

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

TUESDAY

2:00 P.M.

MAY 22, 2001

PRESENT:

**Jim Shaw, Chairman**  
**Jim Galloway, Commissioner**  
**Ted Short, Commissioner**

**Nancy Parent, Chief Deputy County Clerk**  
**Katy Singlaub, County Manager**  
**Maureen Sheppard-Griswold, Legal Counsel**

ABSENT:

**Pete Sferrazza, Vice Chairman**  
**Joanne Bond, Commissioner**

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

**01-500      AGENDA**

In accordance with the Open Meeting Law, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the agenda for the May 22, 2001, meeting be approved with the following changes: **Delete Items 9** – Appearance Nevan Kane, Hydrogeologist, Nevada Department of Environmental Protection; **13C** – Updated Group Annuity Contract and Amendment to the Administrative Services Agreement with Hartford Life Insurance Company; and **19** – First Reading of Ordinance amending Chapter 70 of the Washoe County Code relating to snow removal by providing for designated winter enforcement periods. It was noted that **Items 21 A, B, C, & D** were completed on May 21, 2001, and will not be heard today.

**PUBLIC COMMENTS**

Sam Dehne, area citizen, expressed his concern about Reno City Council. He stated he is finally getting his day in court against the Ethics Commission concerning Mayor Griffin. Mr. Dehne said Reno City Council refused to let him speak on the budget item at today's meeting.

**COMMISSIONERS' AND MANAGER'S COMMENTS**

Commissioner Galloway said based on comments made during public comment, he will request clarification from the District Attorney's office on whether there was a violation of the Open Meeting Law.

Commissioner Short said he had previously requested a joint meeting be scheduled with Storey County. Katy Singlaub, County Manager, advised that a date is being finalized for a joint meeting between Washoe County Commissioners and Storey County Commissioners.

**MINUTES**

On motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the minutes of the regular meeting of April 24, 2001, and the joint meeting of April 24, 2001, be approved.

**01-501      CONTINGENCY TRANSFER – PURCHASING DEPARTMENT - BUDGET**

Upon recommendation of Ron Steele, Administrative Analyst, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the Comptroller be directed to transfer appropriations from the Contingency account to the Purchasing Department as follows:

<i>Account</i>	<i>Decrease</i>	<i>Increase</i>
Contingency 001-1890-7328	\$2,000.00	
Purchasing Travel 001-1101-7620		\$880.00
Purchasing Office Supplies 001-1101-7250		\$870.00
Purchasing Inventory Supplies 001-1102-7192		\$250.00

**01-502      APPROPRIATION TRANSFER – WATER RESOURCES DEPARTMENT – BUDGET**

Upon recommendation of Jeff Tissier, Accounting Manager, Water Resources Department, through Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the following Transfer of Appropriations within the Department of Water Resources Budget be approved and the Comptroller be directed to make the appropriate adjustments:

<i>DESCRIPTION</i>	<i>DECREASE</i>	<i>INCREASE</i>
66498-7003 Overtime	\$ 9,400.00	
66498-7025 Salary Adjustment	\$116,282.00	
66498-7039 OH Labor Allocation	\$ 39,598.00	
66498-7055 Benefit Adjustment	\$ 35,819.00	

66498-7059 OH Benefit Allocation	\$ 11,312.00	
66498-7103 Professional Services	\$ 20,500.00	
66498-7140 Other Professional Services	\$ 35,400.00	
66498-7149 Professional Services Allocation	\$ 5,186.00	
66498-7195 Parts & Supplies	\$ 420.00	
66498-7259 Photographic Supplies	\$ 22.00	
66498-7261 Postage Express Courier	\$ 14.00	
66498-7279 Other Supplies	\$ 22.00	
66498-7358 Licenses & Permits	\$ 50.00	
66498-7610 Equipment Services Billing	\$ 27,530.00	
66498-7699 OH Supply Allocation	\$ 38,539.00	
66417-7003 Overtime	\$ 6,440.00	
66417-7025 Salary Adjustment	\$133,483.00	
66417-7039 OH Labor Allocation	\$ 46,678.00	
66417-7055 Benefit Adjustment	\$ 39,878.00	
66417-7059 OH Benefit Allocation	\$ 13,335.00	
66417-7103 Professional Services	\$ 20,184.00	
66417-7105 Consulting Services	\$ 2,525.00	
66417-7106 Lab Testing	\$ 2,029.00	
66417-7140 Other Professional Services	\$ 3,894.00	
66417-7149 Professional Services Allocation	\$ 6,113.00	
66417-7250 Office Supplies	\$ 82.00	
66417-7307 Photographic Supplies	\$ 30.00	
66417-7336 Postage Express Courier	\$ 17.00	
66417-7357 Other Supplies	\$ 114.00	
66417-7358 Licenses & Permits	\$ 442.00	
66417-7398 Misc. Expense	\$ 107.00	
66417-7610 Equipment Services Billing	\$ 28,822.00	
66417-7699 OH Supply Allocation	\$ 45,430.00	
66678-7003 Overtime		\$ 6,140.00
66678-7025 Salary Adjustment		\$100,576.00
66678-7039 OH Labor Allocation		\$ 28,864.00
66678-7055 Benefit Adjustment		\$ 29,911.00
66678-7059 OH Benefit Allocation		\$ 8,419.00
66678-7103 Professional Services		\$ 20,184.00
66678-7105 Consulting Services		\$ 2,525.00
66678-7106 Lab Testing		\$ 2,029.00
66678-7140 Other Professional Services		\$ 3,894.00
66678-7149 Professional Services Allocation		\$ 5,186.00
66678-7250 Office Supplies		\$ 82.00
66678-7307 Photographic Supplies		\$ 30.00
66678-7336 Postage Express Courier		\$ 17.00
66678-7357 Other Supplies		\$ 114.00

66678-7358 Licenses & Permits		\$ 442.00
66678-7398 Misc. Expense		\$ 107.00
66678-7610 Equipment Services Billing		\$ 352.00
66678-7699 OH Supply Allocation		\$ 36,827.00
66673-7003 Overtime		\$ 9,700.00
66673-7025 Salary Adjustment		\$149,189.00
66673-7039 OH Labor Allocation		\$ 57,412.00
66673-7055 Benefit Adjustment		\$ 45,786.00
66673-7059 OH Benefit Allocation		\$ 16,228.00
66673-7103 Professional Services		\$ 20,500.00
66673-7140 Other Professional Services		\$ 35,400.00
66673-7149 Professional Services Allocation		\$ 6,113.00
66673-7195 Parts & Supplies		\$ 420.00
66673-7259 Photographic Supplies		\$ 22.00
66673-7261 Postage Express Courier		\$ 14.00
66673-7279 Other Supplies		\$ 22.00
66673-7358 Licenses & Permits		\$ 50.00
66673-7610 Equipment Services Billing		\$ 56,000.00
66673-7699 OH Supply Allocation		\$ 47,142.00
<b>TOTAL</b>		<b>\$689,697.00</b>
		<b>\$689,697.00</b>

**01-503            WATER RIGHTS DEED – WATER SALE AGREEMENT –**  
**HELLMAN’S MOBILE HOME PARK (APN 044-320-48) SIERRA**  
**PACIFIC POWER COMPANY – WATER RESOURCES**

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, it was ordered as follows:

1. The Water Rights Deed between Sierra Pacific Power Company, as Grantor, and Washoe County as Grantee, for 16.88 acre-feet of surface water rights from portions of Claims 337/338, further changed by Application 67445; and the corresponding Water Sale Agreement between Washoe County and Sierra Pacific Power Company for 11.25 acre-feet of surface water rights be approved.
2. Chairman Shaw be authorized to execute the Water Rights Deed and Water Sale Agreement.
3. The Utility Services Division Manager be directed to record the Water Rights Deed and Water Sale Agreement with the Washoe County Recorder.

