson replied he felt they had been. Chairman Larkin reiterated they were not, and he asked if there was anything else other than what had already been presented. Mr. Wilkinson replied those were the findings.

Commissioner Galloway said anyone could ask a Commissioner to amend the Development Code. Mr. Harper stated the avenues available to the applicant were to petition the Board of County Commissioners to initiate an amendment through a resolution, petition the Planning Commission to initiate an amendment through a resolution, or pay a fee to initiate an amendment. He said the process was available on the web site.

Commissioner Galloway asked if the petition required a certain number of signatures. Mr. Harper replied it did not. He said an applicant could request to be put on the Board of County Commissioners' agenda to request the Board initiate an amendment.

Commissioner Humke disclosed he exchanged phone messages with Mr. Wilkinson, but he never actually talked with him.

Commissioner Galloway agreed the special circumstances were not met, but that did not preclude the applicants from using any of the other commercial uses on the property. He said he did not see there were any special circumstances as long as there were other reasonable, applicable, usable commercial uses for the property even if they were smaller than what the applicant would like. He said the big visual mass was a detriment. He agreed the neighbors should expect to see some GC development eventually, but it would be what would normally be allowed under the County's Code. He also felt there was an access detriment to allow people to park in the fire access lane even though the fire department was okay with it and there would be a special privilege if the Board said the parking requirement did not intend this type of use. He reiterated if the Development Code did permit this type of use, other restrictions could have been put on that use. He said that mechanism did not exist, only the variance. He stated that was why he supported the denial of the appeal.

Based upon the following findings, on motion Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that appeal of the Board of Adjustment's denial of Variance Case No. VA07-012 for the Geiger Grade Storage Facility requesting a reduction of the required number of loading and parking spaces for the proposed three story personal storage facility as required in Section 110.410.10, Table 110.410.3 of the Washoe County Development Code from one loading space per storage unit (approximately 258 spaces required) and one parking space per employee, to a total of 29 loading spaces located within the identified fire department access lane surrounding the proposed structure and seven off street parking spaces, be denied:

FINDINGS:

1. Special Circumstances. The property is flat with no exceptional topographic constraints. There is no hardship related to the size, shape, or topography of the property. The applicants' claims of hardship from exceptional topographical constraints due to the parcel's shape is unfounded. There is no hardship presented by the property, but rather the proposed use is too intense for the parcel size, leaving little room for the parking requirements of the Development Code.
2. Detriment. A relief of parking requirements would create a substantial detriment to the public good. Granting a reduction in required parking would allow the parcel to be overdeveloped. The height and bulk of the proposed building would be out of character with the surrounding single story residential properties, would create shadowing, and would be visually imposing. Approving the variance would

impair the intent and purpose of the Development Code by allowing a small parcel to be overbuilt with a three-story structure, which is surrounded on two sides by an established residential neighborhood.

3. Special Privileges. The granting of the variance would set a precedent and be inconsistent, allowing a special privilege. The variance would allow a development standard, which is not otherwise expressly authorized in the County, and is no legally consistent with the surrounding commercial properties.
4. Reasoned Consideration. That the Washoe County Board of County Commissioners gave reasoned consideration to the information transmitted from the Washoe County Board of Adjustment and to the information received during the public hearing.

7:42 p.m. The Board took a brief recess.

8:05 p.m. The Board reconvened with all members present.

07-933 **PURCHASE REQUISITION – BOARD OF REGENTS**
UNIVERSITY OF NEVADA, RENO SCHOOL OF MEDICINE –
LABORATORY TESTING – DISTRICT HEALTH

There was no public comment on this item.

Upon recommendation of Patsy Buxton, Fiscal Compliance Officer, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the FY 07/08 Purchase Requisition No. 3000008203 issued to the Board of Regents - University of Nevada, Reno (UNR) School of Medicine (single source) in the approximate amount of \$104,700 for laboratory testing in support of the medical clinic operations on behalf of the Community and Clinical Health Services Division of the District Health Department be approved.

