

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

FEBRUARY 8, 2005

PRESENT:

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

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

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

05-107 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Weber ordered that the agenda for the February 8, 2005 meeting be approved with the following change: **Delete:** Item 10, selection of Duncan Associations/Dyett and Bhatia for assessment of the Washoe County Development Code.

05-108 PUBLIC COMMENTS

Chairman Weber commented a new clock was placed on the wall, which allowed speakers the ability to observe their time during public comments.

Gary Schmidt, Washoe County resident, spoke on the change of policy in public comment rules and how that change was made in violation of the Open Meeting Law since it was not agendized, voted on or discussed at a Commission meeting.

Sam Dehne, Reno resident, said he was not in favor of the County Manager and the Deputy District Attorney seated to the left of the Board. He felt it made them look insignificant.

Al Hesson, Reno resident, spoke against President Bush's State-of-the-Union speech.

Les Barta, Incline Village resident, read comments regarding his disapproval of the possible hiring of Madelyn Shipman as a lobbyist for the County. He stated this was meant to be read at the January 11, 2005 meeting.

MANAGER'S/COMMISSIONERS' ANNOUNCEMENTS

Chairman Weber stated she was responsible for the meeting management and took full responsibility concerning the decision designed for management of the Caucus, which included the clarification of how public comments had been handled.

Commissioner Galloway reminded the public Caucus meetings were duly agendized public meetings; however, they have no television coverage. He stated what had changed was simply the wording on the agenda regarding the policy.

Chairman Weber requested a future agenda item for an Airport Authority update.

05-109 MINUTES

On motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried, Chairman Weber ordered that the minutes of the regular meeting of January 11, 2005 be approved.

05-110 APPOINTMENT – WASHOE COUNTY AUDIT COMMITTEE – INTERNAL AUDITOR

On motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried, Chairman Weber ordered that Ron Nicholson be appointed as Chairman and Keith Romwall be appointed as Vice Chairman of the Washoe County Audit Committee for the period from December 1, 2004 to November 30, 2005.

05-111 APPOINTMENT – ORGANIZATIONAL EFFECTIVENESS COMMITTEE – MANAGEMENT SERVICES

On motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried, Chairman Weber ordered that Luther Mack and Erica Olsen be appointed to the Organizational Effective Committee (OEC) as at-large members with terms to expire on December 31, 2007 and it was affirmed that a quorum of the OEC was eight members.

05-112 ACKNOWLEDGMENT – REPORT OF SALE – TREASURER

Upon recommendation of Tammi Davis, Deputy Treasurer, through Bill Berrum, Treasurer, on motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried, Chairman Weber ordered that receipt of the Report of Sale for the January 27, 2005 Delinquent Special Assessment Sale be acknowledged.

05-113 INCREASE – ADULT GROUP CARE RATE – SOCIAL SERVICES

Upon recommendation of Ken Retterath, Adult Services Director, through Mike Capello, Social Services Director, on motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried, Chairman Weber ordered that the Adult Group Care rate increase from \$914 to \$929 per month, effective March 1, 2005, be approved.

05-114 BUDGET ADJUSTMENT – PUBLIC WORKS CONSTRUCTION FUND – JAIL EXPANSION PROJECT – FINANCE

Upon recommendation of Anna Heenan, Senior Fiscal Analyst, through John Sherman, Finance Director, on motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried, Chairman Weber ordered that the notification of budget adjustment, in accordance with County Code section 5.356, made in order to accommodate travel expenditures in excess of the original budget, but within the Public Works Construction Fund be recorded in the meeting minutes.

05-115 INCLINE VILLAGE OFFICE OF THE CLERK – VALENTINE’S DAY – COUNTY CLERK

Upon recommendation of Amy Harvey, County Clerk, on motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried, Chairman Weber ordered that the Incline Village Office of the Clerk’s Department be open for a full eight-hour day on Monday, February 14, 2005 from 8:00 a.m. to 5:00 p.m., closed 12:00 p.m. to 1:00 p.m. for lunch.