**01-504      AWARD OF BID – ITB -2283-01 – OVERHEAD CRANE  
INSTALLATION – WASHOE COUNTY HEAVY EQUIPMENT  
SHOP – GENERAL SERVICES DEPARTMENT**

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno-Gazette Journal on March 21, 2001, for Overhead Crane Installation, Removal and Replacement of the Washoe County Heavy Equipment Shop, on behalf of the Equipment Services Division of the General Services Department. Proof was made that due and legal Notice had been given.

Bids, copies of which were placed on file with the Clerk, were received from the following:

Tom Flint Overhead Crane Consultants LLC  
Lift Equipment Certification Co. Inc.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that Bid No. ITB-2283-01 for Overhead Crane Installation, Removal and Replacement of the Washoe County Heavy Equipment Shop on behalf of the General Services Department, be awarded to Tom Flint Overhead Crane Consultants LLC, in the amount of \$24,990.00. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute the agreement with Tom Flint Overhead Crane Consultants LLC to perform the work.

**01-505      AGREEMENT – LEGAL SERVICES – DAVID SPITZER – ADULT  
DRUG COURT AND DIVERSION COURT**

Upon recommendation of Ron Longtin, District Court Administrator, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Independent Contractor Agreement for legal services between David Spitzer and the Second Judicial District Court concerning Adult Drug Court and Diversion Court be approved and Chairman Shaw be authorized to execute.

It was noted that the contracts are for a one-year period (July 1, 2001 through June 30, 2002); and that Adult Drug Court costs equate to \$85,000 per Fiscal Year and Diversion Court costs equate to \$30,000 per Fiscal Year.

**01-506      SECURITY AGREEMENT – 2001 RENO TAHOE OPEN  
CHAMPIONSHIP GOLF TOURNAMENT – SHERIFF’S  
DEPARTMENT**

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the agreement between the Washoe County Sheriff’s Office and

the Reno-Tahoe Open Foundation for security services for the 2001 Reno-Tahoe Open Golf Tournament be approved.

It was noted that the Reno-Tahoe Open Championship Golf Tournament is an event being hosted at the Montreux Golf and Country Club; and that the event is organized and operated under the guidance of the Professional Golf Association and Reno-Tahoe Open Foundation. The tournament will begin August 20, 2001 and continue until August 26, 2001.

**01-507            PRORATE PROPERTY TAXES – DP MANAGEMENT SERVICES  
INC – PARCEL NO. 012-351-11 – ASSESSOR’S OFFICE**

Upon recommendation of John Faulkner, Chief Deputy Assessor, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the County Treasurer be directed to apportion property taxes as follows and Chairman Shaw be authorized to execute:

**ORDER –    Directing the County Treasurer to Apportion Property Taxes  
(NRS 361.790)**

**WHEREAS**, the Board of County Commissioners of Washoe County, pursuant to NRS 361.790, has the authority to direct the County Treasurer to divide and prorate the assessment and tax as it appears on the property tax rolls.

**WHEREAS**, DP Management Services Inc. has made an application to the County Treasurer to divide and prorate the assessment and tax on Assessor’s Parcel Number 012-351-11,

**WHEREAS**, an offer to tender the prorated tax when due and owing has been made,

**WHEREAS**, this Board is satisfied that the person offering to tender payment of the taxes due has a legal or beneficial interest in the smaller parcel only,

**WHEREAS**, this Board has determined how the assessment and tax should be apportioned between the parcels.

**IT IS HEREBY ORDERED THAT:**

1. Each officer who has custody of the tax or assessment roll for the year for which the offer to tender has been made and for each subsequent year divide and prorate the assessment and tax as follows:

APN:	012-351-12	LAND:	\$155,936.00
NAME	DP Management Services	IMPROVEMENTS	\$ -0-
		PERSONAL	\$ -0-
		<b>TOTAL</b>	<b>\$155,936.00</b>

APN:	012-351-13	LAND:	\$227,200.00
NAME	Regional Emergency Medical Services Authority	IMPROVEMENTS	\$ -0-
		PERSONAL	\$ -0-
		<b>TOTAL</b>	<b>\$227,200.00</b>

2. The County Treasurer accept the prorated tax when tendered and apply it to the proper parcel.
3. That the County Assessor assess each parcel separately thereafter.
4. The Clerk of the Board shall mail a copy of this Order to the owner of each parcel and to the persons offering to tender payment.

**01-508            CORRECTION OF FACTUAL AND CLERICAL ERRORS ON TAX ROLLS – ASSESSOR**

Upon recommendation of Thomas Sokol, Assistant Chief Deputy Assessor, and Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following Roll Change Requests correcting factual errors on tax bills already mailed, be approved for the reasons indicated thereon and mailed to the property owners, a copy of which is placed on file with the Clerk. It was further ordered that the Orders directing the Treasurer to correct the errors be approved and Chairman Shaw be authorized to execute on behalf of the Commission.

- Cathy A. Harper--Parcel #504-571-29 [-\$89.99] (1998 Secured Roll)
- Jerle L. King--Parcel #508-311-29 [-\$273.71] (1998 Secured Roll)
- Laurence J. Kaplan--Parcel #050-170-15 [-\$544.54] (1999 Secured Roll)
- Cathy A. Harper--Parcel #504-571-29 [-\$92.88] (1999 Secured Roll)
- Jerle L. King--Parcel #508-311-29 [-\$282.44] (1999 Secured Roll)
- Sonya S. Johnson Etal--Parcel #030-010-11 [-\$21.33] (2000 Secured Roll)
- Laurence J. Kaplan--Parcel #050-170-15 [-\$544.53] (2000 Secured Roll)
- Pecetti Ranch Estates LLC--Parcel #162-140-01 [-\$265.87] (2000 Secured Roll)
- William K. & Davaline J. Hancock--Parcel #504-030-34 [-\$309.79] (2000 Secured Roll)
- Cathy A. Harper--Parcel #504-571-29 [-\$92.89] (2000 Secured Roll)
- Jerle L. King--Parcel #508-311-29 [-\$282.44] (2000 Secured Roll)
- Deborah P. & Randy L. Rice--Parcel #570-071-03 [-\$48.24] (2000 Secured Roll)
- Maria R.G. Carreon--Parcel #570-071-05 [-\$48.24] (2000 Secured Roll)
- Robert & Hertha Blake, Etal--Parcel #033-062-23 [not applicable] (2001 Secured Roll)
- Sunlock Development LLC--Parcel #224-100-09 [not applicable] (2001 Secured Roll)
- Sunlock Development LLC--Parcel #224-100-20 [not applicable] (2001 Secured Roll)
- Hyperbaric Oxygen Clinic of NV--I.D. #2/101-458 [-\$601.96] (2000 Unsecured Roll)