07-934 **CASH DONATIONS – WILBUR MAY FOUNDATION – GENERAL**
OPERATIONAL SUPPORT – WILBUR D. MAY CENTER AND
TEMPORARY EXHIBITS – PARKS

There was no public comment on this item.

Upon recommendation of Rosemarie Entsminger, Fiscal Compliance Officer, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that a total of \$300,000 in cash donations from the Wilbur May Foundation be accepted with \$200,000 for fiscal year 2007/08 for general operational support of the Wilbur D. May Center and \$100,000 in support of temporary exhibits at the Wilbur D. May Museum and Finance be directed to make the necessary budget adjustments.

07-935 **APPOINTMENT/REAPPOINTMENT – OPEN SPACE AND REGIONAL PARKS COMMISSION – PARKS**

In response to Chairman Larkin, Doug Doolittle, Regional Parks and Open Space Director, replied staff had an old list and those individuals had not been contacted about the one opening besides the reappointment. He said no new names had come forward in the last six months, but there had been no active solicitation.

There was no public comment on this item.

On motion by Commissioner Humke, seconded by Commissioner Galloway, it was ordered that Robert Jacobson be reappointed to the Open Space and Regional Parks Commission for a term through June 30, 2011.

07-936 **APPOINTMENT – MEMBER REPRESENTATIVE – ANIMAL CONTROL BOARD – PUBLIC WORKS/ANIMAL SERVICES**

Commissioner Galloway nominated Karen Wilson for the appointment.

There was no public comment on this item.

On motion by Commissioner Humke, seconded by Commissioner Galloway, it was ordered that Karen Wilson be appointed as the Member Representative from County Commission District 1 to serve the remainder of an unexpired term through October 2007 on the Washoe County Animal Control Board.

07-937 **INTERLOCAL AGREEMENT – CITY OF RENO – COMMUNITY RESOURCE AND FAMILY SHELTER BUILDING – MANAGEMENT SERVICES/COMMUNITY SUPPORT ADMINISTRATOR**

There was no public comment on this item.

On motion by Commissioner Humke, seconded by Commissioner Galloway, it was ordered that the Interlocal Agreement between Washoe County and the City of Reno, concerning providing support for the construction of the Community Resource and Family Shelter Building in the amount of \$1,200,000 to be paid over four years beginning July 2008 in increments of \$300,000 per year, be approved and the Chairman be authorized to execute the same.

07-938 **REVIEW – WATER RIGHTS APPLICATIONS 75701-75724**

5:30 p.m. This was the time set in a Notice of Public Meeting published in the *Reno Gazette-Journal* on July 9, 16, and 23, 2007.

Vahid Behmaram, Water Rights Manager, said Nevada Revised Statutes (NRS) 533.363 required this review before the Board of County Commissioners, and a

very detailed public notice was published in the newspaper. He discussed the pertinent information about the applications as provided in the staff report dated July 23, 2007.

Mr. Behmaram emphasized that even though permits and certificates existed there was no guarantee that there was sufficient resource to back them up. As an example, he said Spanish Springs permits and certificates totaled about 6,000-7,000 acre-feet. He stated three recent studies estimated the basin yield to be about 1,000 acre-feet without the influence of the Orr Ditch and in the neighborhood of 2,000 to 2,200 acre-feet with the recharge that occurred from the Orr Ditch flowing through the basin. Mr. Behmaram explained Warm Springs had approximately 7,000 acre-feet of permits, while studies by United States Geological Survey (USGS) and Washoe County put the number at about a 3,000 acre-feet safe yield. He said both northern valley basins combined have about 1,500 acre-feet of natural safe yield. He said Hualapai Flat had 28,000 acre-feet of permits and certificates. He stated that number might be exaggerated because some of the permits were supplemental to each other and 500 plus 500 acre-feet might not equal 1,000 acre-feet, which was the nature of water rights.

Mr. Behmaram said a 30-year old USGS report estimated the yield of the Hualapai Flat basin at 6,700 acre-feet. He said the applicants had completed new studies that he felt would be presented to the State Engineer during the hearings.