05-116 RESOLUTION – LONGLEY LANE WATER TREATMENT FACILITY – WATER RESOURCES

Upon recommendation of Jerry McKnight, Finance and Customer Services Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Weber be authorized to execute the same:

RESOLUTION 05-116

A RESOLUTION CONCERNING THE FINANCING OF WATER PROJECTS NEAR LONGLEY LANE; DIRECTING THE CLERK TO NOTIFY THE WASHOE COUNTY DEBT MANAGEMENT COMMISSION OF THE COUNTY'S PROPOSAL TO BORROW MONEY AND TO ISSUE ITS WASHOE COUNTY, NEVADA GENERAL OBLIGATION (LIMITED TAX) WATER BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) IN THE MAXIMUM PRINCIPAL AMOUNT OF \$15,000,000 TO EVIDENCE SUCH BORROWING FOR THE LONGLEY LANE WATER TREATMENT FACILITY; SETTING FORTH THE INTENT TO REIMBURSE CERTAIN EXPENDITURES WITH BOND PROCEEDS; PROVIDING CERTAIN DETAILS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, Washoe County, Nevada (the "County") was created as a county pursuant to Section 243.340 of Nevada Revised Statutes ("NRS"), and, pursuant to NRS 244A.011 to 244A.065, inclusive (the "County Bond Law"), is authorized to acquire, improve, equip, operate and maintain water projects within the County, including facilities pertaining to a county water system as provided in NRS 244A.056 for the collection, transportation, treatment, purification and distribution of water (the "Project"); and

WHEREAS, the Board of County Commissioners (the "Board") of the County proposes to issue the County's general obligation (limited tax) water bonds additionally secured by pledged revenues (the "Bonds"); and

WHEREAS, pursuant to NRS 350.020(3) (subject to the approval of the proposal to issue general obligations by the Washoe County Debt Management Commission), proposes to adopt and publish notices of public hearing and adoption of a resolution of intent to issue the Bonds additionally secured by pledged revenues of the County's sewer projects, sanitary sewer system and water system (the "Pledged Revenues"); and

WHEREAS, the Board anticipates making a determination that the Pledged Revenues will at least equal the amount required in each year for the payment of interest on and principal of the Bonds; and

WHEREAS, the Board proposes to issue the Bonds without an election unless a petition signed by the requisite number of registered voters of the County representing the requisite assessed value of the taxable property of the County is presented to the Board requiring the Board to submit to the qualified electors of the County for their approval or disapproval of the following proposal:

**GENERAL OBLIGATION (LIMITED TAX) WATER BOND
ADDITIONALLY SECURED BY PLEDGED REVENUES PROPOSAL:**

Shall the Board of County Commissioners of Washoe County in the State of Nevada, be authorized to incur a general obligation indebtedness on behalf of the County by the issuance at one time, or from time to time, of the County's general obligation (limited tax) water bonds, in one series or more, in the aggregate principal amount of not exceeding \$15,000,000 for the purpose of financing, wholly or in part, the acquisition, construction, improvement and equipment of water projects, including, but not limited to, facilities pertaining to a County water system as provided in NRS 244A.056 for the collection, transportation, treatment, purification and distribution of water, the bonds to mature commencing not later than five (5) years from the date or respective dates of the bonds and ending not later than thirty (30) years therefrom, to bear interest at a rate or rates not in excess of the statutory maximum rate in effect at the time bonds are sold, to be payable from general (ad valorem) taxes (except to the extent pledged revenues and other moneys are available therefore), and to be issued and sold at par, or below or above par, and otherwise in such manner, upon such terms and conditions, and with such other detail as the Board may determine, including at its option but not necessarily limited to provisions for the redemption of bonds prior to maturity without or with the payment of a premium?

(the "Bond Proposal"); and

WHEREAS, subsection 1 of NRS 350.014 provides, in relevant part, as follows: "1. Before any proposal to issue general obligation debt...may be submitted to the electors of a municipality, or before any other formal action may be taken preliminary to the issuance of any general obligation debt, the proposed incurrence...must receive the favorable vote of two-thirds of the members of the [debt management] commission of each county in which the municipality is situated...";

and

WHEREAS, subsection 1 of NRS 350.0145 provides, in relevant part, as follows: "1. The governing body of the municipality proposing to incur general obligation debt...shall notify the secretary of each appropriate commission, and shall submit a statement of its proposal in sufficient number of copies for each member of the commission..."