Lewis Computer Services--I.D. #2/103-302 [-\$91.13] (2000 Unsecured Roll)  
 Mercury Printing--I.D. #2/104-398 [-\$180.12] (2000 Unsecured Roll)  
 Prudential Nevada Realty--I.D. #2/155-509 [-\$290.36] (2000 Unsecured Roll)  
 Claussen O'Brien VI--I.D. #2/159-085 [-\$31.02] (2000 Unsecured Roll)  
 T & W Funding Company IX LLC--I.D. #2/190-904 [-\$262.73] (2000 Unsecured Roll)  
 B A Leasing Corp--I.D. #2/191-413 [-\$512.26] (2000 Unsecured Roll)  
 Expresstop One Hour Photo--I.D. #2/191-807 [-\$649.93] (2000 Unsecured Roll)  
 Incline Swiss Mart--I.D. #2/203-181 [-\$216.96] (2000 Unsecured Roll)  
 Togo's Eatery--I.D. #2/211-039 [-\$549.47] (2000 Unsecured Roll)  
 Tuxon Electric--I.D. #2/467-048 [-\$205.69] (2000 Unsecured Roll)  
 Planet Tan--I.D. #2/169-336 [-\$287.85] (1999 Unsecured Roll)  
 Express Stop Financing--I.D. #2/191-764 [-\$36.23] (1999 Unsecured Roll)  
 Incline Swiss Mart--I.D. #2/203-181 [-\$202.12] (1999 Unsecured Roll)  
 PAP R Products Co. Inc--I.D. #2/319-122 [-\$583.98] (1999 Unsecured Roll)  
 Nevada Urban Indians--I.D. 2/265-001 [-\$655.89] (1999 Unsecured Roll)

**01-509            WASHOE COUNTY SUGGESTION PROGRAM**

Darin Conforti, Senior Administrative Analyst, acknowledged the employees being recognized for innovative suggestions that result in cost savings to the County. He reviewed the suggestions and monetary awards the Employee Recognition Committee approved for each suggestion submitted. On motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, Chairman Shaw acknowledged the suggestions and presented certificates of recognition to the following recipients:

Catherine McCarthy	\$25
Maryann DeHaven	\$25

**01-510            PRESENTATION – KATHY CARTER, COMMUNITY RELATIONS AND KAREN FOSTER, TRUCKEE MEADOWS TOMORROW – QUALITY OF LIFE INDICATORS**

Kathy Carter, Community Relations Director, reviewed a power point presentation concerning the five quality of life indicators the Board adopted in 1998. She reviewed the five indicators and advised what the County has accomplished under each indicator.

**Indicator #16: Energy.** Per capita energy consumption by source: electricity, gasoline, natural gas, geothermal and solar.

**Indicator #18: Vehicle Miles.** Vehicle miles traveled per person per day.

**Indicator #45: Solid Waste Management.** Tons of residential and non-residential solid waste that are recycled; tons put in landfills.

**Indicator #46: Solid Waste Management.** Amount of litter in the region.



**Indicator #62: Community Appearance.** The number of people that believe our community has a pleasant appearance in which to live and work.

Karen Foster, Truckee Meadows Tomorrow President, reviewed several headlines that were in the newspaper this morning. She talked about the new concept at Truckee Meadows Tomorrow called community compacts, and advised that the compacts would provide organizations a framework for exemplary corporate citizenship. The compacts are voluntary but would be formal written agreements between Truckee Meadows Tomorrow and one or more organizations, individuals or businesses. They are looking for lead entities to identify initiatives, craft compacts and basically start to collaborate with all community resources available, to move the needle in a positive way, on some of these problems that are plaguing the community. She said there would be action steps, roles and responsibilities as well as objectives within the compacts.

On motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the County move forward with the community compact with Truckee Meadows Tomorrow.

**01-511      APPEARANCE – KAREN MABRY – SENIOR SERVICES**

Karen Mabry, Senior Services Director, advised the Board that May 13 – 19 is National Senior Center Week. She reviewed a power point presentation with the Board that included the following:

- \* Aging Demographics
- \* Department Database
- \* Mission Statement
- \* Goals of Senior Services
- \* Department Functions
- \* Outcomes
- \* FY 99/00 Outcomes
- \* Staffing
- \* Revenue Sources
- \* Expenditures
- \* Issues A
- \* Issues B
- \* Opportunities
- \* Quality Assurance

Chairman Shaw asked how successful Senior Services has been in obtaining grants. Ms. Mabry said during this past grant cycle, they requested more funding than usual from the Division of Aging Services, their primary funding source. She was informed just today they were awarded an additional \$64,000. Ms. Mabry advised they also received \$238,000 from the Tobacco Settlement money this year.

In response to Commissioner Short's inquiry, Ms. Mabry advised they have been working on national accreditation through the National Institute of Senior Centers for some time. The challenge is finding the time to wrap it up now that they have all of their materials put together, and send it off.

Commissioner Galloway suggested the possibility of developing senior activities in Incline Village. He advised that Washoe County rents offices there that maybe Senior Services could use during the evenings. Ms. Mabry said the possibility is there, but the question is what is the need and desire of the community. She said they explored that possibility five years ago and determined at that time there was no real need for senior services at Incline. Ms. Mabry said they have attempted several times to implement service in Incline because they recognize it is also a part of Washoe County, but there needs to be enough participants to make it worthwhile. She advised that Senior Services recently met with the CAB in Incline Village and more information will come from that meeting.

**01-512            AWARD OF BID – PWP-WA-2001-517 – PAVING SELECTED STREETS IN THE TRUCKEE MEADOWS AND INCLINE VILLAGE AREAS – PUBLIC WORKS DEPARTMENT**

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno-Gazette Journal on April 25 & May 2, 2001, for Paving of Selected Paved Streets in the Truckee Meadows and Incline Village areas, PWP-WA-2001-517, on behalf of the Public Works Department. Proof was made that due and legal Notice had been given.

Bids, copies of which were placed on file with the Clerk, were received from the following:

<b>CONTRACTOR</b>	<b>BASE BID</b>	<b>ADD ALT' NO. 1</b>	<b>TOTAL BID</b>
Granite Construction	\$1,402,565.00	\$85,249.00	\$1,487,814.00
Frehner Construction	\$1,328,000.00	\$83,000.00	\$1,411,000.00

Upon recommendation of Greg Belancio, Engineering Division, through Dave Roundtree, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, it was ordered that Bid No. PWP-WA-2001-517 for Paving Selected Paved Streets in the Truckee Meadows and Incline Village Areas on behalf of the Public Works Department, be awarded to the low responsive and responsible bidder, Frehner Construction Company for the Base Bid and Alternate No. 1 in the amount of \$1,411,000.00, and Chairman Shaw be authorized to execute the contract documents upon presentation.

**01-513            AGREEMENT – TESTING AND INSPECTION SERVICES –  
BLACK EAGLE CONSULTING INC – 2000/2001 PAVING  
SELECTED STREETS – TRUCKEE MEADOWS AND INCLINE  
VILLAGE AREAS – PUBLIC WORKS DEPARTMENT**

Upon recommendation of Greg Belancio, Engineering Division, through Dave Roundtree, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, it was ordered that the Agreement for Testing and Inspection Services between Washoe County and Black Eagle Consulting, Inc, for the 2000/2001 Paving of Selected Paved Streets in the Truckee Meadows and Incline Village Areas (PWP-WA-2001-517) be approved and Chairman Shaw be authorized to execute.

It was noted that a Request for Qualifications (RFQ) was requested this year for a two-year period (99/00 and 00/01) for the Washoe County Street Overlay/Surface Treatment Program. Black Eagle Consulting, Inc., and two other firms were selected for the Truckee Meadows area and Incline Village street projects.

**01-514            BROKER SERVICE AGREEMENT – RISK MANAGEMENT**

Upon recommendation of Raymond Sibley, Risk Management Division, through John Sherman, Finance Director, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the Risk Manager be authorized to enter into broker service agreements and purchase insurance as listed in Exhibit A (placed on file with the Clerk’s office) to provide coverage necessary to protect the County and its assets and sign such brokerage and insurance contracts to implement the insurance programs.