Mr. Behmaram stated the basis of Washoe County's opposition was that the State Engineer could not approve the applications if the resources were not available per NRS 533.

Chairman Larkin said there had been discussions about the USGS yield reports before. He stated this was about moving water from a basin that more than likely exceeded the estimated yield even if the USGS reports were ultra conservative, which he felt they were. He said the Hualapai Flat yield was 6,700 acre-feet and the proposal was to transfer 2,500 acre-feet out. He stated if the over appropriation was disregarded and someone just looked at the yield and what was proposed to be exported, it was not too bad. Mr. Behmaram agreed. He said even though the project would only export 2,500 acre-feet, the remaining water rights would still remain in the basin for agricultural use. He said there would always be competition between the export projects and irrigation wells. He stated it would be groundwater mining if the water rights were exercised to their full limit. He stated groundwater mining would have grave consequences and would harm the aquifer, which would not be good policy.

Chairman Larkin said far more disturbing was the San Emidio Desert proposal of exporting 4,700 acre-feet when the estimated yield was only 2,500 acre-feet.

Commissioner Galloway said the agenda item said review the applications and recommend denial to the State Engineer, and the staff recommendation for the denial was the inadequacy of the resource. He stated he did not understand why the Board was restricted to that reason because the applications ask for the water to be exported outside of Washoe County into Lyon and Storey counties, which he felt was an issue. He asked if

that issue could be added as an area of concern by Washoe County based on all of the zoning that was approved in 2002. He said that zoning would use up all of the water that could be anticipated by 2025. He asked if the County could express the concern that there was an undersupply of water for an already developed area.

Mr. Behmaram passed out a copy of NRS 533.370, which was placed on file with the Clerk. He read NRS 533.025 that stated water belonged to the public and 533.370, subsection 6, which indicated what the State Engineer could consider in rejecting an application. He said that included consideration of the impacts to the basin of origin from which the water would be exported, not to the County of origin.

Chairman Larkin said NRS 533.563 gave the County from which the water was being diverted the opportunity to make a recommendation. He asked if Mr. Behmaram had any idea why the State Legislature would do that. Mr. Behmaram replied staff was making the recommendation to deny, but it was not binding on the State Engineer. Chairman Larkin asked again why the State Legislature would do that if NRS talked strictly about public water in basins, but invest in the Board of County Commissioners the option of making a recommendation. He felt that meant the Board of County Commissioners should consider all factors.

Mr. Behmaram said NRS 533.363 was meant to notify and obtain feedback on this issue from the residents of this County and from this Board. He stated NRS 533.370.6(d) was what the State Engineer would consider in rejecting an application, but the County could bring up the other issues.

Commissioner Galloway suggested bringing up the County's issues; and, if the State Engineer felt he needed to disregard some of them, then the State Engineer needed to do so rather than the Board being blamed for not bringing up an issue. He felt the exportation was a serious issue and would make the County's existing water problems worse, and he could make a case for both the County and the basin as a whole. He reiterated since 2002 tens of thousands of residences were proposed, development plans were underway, and zoning granted.

Commissioner Galloway said even if the concern was over the basin, exporting the water would limit future development in the basin because the water shortage would be bad enough that people would start to go where the water was. He felt it would make more sense to relieve the water shortage and export some of the water to where the population was, so you would not have people driving hundreds of miles.

Commissioner Galloway suggested Table 6-6, Estimated Long-Range Projection of M&I Supply/Demand Comparison by Hydrographic Basin (beyond 2025), which was placed on file with the Clerk, should be given to the State Engineer because it was too big an issue to disregard.

Mr. Behmaram addressed NRS 533.438, which allowed the County of origin to collect a \$10 per acre-foot fee per year and NRS 533.4385, which stated the

County of origin could prepare a mitigation plan for submission to the State Engineer if the County chose not to collect the fee. Commissioner Galloway said it would take about a thousand years to pay off the damage done.