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

Section 1. All action, proceedings, matters and things heretofore taken, had and done by the Board, and the officers thereof (not consistent with the

provisions of this resolution) directed toward the Project and the financing thereof be, and the same hereby is, ratified, approved and confirmed.

Section 2. The County Clerk shall be, and she hereby is, authorized and directed to notify immediately the Secretary of the Washoe County Debt Management Commission of the County's Proposal, and to submit to said Secretary a statement of the Proposal in sufficient number of copies for each member of the Commission. The County Director of Finance is authorized to update or amend the County's plan for capital improvements if necessary to reflect the Project and the Bonds and the Project to be financed thereby and to file the information as required by NRS 350.013 to the extent required to comply with NRS 350.013.

Section 3. In order to permit the County to reimburse itself for prior expenditures relating to the Project with the proceeds of Bonds, the Board hereby determines and declares as follows:

(a) The County reasonably expects to incur expenditures with respect to the financing of the Project prior to the issuance of Bonds and to reimburse those expenditures from the issuance of Bonds; and

(b) The maximum principal amount of Bonds expected to be used to reimburse such expenditures is \$15,000,000.

Section 4. All resolutions, or parts thereof, in conflict with the provisions of this resolution, are hereby repealed to the extent only of such inconsistency. This repealer shall not be constructed to revive any resolution, or part thereof, heretofore repealed.

Section 5. If any section, paragraph, clause or other provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this resolution.

Section 6. This resolution shall become effective and be in force immediately upon its adoption.

**05-117 AWARD OF BID – COMPUTER CONTROLLED CHEMICAL
INJECTION AND SPRAYING SYSTEM - BID NO. 2459-05 -
PURCHASING**

This was the time to consider award of the bid for Computer Controlled Chemical Injection and Spraying System Mounted on a Flatbed for the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on November 5, 2004. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

Target Specialty Products, Inc.
Mobile Spray Systems

Upon recommendation of Richard Williams, Buyer, through John Balentine, Purchasing and Contracts Administrator, and Tom Gadd, Public Works Director, on motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried, Chairman Weber ordered that Bid No. 2459-05 for the Computer Controlled Injection and Spraying System Mounted on a Flatbed for the Public Works Department be awarded to the lowest responsive and responsible bidder, Target Specialty Products, Inc., in the amount of \$45,513.

**05-118 GRANT – NEVADA DEPARTMENT OF TRANSPORTATION –
STONE HOUSE VISITOR CENTER – REGIONAL PARKS AND
OPEN SPACE**

Upon recommendation of Jennifer Budge, Park Planner, and Colleen Wallace-Barnum, Park Ranger, through Karen Mullen, Regional Parks and Open Space Director, on motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried, Chairman Weber ordered that the Nevada Department of Transportation TEA-21 Grant, concerning the Stone House Visitor Center, in the amount of \$76,000 be accepted. It was further ordered that the Director of the Regional Parks and Open Space be authorized to sign the Project Stewardship Agreement along with supplemental documentation, and the Finance Department be authorized to make the following budget adjustments:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE
10456-431100	Revenue to Federal Grant	\$76,000
PK906021-781002	Expense to Building Improvements	\$76,000

**05-119 DONATION – ROBERT Z. HAWKINS FOUNDATION –
REGIONAL PARKS AND OPEN SPACE**

Commissioner Galloway extended his appreciation to the Robert Z. Hawkins Foundation for their donation of \$25,000 for additional sound and lighting equipment to the Robert Z. Hawkins Amphitheater located within Bartley Ranch Regional Park.