**01-515            AGREEMENT – CAROLLO ENGINEERS – SOUTH TRUCKEE  
MEADOWS WATER RECLAMATION FACILITY EXPANSION  
PROJECT – WATER RESOURCES**

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the contract with Carollo Engineers, P.C. Inc., for Construction Management and Support Services for the Truckee Meadow Water Reclamation Facility (STMWRF) Expansion Project, in an amount not to exceed \$1,009,000 be approved, and the Utility Services Division Manager be authorized to issue the Notice to Proceed.

01-516

**RESOLUTION – PROSECUTE CRIMINAL MATTER –**  
**ATTORNEY GENERAL – DISTRICT ATTORNEY**

Upon recommendation of Maureen Sheppard-Griswold, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Shaw be authorized to execute:

**RESOLUTION - Requesting the assistance of the Attorney General in review and possible prosecution of a certain criminal matter.**

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

**WHEREAS**, the District Attorney's Office has recently been called upon to review and if appropriate, prosecute a case; and

**WHEREAS**, an alleged victim in the case has made statements regarding the prosecutor which statements may be perceived as threatening the prosecutor; and

**WHEREAS**, if the Washoe County District Attorney's Office proceeds with the prosecution of State of Nevada vs. Sutherland there may be some suggestion of impropriety or conflict of interest; and

**WHEREAS**, it is essential in our judicial system that the conduct of the prosecutor remain free of any appearance of conflict of interest or impropriety.

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

1. That in accordance with the provisions of NRS 228.130 the Nevada Attorney General is hereby requested to assume complete responsibility for the handling of the criminal case of State of Nevada vs. Sutherland.

2. That should the Attorney General agree to assume responsibility for the handling of the aforementioned case, the Comptroller of Washoe County will, upon submission of a duly verified claim, pay from the general fund of Washoe County all expenses that the Attorney General incurs in the review and prosecution of said case.

[Business Impact Note: The Board of County Commissioners hereby finds that this resolution does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

**01-517            RECOMMENDATION – RECLASSIFICATION POSITIONS – HUMAN RESOURCES**

Upon recommendation of Joanne Ray, Human Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that reclassification of positions into existing classes and the establishment of one new class at pay range Q be approved as follows:

<b>Department</b>	<b>Current Position</b>	<b>Pay Grade</b>	<b>Recommended Class</b>	<b>Pay Grade</b>
Finance	Office Assistant II	E	Account Clerk	G
Water Resources	Environmental Engineer II	N(O)	Licensed Engineer	Q(R)
Water Resources	GIS Specialist	K	Environmental Engineer II	N(O)
General Services	New Position		Property Program and Fiscal Control Manager	Q

**01-518            APPOINTMENT – SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT LOCAL MANAGING BOARD**

On motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that James Covert be appointed to fill a vacancy on the South Truckee Meadows General Improvement District Local Managing Board, to a term expiring the first Monday in January 2003.

**01-519            AGREEMENT – REGIONAL BASEMAP COMMITTEE – CITY OF RENO – CITY OF SPARKS – SIERRA PACIFIC POWER COMPANY**

Upon recommendation of Matt Beckstedt, Information Technology Director and Dave Roundtree, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, it was ordered as follows:

- a) The recommendations of the Regional Basemap Committee as endorsed by the City/County Managers at their meeting on March 28, 2001 be approved;
- b) A data sharing agreement (placed on file with the Clerk’s office), between the City of Sparks, the City of Reno, Sierra Pacific Power Company and Washoe County be approved and Chairman Shaw be authorized to execute;
- c) The hiring of one full-time permanent GIS Analyst as part of fiscal budget year 2001/2002 be authorized; and

- d) The Comptroller be directed to make the following account changes which reduce the contingency account by \$5,000:

<b>Expenditure</b>			
Decrease Account	Amount	Increase Account	Amount
1890-7382	\$5,000	1087-7105	\$5,000

It was noted by doing so, Reno, Sparks, Sierra Pacific Power Company and Washoe County through the Regional Basemap Committee are authorized to:

1. Continue joint coordination of the Regional Basemap Committee with its current membership.
2. Assist and encourage cooperation and teamwork as demonstrated by the Regional Basemap Committee to other departments and entities.
3. Increase the map check fees to cover cost of the technical map checks, GPS base station maintenance and to conduct public meetings, take minutes and publish notices. Fees will be increased \$75 per subdivision (to \$285) plus \$5 per lot (to \$20) and \$75 per map (to \$285). For detailed information see Attachment B, Section III on revenues and resources expenditures (placed on file with the Clerk's office).
4. Increase the technical map check fees yearly based upon the percentage increase or decrease of the Consumer Price Index (CPI) for the 13 western states.
5. Proceed with the three-year work plan of the Regional Basemap Committee (*See Attachment B, Appendix 5*).

**01-520            ORGANIZATIONAL CHART – RE-ESTABLISHING ASSISTANT DIRECTOR POSITION – PARKS DEPARTMENT**

Upon recommendation of Karen Mullen, Parks & Recreation Director, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the organizational chart for the Washoe County Parks and Recreation Department be approved, and the Assistant Director position be re-established. It was noted there will be no increase to the Parks Department budget.

It was further noted that the organizational chart for the Parks and Recreation Department has been revised to reflect changes brought on by the growth in the Park System over the last 12 years. During that time the Department has added 5 Regional Parks, 22 Neighborhood Parks, as well as additions to existing Regional and Neighborhood Parks. In addition, the Department now oversees all landscape maintenance at 25 County buildings.

**01-521            DONATION OF LAND – OLD TAHOE MARINER SITE –  
CRYSTAL BAY ASSOCIATES LLC – PARKS AND RECREATION  
DEPARTMENT**

Karen Mullen, Parks & Recreation Director, said she is requesting direction from the Board concerning the proposed 2.3 acre land donation by Crystal Bay Associates LLC.

Vince Scott, Crystal Bay Associates LLC, advised there are no strings attached to this donation; other than the fact that it would be a long continuous battle with TRPA to get a project approved on the site. He said they determined it would be better to strip off all the development potential with incentive from TRPA for doing so, by committing some of the property to open space or for a park.

Commissioner Galloway commended Mr. Scott and Crystal Bay Associates LLC for this proposal.

Upon recommendation of Karen Mullen, Parks & Recreation Director, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered to accept the intent to donate 2.3 acres of land located in Crystal Bay, at the old Tahoe Mariner site, from Crystal Bay Associates, LLC; and that staff be directed to provide this information to the Citizens Advisory Board for comments and questions.

**01-522            RESOLUTION – FILING FEDERAL LAND AND WATER  
CONSERVATION FUND ACT APPLICATION – PARKS AND  
RECREATION DEPARTMENT**

Upon recommendation of Rosemarie Entsminger, Fiscal Compliance Officer, through Karen Mullen, Parks & Recreation Director, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Shaw be authorized to execute:

**RESOLUTION AUTHORIZING FILING OF FEDERAL LAND AND WATER  
CONSERVATION FUND ACT APPLICATION**

**GALENA CREEK CAMP WE-CH-ME**

**WHEREAS**, the Federal Land and Water Conservation Fund Act (P.L. 88-578) provides financial assistance to the State of Nevada for outdoor recreation purposes, and

**WHEREAS**, the Washoe County Parks and Recreation Department desires financial assistance under the Land and Water Conservation Fund Program for Phase I elements of the Galena Creek Camp We-Ch-Me restoration.