Chairman Larkin said the County was already doing water importation projects in the northern part of the State that the Board authorized. He felt water exportation had to rise to a policy question because there was already a deficit in this region. He stated the figures were not updated with the Vidler water project. Commissioner Galloway said that project would bring in 8,000 acre-feet to the Red Rock Valley with a maximum anticipated of 13,000 acre-feet.

Chairman Larkin said the policy issue became how does the State Engineer divvy up the water so there was fair and equitable growth throughout the region. He said the County would request these applications be denied because the County does not want the water taken out of the basin, but someone was going to take the water out. He stated water should not be mined out of basins that were facing depletion, and there were already three basins within the County's planning area where that was done. He said it was a mess with nitrate problems in Spanish Springs.

Chairman Larkin felt the Board should address the overall policy question and press the State Engineer on these water importation projects. He said the focus should be on Item No. 6 under NRS 553.370 that has to do with justifications, conservation plans, and actions that were environmentally sound. He said he would ask staff how Items A-E would be addressed, especially Item E, in whatever action the Board authorized staff to take. Mr. Behmaram said staff would incorporate some of tonight's direction for Item C. He stated the argument could be that if the project was limited to the safe yield then it would be environmentally sound by default. Chairman Larkin said in that instance, the idea of taking 2,500 acre-feet with a yield of 6,500 acre-feet would be environmentally sound. Mr. Behmaram said not if the existing rights were taken into consideration, even if they were never exercised, because the potential existed for that to happen.

Mr. Behmaram said he would be coming before the Board in late September with a project for Hualapai Flat for another 10,000-14,000 acre-feet in the name of High Rock Holdings for which staff had already begun publishing the public notices.

Regarding conservation, Mr. Behmaram said the communities involved were pretty small and conservation would only yield a minimal amount of water. He stated that amount was not comparable to the amount being requested in the applications. He said whether or not the project was justified was a tough question. He felt the destination counties would state it was justified because their future economic viability depended on it.

Commissioner Galloway stated the applicant was requesting taking water from Washoe County to other counties that were in far earlier stages of development. He

asked if that was good water policy when there were already highly developed areas that had a well-documented serious water shortage. He felt this issue could be raised under justifications, and he discussed what he felt could be further justifications.

Mr. Behmaram said he would incorporate all of these issues in the County's opposition statement.

Commissioner Galloway said it would only be a matter of time until the owners of the water could sell the water within Washoe County for good money and make it a viable economic project. He stated it was a matter of timing. He said the quickest return on money did not always get the best return. He urged the owners to hold out for the best return, which would be a win-win for everyone here and for the owners of the water. Mr. Behmaram replied the owners of the water rights might argue the developers were ready now while Washoe County had not finished its first importation project. He stated there was nothing to compel the State Engineer to reserve these water rights for Washoe County, but staff would certainly try to make that case.

Commissioner Galloway discussed the project's cost and that he found it hard to believe it could be done for \$100,000 million.

In response to Chairman Larkin, Mr. Behmaram said the County's Water Planning staff was actively installing gauges to collect real precipitation data. He was not sure if any data had been collected in the two basins because staff started installing the gauges in southern parts of the County based on priorities. Chairman Larkin asked for a briefing on what data collection was being done and what policies and procedures the Board needed to move forward on to address some of these issues. He indicated he was not opposed to water importation or exportation projects, but the projects had to be for the right reasons and under the right conditions. He said data was needed to make intelligent recommendations to the State Engineer. Mr. Behmaram said the applicant's consultants had done models, and staff would review the models by the County's and the State Engineer's hydrogeologists and make judgments.

Mr. Behmaram said he would pass on the Board's request for a report to Jeanne Ruefer, Water Resources Planning Manager, on where the data collection was at and what basins were covered. He explained there needed to be data for six to seven years to make a good assessment.