Upon recommendation of Sue Burkhamer, Robert Z. Hawkins Amphitheater, and Rosemarie Entsminger, Fiscal Compliance Officer, Regional Parks and Open Space, through Karen Mullen, Regional Parks and Open Space Director, on motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried, it was ordered that the donation of \$25,000 from the Robert Z. Hawkins Foundation to the Robert Z. Hawkins Amphitheater, to be used for additional sound and

lighting equipment, be accepted with the Board's gratitude. It was further ordered that the following resolution be adopted, Chairman Weber be authorized to execute the same and the Budget Division be directed to make the following budget adjustments:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE
20021-484000	Internal Order	\$25,000
20021-711504	Internal Order	\$25,000

RESOLUTION OF APPRECIATION

ROBERT Z. HAWKINS FOUNDATION

WHEREAS, the Robert Z. Hawkins Foundation has donated over \$2,050,000 to the development of the Robert Z. Hawkins Amphitheater; and

WHEREAS, the Robert Z. Hawkins Foundation has provided generous donations to support the performances and equipment at the Robert Z. Hawkins Amphitheater; and

WHEREAS, the Robert Z. Hawkins Foundation donations far exceed those by any other donor in support of the performances and equipment for the Robert Z. Hawkins Amphitheater; and

WHEREAS, through the support of the Robert Z. Hawkins Foundation, the Amphitheater has become a beautiful and dynamic center for the performing arts, now therefore, be it

RESOLVED, that the Washoe County Board of Commissioners expresses their appreciation and respect for the example the Robert Z. Hawkins Foundation has shown in support of the Robert Z. Hawkins Amphitheater and performing arts in our community, and their dedication to enhancing the quality of life in our community.

05-120 PURCHASE – STERO DISHWASHING MACHINE – SHERIFF

Upon recommendation of Michael Cavalli, Detention Services Manager, through Dennis Balaam, Sheriff, on motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried, Chairman Weber ordered that the purchase of a Stero dishwashing machine for the main kitchen of the Detention facility in the amount of \$91,760 be approved.

05-121 POOLED/INTERMITTENT AIRCRAFT MECHANIC POSITION – SHERIFF'S FLIGHT OPERATIONS UNIT – SHERIFF

Upon recommendation of Marshall Emerson, Patrol Division Commander, and Gregg Lubbe, Flight Operations Lieutenant, through Dennis Balaam, Sheriff, on

motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried, Chairman Weber ordered that the pooled/intermittent aircraft mechanic position for the Sheriff's Flight Operations Unit be approved. It was further ordered that the Finance Department be directed to make the following budget adjustments:

Transfer Out Budget Authority \$5,000 from 20060-710500 (RAVEN –Other Exp)
Transfer In Budget Authority \$5,000 to 150700-701130 (Flt Ops-Pooled Pos)
Budget Adjustment \$5,000 from 150700-701110 (Flt Ops-Base Salary) to 150700-701130 (Flt Ops-Pooled Positions).

**05-122 APPOINTMENT – SECOND ALTERNATE – REGIONAL
TRANSPORTATION COMMISSION**

On motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried, Chairman Weber ordered that Commissioner Galloway be appointed to serve as the second alternate on the Regional Transportation Commission.

**05-123 AWARD OF BID - WATER METER BOXES, TOUCH READ LIDS
AND MISCELLANEOUS WATER WORK SUPPLIES - BID NO.
2422-04- PURCHASING**

This was the time to consider award of the bid for A Stocking and Inventory Program for Water Meter Boxes, Touch Read Lids and Miscellaneous Water Work Supplies for the Water Resources Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on March 5, 2004. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

R Supply Co. Inc.
Western Nevada Supply Co.

Upon recommendation of Richard Williams, Buyer, through John Balentine, Purchasing and Contracts Administrator, and Steve Bradhurst, Water Resources Director, on motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried, Chairman Weber ordered that Bid No. 2422-04 for A Stocking and Inventory Program for Water Meter Boxes, Touch Read Lids and Miscellaneous Water Work Supplies for the Water Resources Department be awarded to the lowest responsive bidder, Western Nevada Supply Co., in the amount of \$120,000.

05-124 WATER RIGHTS APPLICATION 70942 – WATER RESOURCES

Upon recommendation of Vahid Behmaram, Water Rights Supervisor, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Larkin, seconded by Commissioner Humke, which motion

duly carried, it was ordered that Chairman Weber be authorized to recommend approval of Water Rights Application 70942 to the Nevada State Engineer.