**NOW, THEREFORE, BE IT RESOLVED** by the Washoe County Board of Commissioners as follows:

1. That the Washoe County Board of County Commissioners hereby approved filing an application of Land and Water Conservation Fund financial assistance.
2. That Karen Mullen, Director is hereby authorized and directed to execute and file an application with the Nevada Division of State Parks.
3. That the Washoe County Board of County Commissioners hereby does agree to finance 100 percent of the project cost, one-half of which will be reimbursed as follows: Galena Creek Camp We-Ch-Me core improvements \$603,078 which is presently appropriated in the fiscal 00-01 budget, and \$250,000 grant request, for a total estimated project cost of \$853,078.
4. **BE IT FURTHER RESOLVED** that the Washoe County Board of County Commissioners does hereby appoint Karen Mullen, Director, Parks and Recreation Department, as agent of the Washoe County Board of County Commissioners to conduct all negotiations, execute and submit all documents including applications, agreements, billing statements and so on which may be necessary for the completion of the above project.

**01-523            INTERLOCAL AGREEMENT – SWAN LAKE (LEMMON VALLEY MARSH) MASTER PLAN UPDATE – BUREAU OF LAND MANAGEMENT - NEVADA ARMY NATIONAL GUARD - CITY OF RENO**

Upon recommendation of Bill Gardner, Park Planner, through Karen Mullen, Parks & Recreation Director, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the Swan Lake (Lemmon Valley Marsh) Master Plan Update be approved.

It was further ordered that the Interlocal Agreement for Swan Lake Nature Study Area between BLM, Nevada Army National Guard, City of Reno and Washoe County be approved.

It was further ordered that the amounts of \$90,517 and \$20,000 from Nevada Division of State Parks T-21 Grant, for design and construction of trails, boardwalk and interpretive signage be accepted and the following account transactions be approved:

<b>Increase Revenue:</b>	90072G-4301	\$90,517.00
	900731G-4301	\$20,000.00
<b>Increase Expenditure:</b>	90072G-7878	\$90,517.00
	900731G-4301	\$20,000.00



01-524

**RESOLUTION – PROVISIONAL ORDER – CONSOLIDATED  
LOCAL IMPROVEMENTS LAW – SPECIAL ASSESSMENT  
DISTRICT NO. 30 (ANTELOPE VALLEY ROAD)**

Dave Roundtree, Public Works Director, advised that only a portion of the project was approved by property owners. Based on the survey conducted by the County, the portion that had the most support from the citizens was from Matterhorn Drive north to an existing cattle guard approximately 4.1 miles.

On motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Shaw be authorized to execute:

**RESOLUTION NO. 01-524**

**A RESOLUTION MAKING A PROVISIONAL ORDER TO THE EFFECT THAT A CERTAIN PROJECT FOR THE ACQUISITION AND IMPROVEMENT OF A STREET PROJECT PURSUANT TO THE CONSOLIDATED LOCAL IMPROVEMENTS LAW, AND ALL LAWS AMENDATORY THEREOF AND SUPPLEMENTAL THERETO, TO BE KNOWN AS WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 30 (ANTELOPE VALLEY ROAD); SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE PROJECT; PROVIDING THE MANNER, FORM AND CONTENTS OF THE NOTICE THEREOF; RATIFYING ACTION HERETOFORE TAKEN NOT INCONSISTENT HERewith; AND PROVIDING THE EFFECTIVE DATE HEREOF.**

**WHEREAS**, the Board of County Commissioners (herein "Board") of the County of Washoe in the State of Nevada, duly adopted and approved has directed the Director of the Department of Public Works (the "Engineer") to file with the County Clerk certain preliminary plans, assessment plat, typical section of the contemplated improvements, preliminary estimate of cost, and estimate of maximum benefits, all in connection with the acquisition, pursuant to Chapter 271, Nevada Revised Statutes, of a street project, as hereinafter more specifically described (the "Street Project" or "Project"); and

**WHEREAS**, pursuant to such direction and with such modification in the details of the Project as was deemed necessary and as is consistent with the provisions of this resolution, the Engineer on the 22nd day of May, 2001, filed with the Clerk of the County, in connection with said improvements, and with the proposed Washoe County, Nevada, Special Assessment District No. 30 (Antelope Valley Road), the following:

- (A) Preliminary plans and specifications, with construction drawings, showing a typical section of the contemplated improvements, the type or types of material, and the approximate thickness and wideness;

(B) A preliminary estimate of the total cost of the Project and of each type of construction, the estimate being made on a lump sum, including in the total estimate, without limiting the generality of the foregoing, the advertising, appraising, engineering, legal, printing, and such other expenses as in the judgment of the Engineer are necessary or essential to the completion of such work or improvement, and the payment of the cost thereof;

(C) An assessment plat or map, including an addendum thereto (designated as a "Tabulation of Parcels" or "Preliminary Assessment Roll") showing the descriptions of the property to be assessed, showing the area to be assessed, the market values, the amounts of estimated preliminary assessments, the amount of maximum benefits estimated to be assessed against each tract or parcel of land in the District, the estimate being based on a per lot basis, as hereafter described and with an equitable adjustment having been made for any tract or parcel not specially benefited in direct proportion to the percentage applicable to that tract or parcel under the per lot method used so that assessments according to benefits will be equal and uniform; and

(D) The Engineer's Report to the Board of County Commissioners on Benefits as to the method of determining benefits and explaining the adjustments and the per lot method of assessment; and

**WHEREAS**, the Board has examined said plans, assessment plat, including the addendum thereto, a typical section of contemplated improvements, preliminary estimate of the cost, estimate of maximum benefits and Engineer's Report so filed with said Clerk and has found and does hereby declare the same to be satisfactory in all respects.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE, IN THE STATE OF NEVADA:** that the Board shall and hereby does accept the plans and specifications, assessment plat (including the addendum and exhibits thereto), typical section of the contemplated improvements, preliminary estimate of cost, the Engineer's Report on Benefits and the estimate of maximum benefits to be assessed against each tract or parcel of land in the assessment area.

**THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES RESOLVE FURTHER AND SHALL, AND HEREBY DOES, PROVISIONALLY ORDER:**

Section 1. The improvement district shall be designated "Washoe County, Nevada, Special Assessment District No. 30 (Antelope Valley Road)" (the "District").

Section 2. The Project shall be acquired at an estimated preliminary total cost of \$1,336,000, including engineering, legal, and incidental expenses as more

particularly hereinafter set forth and as described in the plans and specifications herein accepted, reference to which is hereby made and which are available for public inspection at the office of said County Clerk and at the office of the Engineer.

Section 3. The District shall constitute one assessment unit for purposes of remonstrance, construction and assessment. The boundaries of the District and such unit shall be as designated in the form of notice set forth in Section 4 of this resolution. The amounts to be assessed shall be made upon all tracts benefited in proportion to the special benefits received, as more fully described in the form of notice set forth in Section 4 of this resolution.

Section 4. On June 12, 2001 at 5:30 p.m. at the Commissioners' Chambers, Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada (i.e., a time at least 20 days after the adoption of this resolution), the Board of County Commissioners will consider the ordering of the Project and will hear all complaints, protests and objections that may be made in writing and filed as hereafter provided, or made verbally at the hearing concerning the same by the owners of the property to be assessed or any person interested. The owners of the property to be assessed or any other persons interested therein may file a written protest or objection and may appear before the Board and be heard as to the propriety and advisability of making such improvements as to the estimated cost thereof, as to the manner of payment therefor, and as to the amount thereof to be assessed against the property to be improved. Twenty (20) days' notice in writing of such time and place shall be given to such property owners, postage prepaid, as first-class mail to each of such property owners at his last-known address, the names and addresses of such property owners to be obtained from the records of the County Assessor or from such other sources as the County Clerk or the Engineer deem reliable. Any such list of names and addresses may be revised from time to time but such list need not be revised more frequently than at twelve-month intervals. If a mobile home park is located on one or more of the tracts to be assessed, the notice must be given to the owner of the tract and each tenant of that mobile home park. Notice shall also be given by posting in three public places at or near the site of the Project at least twenty (20) days prior to said hearing. Proof of such mailing and posting shall be made by the affidavit of the County Clerk or of the Engineer, such proof to be filed with the County Clerk, provided that failure to mail such notice or notices shall not invalidate any assessment nor any other of the proceedings hereunder. Notice of the time and place of such hearing shall also be given by publication in the Reno Gazette-Journal, a daily newspaper published in Reno and of general circulation in Washoe County, Nevada, once each week for three (3) consecutive weekly publications, by three (3) weekly insertions, the first publication in such newspaper to be at least fifteen (15) days prior to the date of the protest hearing. Not less than fourteen (14) days shall intervene between the first publication and the last publication in such newspaper. Such service by publication shall be verified by the affidavit of the publishers and filed with the County Clerk. The proof of publication, the proof of mailing and the proof of posting shall be maintained in the records of the office of the County Clerk until all the assessments appertaining to the District shall have been paid in full as to principal, interest and any penalties or collection costs. The notice shall be in substantially the form provided.