In response to the call for public comment, Tim Donahoe, Tech Civil Engineering Consultants Hydrogeologist, stated they were the consultants for Sonterra Development Company, LLC. He said many factors limited economic growth, but the most important one was an inadequate supply of water. He said water must be imported from less populated areas into urban areas where there was a burgeoning demand to ensure continued growth. He noted Sonterra's applications were to change existing water rights that were previously certificated and were not applications for new appropriations of water from the basins, and he discussed the applications.

Jason Walters said he got his water from an artesian spring and his neighbors got their water from wells and springs exclusively in Hualapai Flat. He stated without that water their ranches would die. He said if Sonterra was even a little off in their math, the odds were Hualapai Valley would die and everyone would have to leave. He asked what right anyone had to ask them to risk that happening even if the risk was small.

Debra and Lee Griffith signed in to speak but had to leave. They indicated they were for denial of the applications.

There was no response to the call for further public comment and the Chairman close the public hearing.

Commissioner Galloway said one of the letters the Commissioners received on this issue brought up Aqua Trac, and he asked how did San Emidio Valley and Aqua Trac fit into these issues. Mr. Behmaram said he did not believe they did, but he had not seen the correspondence. A copy of that correspondence was placed on file with the Clerk. Mr. Behmaram believed these basins and Granite Springs, which was the source of Aqua Trac, were separated by one or two other basins that were not adjacent.

Commissioner Galloway stated he was opposed to the exportation of water outside of the County unless he saw a gain for the County in doing so and in this case he only saw a worsening of the water problem. He understood some of the water was intended to go to land that Washoe County allowed Lyon County to annex. In the future, he said if Washoe County saw a gain in providing that water so people would live to avoid commuting, the County could wholesale water rather than diverting water rights outside the County.

Upon recommendation by Vahid Behmaram, Water Rights Manager, and Paul Orphan, Engineering Manager, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Chairman be authorized to recommend denial to the State Engineer of Water Rights Applications 75501 through 75724 and that under A, B, C, D, E as contained in the staff report. Also to include all comments and concerns as addressed by the Board and members of the public, and specific references to various factors that justify the opposition including the water shortage in Washoe County, the need for a future for Hualapai Valley, exportation of water out of an area that might not have sustainable resources to jumpstart additional growth in an area where there was a well established pattern of development that will experience problems because of that and, to include the Table to address the projected deficit. It was noted the State Engineer should consider the pros and cons for the seller and the entire population areas.

REPORTS/UPDATES FROM COUNTY COMMISSION MEMBERS

Commissioner Weber commented on the public's ability to watch the meeting live on the web. Katy Singlaub, County Manager, replied the number of people who could watch simultaneously was limited and it would be publicized when the bugs were worked out.

Chairman Larkin said he would attend the Truckee Meadows Water Authority (TMWA) meeting, which was moved to Thursday morning at 8:30 a.m. He said an Interlocal Agreement would be considered that would establish the Northwestern Nevada Water Commission and would put in motion the Commission and City Council appointments for the new entity. He said there would also be a celebration of the Living River at Cottonwood Park in the City of Sparks on Thursday at 11:00 a.m. He stated on Friday at 3:00 p.m. he would be attending the Lake Tahoe Forum, which was celebrating its 10th anniversary.

Commissioner Galloway asked if a staff member could attend the Northwest Neighborhood Citizen Advisory Board (NAB) meeting in his place on Thursday at 6:00 p.m. at the McQueen Fire Station. Commissioner Weber commented either she or her intern would be there and typically Lorrie Adams, Community Outreach Coordinator, attended. Commissioner Galloway asked that Ms. Adams contact him, so he could go over some issues.

Commissioner Galloway said he would be unable to attend the Debt Management Commission (DMC) meeting on Friday because of attending the Lake Tahoe Forum. He did not anticipate there would be a quorum issue. He stated there would be an informational meeting at 10:00 a.m. in chambers on independent Incline. He said the group wanted to preview an idea for an unincorporated town.

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8:55 p.m. There being no further business to come before the Board, the meeting was adjourned.

ROBERT M. LARKIN, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Lisa McNeil and Jan Frazzetta*