**05-125 APPEARANCE – JANET CARSON – TAHOE-PYRAMID
BIKEWAY PROJECT**

Janet Carson, Coordinator, Coalition for a Tahoe to Pyramid Bike Route, updated the Board on the progress made in 2004 on the Tahoe-Pyramid Bikeway and outlined the goals for 2005. She said the purpose of the project was to have a non-motorized recreational trail along the entire length of the Truckee River from Lake Tahoe to Pyramid Lake. Ms. Carson presented a slide show, which was placed on file with the Clerk. She requested an endorsement from the Board on the bridge and preservation of the Emigrant Trail along with direction to staff on whether the County would be willing to own and maintain a bridge.

Commissioner Galloway asked if the bikeway was separate from the Emigrant Trail. Ms. Carson replied there was a pre-existing road, which was intended for use of the bikeway. She said the maps showed the pioneers traveled on the south side of the river in that area. Ms. Carson commented Trail Preservation Societies had endorsed the bikeway since their main concern was the entire area could become obliterated by development. Commissioner Galloway asked if there would be pressure to pave the trail later. Ms. Carson said the concept was to have the bikeway paved in the urban area and unpaved in the rural area.

Commissioner Larkin inquired if the bridge was consistent with the flood management program. Ms. Carson replied all of the pertinent factors had been researched related to the flood project; however, she was still waiting for the hydraulic modeling to be completed. Commissioner Larkin expressed concern about meeting the Army Corps of Engineers' requirements for the bridge and asked Ms. Carson if she had met with them. Ms. Carson confirmed she had met with the Corps in December 2004 and would be following their permit process. Commissioner Larkin asked if discussions were underway with Storey County, and Ms. Carson stated she had spoken individually to each of the Storey County Commissioners. She explained constituents located in Lockwood were opposed to the trail going through their neighborhood, and she had been working with Storey County staff to find a detour around the Rainbow Bend subdivision to allay their concerns. Ms. Carson added the Storey County Commissioners did not want to maintain the bridge since they did not have the staff, expertise, or experience in owning a bridge.

Commissioner Humke questioned if Storey County would be willing to enter into an interlocal agreement with Washoe County if it were silent to Storey County's costs. Ms. Carson said Storey County had not taken action at the Commission level thus far; however, she would suggest an interlocal agreement to them. Commissioner Humke asked if it were planned to bypass the Lockwood area pursuant to Storey County's suggestion. Ms. Carson replied, the bikeway was not planned to be

completed to the Lockwood area during 2005, allowing more time to find an alternate route where their concerns could be alleviated.

Chairman Weber asked what type of bridge would be constructed, and Ms. Carson replied it would be a continental bridge. Chairman Weber remarked several Mogul and Verdi residents had contacted her concerning the impact of the bikeway on Silver Ranch Road. Ms. Carson noted the Nevada Department of Transportation had traffic engineers measure the width and speeds on the road and felt it was suitable for bike traffic.

Commissioner Galloway requested maintenance cost data on additional continental bridges the County owns.

Karen Mullen, Regional Parks and Open Space Director, commented continental bridges were very low maintenance. She said typically pieces of decking needed to be replaced every 10-15 years.

Commissioner Sferrazza stated he was in support of the endorsement.

In response to Commissioner Larkin, Ms. Carson stated the deadline for the Recreational Trails Program grant application was February 25, 2005, and the application would be strengthened if the Board supported this in concept.

Commissioners Galloway and Humke were concerned about environmental and flood control aspects of the bridge. Commissioner Humke stated he preferred the ownership and maintenance issues concerning the bridge not be brought back before the Board unless staff could provide a commitment from the Storey County Commissioners on whether they had taken a position one way or another.

Upon recommendation of Ms. Mullen, through Michelle Poché, Assistant County Manager, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Weber ordered that the update on the Tahoe-Pyramid Bikeway Project and the concept of the trail and the concept of a bridge be accepted. It was further ordered that the preservation of the Emigrant Trail where possible along the East Truckee River be endorsed.

**05-126 APPOINTMENT – REGIONAL PLANNING COMMISSION –
COMMUNITY DEVELOPMENT**

Sam Dehne, Reno resident, stated this was a critical commission and hoped the Board appointed a strong and courageous individual.

On motion by Commissioner Galloway, seconded by Chairman Weber, which motion duly carried, it was ordered that County Planning Commissioner William Weber be appointed to the Regional Planning Commission to fill the unexpired term of Commissioner Sullivan which would end on July 1, 2005.