Section 5. All action, proceedings, matters and things heretofore taken, had and done by the County and the officers thereof (not inconsistent with the provisions of this resolution) concerning the Washoe County, Nevada, Special Assessment District No. 30 (Antelope Valley Road) be, and the same hereby are, ratified, approved and confirmed.

Section 6. The officers of the County are directed to effectuate the provisions of this resolution.

Section 7. All resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of such inconsistency.

Section 8. The invalidity of any provision of this resolution shall not affect any remaining provisions hereof.

Section 9. The Board of County Commissioners has determined, and does hereby declare, that this resolution shall be in effect after its passage in accordance with law.

**5:30 p.m.** The Board reconvened with Chairman Shaw and Commissioners Galloway and Short present. Commissioners Bond and Sferrazza were absent.

**01-525** **BILL NO. 1295 - AMENDING ORDINANCE NO. 1115 –  
SCHEDULE OF RATES AND CHARGES FOR WATER  
CONNECTION FEES**

**5:30 p.m.** This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on May 11, 2001, to consider second reading and adoption of Bill No. 1295. Proof was made that due and legal Notice had been given.

Ed Schmidt, Director, Department of Water Resources, reviewed background information using a Power Point presentation concerning how staff calculated the proposed charges for water connection fees noting that all of the costs for supplying water have increased dramatically and noting the County policy that growth pays for itself. He explained that staff has included the cost of financing (5.75% for 10 years) in the new fees and that the actual costs of the completed project in ArrowCreek (\$4,634 per Equivalent Residential Unit) and estimated costs for Spanish Springs (\$4,305 per ERU) were used as a basis for determining the proposed fees. Mr. Schmidt stated the Builders' Association believes the cost for ArrowCreek is \$3,948 per ERU, which is a difference of \$686; and the \$4,634 does include a storage component which staff would be comfortable removing, which brings them into agreement on the ArrowCreek numbers. He then discussed the figures developed for Spanish Springs stating the Builders' Association has come up with a number \$1,666 less than staff's number; that there is a 20 percent contingency included in staff's figures, which, if deducted, would bring the numbers closer; and that he would not recommend taking the contingency out because staff's estimate is very

conservative. Another provision being proposed is annual review and adjustment of these rates.

Commissioner Galloway stated infrastructure projects are financed because they have to be built before the homes are built and asked when the connection fees are paid. Mr. Schmidt responded the fees are paid at the final map stage(s) and developers are allowed to prepay. Commissioner Galloway asked why the interest charges would not be one-half of the amount shown since, with a ten-year buildout, the County would probably have half of the connection fees paid in five years. Mr. Schmidt stated he would have staff examine that idea.

Commissioner Galloway asked about the tank construction cost estimates in Spanish Springs noting the Builders' Association has said those costs were too high. John Collins, Manager, Utility Services Division, advised that tank construction is getting more difficult with all the landscaping, painting, etc., requirements and that none of the up-front financing costs were included in the Spanish Springs tanks. He stated he does not feel the number for tanks is too high. In response to Commissioner Galloway, Mr. Collins explained what is included in the up-front financing costs and stated for Arrow-Creek, those costs were approximately 13 percent. He further stated staff believes it is very important to fund a reserve to cover everything.

Commissioner Galloway asked if the County would have to issue refunds if the fees are set too high. Mr. Collins stated they have already committed to do that. Commissioner Galloway stated that might be more of a fiscal problem than setting the fees too low. Mr. Collins explained if the rates are not high enough, the County will always be trying to catch up, which puts the existing customers at risk.

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

Bob Jones, Executive Director, Builders' Association of Northern Nevada, introduced members who would be presenting the Association's issues. He stated he wanted to focus on the following seven points:

1. Under what circumstances would the County propose a 128 percent increase to the general public? Why would the County think it would be okay to impose that on the development community and new homeowners?
2. The County Utility Division is having economic difficulties, but that is not a reason for increasing a fee. The fees must be driven by dependable, legal, fiscal analyses.
3. An audit has been done of the Division to examine revenues and expenses, which has not been made public.

4. A fee cannot be developed for an area-wide rate using two isolated projects. A CIP (Capital Improvements Program) should first be developed.

5. Developers do not have a problem paying for their own improvements and the general public should feel comfortable that development does pay its share. It is also important that developers are not paying for existing deficiencies or overbuilding a system for people who are not paying.

6. The County will be adding \$44.30 per month to the taxpayers' monthly house payment without their permission, which is a regressive tax and flies in the face of affordable housing.

7. The County Utility Division and TMWA should be combined for consistency of rates, oversight, and management. It makes no sense to operate two separate utilities.

Mark Rotter, Capital Engineering, presented a detailed and technical engineering analysis of staff's Spanish Springs ERU figure using spreadsheets comparing the County figures to their figures. He pointed out where he felt the County numbers were inflated or the contingency allowance had actually been compounded. Mr. Rotter stated the ERU needs to be further adjusted to recognize excess tank capacity. He also reviewed actual costs of developer built facilities versus County built. Mr. Rotter stated he was not trying to "bottom-line" the costs, and his figures also include a contingency. In response to Commissioner Galloway, Mr. Rotter stated the base numbers he used were from government bid projects; developers will usually build the transmission lines; and the storage tanks will usually be bid by the County. Mr. Rotter then responded to Board members' questions and explained why the costs in ArrowCreek were higher.

Michael Pitlock, former Commissioner, Public Utilities Commission, presented an analysis of the interest costs from the perspective of matching the financing with the expenditures as they occur rather than borrowing the total amount needed up front. His conclusion was that by phasing in the borrowing as the actual construction occurs, the interest costs would be reduced by approximately \$700. Mr. Pitlock stated that, for a 10-year project, it should be determined what is going to be built in year 1, what is going to be built in year 2, and so on; and then phase in, or draw down, the financing for each construction period.

Commissioner Short stated that premise does not always work for public financing when revenue bonds are being used. Mr. Pitlock stated the borrowed funds that are not going to be spent until sometime in the future will not be sitting around in a drawer and should be working for the County, which would then be a benefit that should be applied against the interest expense. Chairman Shaw asked Mr. Pitlock if he was aware of any similar situations where such financing was available for a public entity. Mr. Pitlock stated his analogy was more toward the private sector, but when he was with the State Department of Taxation, there were situations where loans were secured and drawn down as needed.

Mark Gunderson, Attorney representing the Builders' Association of Northern Nevada, presented an analysis of the legal issues stating while the costs of water and construction have been increasing, there is no justification for a 128 percent increase in a 3-year period. The proposed increase is not based on any substantial evidence, or on good, relevant data, but rather on two separate projects with wide variations between them. He emphasized the importance of having an equitable allocation based on a countywide facilities plan, and stated new growth should never have to pay to benefit the older users.

Commissioner Galloway asked Mr. Gunderson if he was suggesting the County could not change the rates. Mr. Gunderson responded that he would never make such a suggestion, but what needs to be done is to find the correct number.

Mr. Jones stated there is no easy way to figure this out, but experience proves it can be done just as the development community worked with the entities to determine the proper amount for the Regional Road Impact Fees. If the time is spent studying all of the data, the correct area-wide fee can be developed.

John Schroeder, General Manager for Ryder Homes of Northern Nevada, expressed his concern for the economic vitality of the area stating when new businesses are considering coming here, one of the first things they look at are housing costs, and any large increases can drive some businesses away. He stated everyone in this room has an obligation to keep prices as low as possible and not just for new residents, but also for the second and third generation Nevadans who want to stay here.

Tim Tucker, Sky Ranch, reiterated that these fees are passed on to the homebuyers, which will impact sales, which will impact jobs.

Mr. Schmidt suggested a continuance stating staff needs time to analyze the figures and information presented by the Builders' Association, and a continuance would provide an opportunity for staff to get together with the Builders' Association on this. Mr. Schmidt further stated staff only used figures from Spanish Springs and Arrow-creek because those are the only two areas being developed by the County.

Commissioner Short suggested using figures from some of the projects built in the South Truckee Meadows General Improvement District. Mr. Schmidt stated they would and they would also include some of the smaller projects as well. Commissioner Short stated the fees should be as low as they can be without the General Fund subsidizing growth.

A discussion ensued concerning the impacts of not adopting a new water connection fee, and Commissioner Galloway asked staff if they should consider a fairly conservative interim increase at this time, which could be adjusted later.

Jeff Tissier, Accounting Manager, Water Resources Department, reviewed the revenue sufficiency schedules and bonding capacity and stated they anticipated \$3.2

million in construction costs in Spanish Springs that would be borne by the customer, and the analysis just presented by the Builders' Association shifts another \$500,000 to the customer.

Commissioner Galloway noted there are no provisions in the ordinance for rebates in the event there is a subsequent adjustment and stated there should also be a time limit for going back for refunds. John Rhodes, Deputy District Attorney, advised that ordinances do not usually provide for refunds or rebates, and those provisions, as well as time constraints, could be adopted by resolution as a policy of the County, or included in the ordinance if adoption is continued. Katy Singlaub, County Manager, explained there would be no rebates warranted prior to implementation of a new rate.

Mr. Tissier stressed the importance of establishing adequate reserves and stated these fees have to be looked at every year and adjusted if necessary.

Mr. Jones concluded by stating fees are not established based on what might happen. He formally requesting a copy of the audit report on the Department of Water Resources and pledged to work with County staff on a final solution.

Chairman Shaw stated he has been advised that staff requested the Builders' Association work with them to determine the new hookup fees six months ago and sternly advised that they now have 30 days to resolve their differences.

On motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the public hearing concerning Bill No. 1295, an ordinance revising the schedule of charges for water connection fees, be continued to June 26, 2001, and a policy regarding refunds be considered concurrently if the new rate established at that time is an interim rate.

**01-526            ORDINANCE NO. 1118 BILL NO. 1294 AMENDING  
DEVELOPMENT AGREEMENT CASE NO. DA5-1-95 – CURTI  
RANCH**

**5:30 p.m.**        This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on May 11, 2001 to consider second reading and adoption of Bill No. 1294. Proof was made that due and legal Notice had been given.

Chairman Shaw opened the public hearing by calling on anyone wishing to speak.

Sharon Kvas, Planner, provided background information concerning the Southeast Truckee Meadows Specific Plan and the Curti Ranch Development Agreement. She also explained that a development agreement is a contract between the County and the developer concerning a specific project. The issue before the Board is a request by the developer to amend that contract to allow an additional two-year extension of time to file the first final map. The extension request was approved by the Washoe County Plan-



ning Commission with the caveat that the Board of County Commissioners approve the amendment to the development agreement. Ms. Kvas also reviewed a memorandum from Madelyn Shipman, Assistant District Attorney, outlining the possible actions available to the Board.

Maureen Griswold, Deputy District Attorney, advised that under a development agreement, the developer has vested rights in the intensity and density proposed under the development agreement; that the focus should be on the reason for the extension request; and that the Board's obligation under the development agreement is to act in good faith within the context of cooperation because this is a contractual issue rather than the ordinary planning/land use issue.

In response to Commissioner Galloway, Ms. Kvas outlined the process the developer would have to follow to file a new map, or the same map, if this amendment request is not approved. Ms. Griswold stated if this extension is not approved, the potential would then exist for the developer to file the exact same tentative map; and then, if that is approved, they could still file for two 2-year extensions in accordance with the development agreement.

Commissioner Short stated there is a development agreement in place and it is recognized that the developer is entitled to up to 574 units and asked if the Board could approve a 1-year extension. Ms. Griswold stated it would be her opinion that the Board could lessen the time and that such a change would not have to go back to the Planning Commission because the Board would be approving something less than the Planning Commission approved.

Commissioner Galloway stated ideas about how developments are laid out might have changed in the last eight years and asked, if this were denied and the developer had to file a new tentative map, how much discretion would the Planning Commission have under the agreement to require a different distribution of the residential units. Ms. Griswold explained that a site plan is also a part of the development agreement, by which everyone is still bound. A discussion then ensued concerning default of the agreement. Commissioner Galloway stated his belief that the developer is in default of the agreement now since the tentative map has expired. Ms. Griswold stated the tentative map has not expired because the Planning Commission granted an extension, subject to this Board approving the amendment to the development agreement.

Stephen Mollath, Attorney representing Lewis Homes, stated a development agreement is a contract between Washoe County and the developer with certain obligations and rights consistent with the covenant of good faith and fair dealing. He further stated that in November, 2000 they approached the County because they knew the tentative map was going to expire in May, 2001; and there were issues occurring in the Southeast Truckee Meadows concerning water service, which they had no control over, which impacted their ability to move this project forward in a timely fashion. Mr. Mollath explained the options they saw in November were to develop five units and file their first final map or to try to get another tentative map extension, so they entered into nego-

tiations with County staff. Further, it is their belief that negotiating with staff is the same as negotiating with the County Commission because staff is who they have to deal with and they have the same obligation to deal in good faith. Mr. Mollath stated they went through a “give-and-take” process with staff and the result of that negotiation is this 2-year extension request as an amendment to the development agreement. Now the Board is expressing concerns with staff’s negotiation and trying to change what staff agreed to, and that is not dealing in good faith.

Commissioner Short asked if his information was correct that the application for this request was filed in February. Mr. Mollath stated that was correct, but they had been negotiating with staff since November.

Chairman Shaw asked if they truly believe they can not accomplish this in one year. Mr. Mollath stated they can not and when they began negotiating with staff, they were seeking four years because of the infrastructure problems in the Southeast Truckee Meadows.

Mr. Mollath responded to several questions from Commissioner Galloway concerning the course of action they might take two years from now if they are still not ready to file a final map and the third-party, uncontrollable factors which prevented the developer from filing the final map.

Lois Brown, Lewis Operating Corp., apologized for putting the Board in such difficult circumstances and stated a lot of time and money has been invested in the property, but they do have clients expressing interest in these lots and begged the Board’s indulgence in granting a 2-year extension. She stated they have always had the option of filing the 5-lot final map, which they would have done had they known this was going to become so contentious.

Commissioner Galloway asked that Robert Sellman, Director, Community Development Department, explain exactly what transpired in staff’s discussions with the developer and whether they were just discussions or was there an actual negotiation. Mr. Sellman confirmed that the developer has always had two options; one is to record the 5 units, which would keep the map alive and there would be nothing to discuss; and the other would be to petition the Board to amend the ordinance to provide for additional extensions. He further stated he believes staff was straightforward in representing to the developer that amending the ordinance was entirely up to the Board and that staff would not oppose the amendment. Commissioner Galloway also asked what it would have cost the developer to develop the five lots with sewer, water, etc. Mr. Sellman stated he does not know the amount, but knows it would have been considerable.

Commissioner Galloway stated the reason for having expiration dates and limited renewals on tentative maps is because conditions change over the years. He asked Ms. Brown to explain why a new map might not be better in light of current views and ideas in these developments. Ms. Brown stated the way the lots are currently proposed is very tightly calculated to preserve the trees, to use the open space set aside, etc.

Commissioner Galloway stated he does not know that the end result might be a better map. Ms. Brown stated she does not know that it would be a worse map.

Ms. Brown also referred to correspondence of February 6, 2001, between the project engineer, Melissa Lindell, Mr. Mollath, and Mr. Sellman indicating staff was in support of the amendment request, and stated they were under the impression that this is what they were supposed to do rather than taking the other course of action of filing the 5-lot final map.

Mr. Sellman stated he does need to correct the record in that the staff report does say that staff does support the one-time requested amendment.

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

Commissioner Short stated his first inclination would be to not approve the amendment request because of the precedent it would set, but he is also concerned about the impression that staff was giving out wrong information. He further said that there are infrastructure problems which may or may not be resolved in a timely manner; that in the spirit of cooperation he would propose the ordinance be amended to provide for a 1-year extension; and that he would so move. Chairman Shaw stated he would second the motion, although he would like to approve the 2-year extension.

County Clerk Amy Harvey read the ordinance title. Ms. Griswold clarified that the motion is to amend all references in the ordinance, the ordinance summary, and the ordinance title from 2-year extension to 1-year extension and adopt the ordinance as amended. Ms. Griswold read into the record the new Section 2. of the ordinance changing "...two-year extension to Tentative Subdivision Map..." to "...one-year extension to Tentative Subdivision Map..." Chairman Shaw called for a vote on the motion to amend the ordinance. The motion carried on a 2 to 1 vote with Commissioner Galloway voting "no."

Ms. Griswold advised the next procedure would be a motion to adopt the ordinance as amended and she read the language which would be included in the development agreement as follows: "In addition to the extension periods permitted above, upon application by developer, a one-year extension of the approved and previously extended Tentative Subdivision Map Case No. TM5-11-95 may be considered by the County Planning Commission. Such extension would change the expiration date of the tentative map to May 20, 2002 subject to additional extensions that may be required pursuant to the events contemplated under Section 9.3 of the Development Agreement."

Commissioner Galloway stated the problem he sees is this map is eight years old and much has changed in that time, and there is a process to provide for a new map, which may very well result in a better map. He further stated the County has to draw the line somewhere on these map extensions and he can not support the motion and asked if adoption of an ordinance requires a majority of the whole Board or only those

present. Ms. Griswold advised there is a quorum present and a majority of Board members present can approve ordinances.

On motion by Commissioner Short, seconded by Commissioner Shaw, which motion duly carried with Commissioner Galloway voting "no," it was ordered that Ordinance No. 1118, Bill No. 1294, entitled, "AN ORDINANCE AMENDING DEVELOPMENT AGREEMENT CASE NO. DA5-1-95 FOR CURTI RANCH BY ALLOWING AN ADDITIONAL **ONE YEAR** BEFORE THE FIRST REQUIRED RECORDING OF A FINAL MAP FOR TENTATIVE SUBDIVISION MAP CASE NO. TM5-11-95 FOR CURTI RANCH TWO. ORDINANCE NO. 1007, ADOPTING THE DEVELOPMENT AGREEMENT FOR CURTI RANCH, WAS APPROVED ON FEBRUARY 10, 1998, AND WAS FOR 568 LOTS ON A ±162-ACRE SITE AT THE NORTHWEST CORNER OF THE INTERSECTION OF GEIGER GRADE ROAD (SR 341) AND MIRA LOMA ROAD," be approved, adopted **as amended** and published in accordance with NRS 244.100.

**01-527            PUBLIC HEARING – BOUNDARY AMENDMENTS – DISTRICT NO. 24 – GROUNDWATER REMEDIATION**

**5:30 p.m.**        This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on May 7, 2001, to consider proposed amendments to the boundaries of District No. 24 (Groundwater Remediation). Proof was made that due and legal Notice had been given.

Chairman Shaw opened the public hearing by calling on anyone wishing to speak concerning this matter. There being no response, the public hearing was closed.

**01-528            BUSINESS IMPACT STATEMENT – ORDINANCE AMENDING BOUNDARIES - DISTRICT NO. 24 – GROUNDWATER REMEDIATION**

On motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the Board hereby determines that the Ordinance amending the boundaries of District No. 24 (Groundwater Remediation) and the Ordinance imposing a fee to pay costs of remediation in District No. 24, both to be read for a first reading on this date after adoption of this motion, do not impose a direct and significant economic burden upon a business and do not directly restrict the formation, operation or expansion of a business.

**01-529            BILL NO. 1297 - AMENDING ORDINANCE 1000 – CHANGING BOUNDARIES OF DISTRICT NO. 24 – GROUNDWATER REMEDIATION**

Bill No. 1297, entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 1000 CREATING THE WASHOE COUNTY, NEVADA, DISTRICT NO. 24 (GROUNDWATER REMEDIATION) IN ORDER TO CHANGE THE BOUNDARIES

OF THE DISTRICT; RATIFYING, APPROVING, AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF" was introduced by Commissioner Galloway, the title read to the Board and legal notice for final action of adoption directed.

**01-530            BILL NO. 1296 – LEVYING FEES – DISTRICT NO. 24 –  
GROUNDWATER REMEDIATION**

Bill No. 1296, entitled, "AN ORDINANCE CONCERNING THE WASHOE COUNTY, NEVADA DISTRICT NO. 24 (GROUNDWATER REMEDIATION); PROVIDING FOR THE PAYMENT OF A PORTION OF THE COSTS OF DEVELOPING AND CARRYING OUT A PLAN FOR REMEDIATION; IMPOSING A FEE TO PAY SUCH COSTS ON THE PARCELS OF LAND IN SUCH DISTRICT NO. 24; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE FEE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED TOWARD THOSE PURPOSES; AND PRESCRIBING OTHER MATTERS RELATING THERETO" was introduced by Commissioner Short, the title read to the Board and legal notice for final action of adoption directed.

**01-531            REIMBURSEMENT – SIERRA PACIFIC POWER COMPANY –  
OPERATION AND MAINTENANCE OF PCE TREATMENT  
FACILITIES – 2000**

Upon recommendation of Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that reimbursement to Sierra Pacific Power Company in the amount of \$115,705.25 for operation and maintenance of the PCE treatment facilities for calendar year 2000 be approved.

**01-532            LEGISLATIVE UPDATE**

Katy Singlaub, County Manager, reported she has received word that the bill concerning franchise fees on corporations is probably not going anywhere, and staff

was not successful in getting many of the provisions requested by the Board included in the Parks bill, AB615.

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There being no further business to come before the Board, the meeting adjourned at 8:15 p.m.

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**JAMES M. SHAW**, Chairman  
Washoe County Commission

**ATTEST:**    **AMY HARVEY**, County Clerk

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*Minutes Prepared by  
Jeraldine Magee and Sharon Gotchy  
Deputy County Clerks*