**05-127 AWARD OF BID – OFFICE SUPPLIES - BID NO. 2442-04 -
PURCHASING**

This was the time to consider award of the bid for office supplies for Washoe County and joinder agencies for the balance of fiscal year 2005 for the Purchasing Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on August 3, 2004. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

Corporate Express
OfficeMax a Boise Company

The bid from Office Depot was not received timely.

Mark Courting, Corporate Express, thanked John Balentine, Purchasing and Contracts Administrator, for the re-evaluation and the re-analysis of the bid. He assured the Board that Corporate Express would approach this in a professional manner and provide the highest level of service based upon integrity and satisfaction to the Board and the Purchasing Department.

Commissioner Galloway stated policy of the Board was not intended for any contracts to renew more than three years without re-bidding. He said the Board may direct no more than two renewals before the contract had to be re-bid. Mr. Courting agreed. Commissioner Galloway requested the Purchasing Department calendar the resolicitation prior to the expiration of the third year.

Upon recommendation of Darlene Penny, Buyer, through Mr. Balentine, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Weber ordered that Bid No. 2442-04 for office supplies for Washoe County and joinder agencies for the balance of fiscal year 2005 and to run three years beginning July 1, 2005, with the County retaining the option to include a limit on the number of renewals, be awarded to the lowest responsive bidder, Corporate Express, in the amount of \$260,000 per year for Washoe County's requirements.

**05-128 WATER RIGHTS APPLICATION 71875 AND 71876 - WATER
RESOURCES**

Vahid Behmaram, Water Rights Supervisor, provided a vicinity map showing the location of the hydrographic basin, which was placed on file with the Clerk. He said the location and the acreage of the irrigated land stayed the same while stripping the water rights from one well and attaching them to another. He explained the new well was across the County line and required the Board of County Commissioners from both Counties to address the issue as stated in NRS 533.363.

Commissioner Humke referred to the vicinity map and commented the hydrographic basin fell in the Counties of Washoe, Pershing and Humboldt. Mr. Behmaram confirmed that was correct.

3:10 p.m. Commissioner Sferrazza left the meeting.

In response to Commissioner Galloway, Mr. Behmaram explained Pershing County would consider place of use in a public setting and forward a recommendation to the State Engineer's office. He said the impact was observed throughout the whole basin whether the water was pumped in Washoe County or Pershing County. Mr. Behmaram indicated, the place of use would remain in Washoe County and the proposed point of diversion would remain in the Hualapai Flat Hydrographic Basin as stated in the application.

Upon recommendation of Mr. Behmaram, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, it was ordered that Chairman Weber be authorized to recommend approval of Water Rights applications 71875 and 71876 to the Nevada State Engineer.

05-129 **BILL NO. 1442 - AMENDING WASHOE COUNTY SCHEDULE OF RATES AND CHARGES – PRETREATMENT PROGRAM FOR SANITARY SEWER SERVICE**

Bill No. 1442, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY SCHEDULE OF RATES AND CHARGES AND PRETREATMENT PROGRAM FOR PROVISION OF SANITARY SEWER SERVICE WITHIN CERTAIN AREAS OF WASHOE COUNTY; ADDING PROVISIONS ESTABLISHING A TETRACHLOROETHENE (PCE) INSPECTION AND MONITORING PROGRAM; ADDING A CONNECTION FEE SURCHARGE FOR PROPERTIES THAT DID NOT PARTICIPATE IN SPECIAL ASSESSMENT DISTRICT 29, BUT DESIRE TO CONNECT TO THE MOUNT ROSE SEWER INTERCEPTOR; AND PROVIDING PROCEDURES FOR ITS ENFORCEMENT. THIS ORDINANCE REPEALS ORDINANCE NO. 1210," was introduced by Commissioner Humke, the title read to the Board, and legal notice for final action of adoption directed.

**MAINTENANCE OF WHITES CREEK PARK – REGIONAL
PARKS AND OPEN SPACE**

Karen Mullen, Regional Parks and Open Space Director, reviewed the size, location and facilities within Whites Creek Park and provided the Board with two possible options as stated in the agenda memorandum dated January 18, 2005. She explained by agreement, the park was currently maintained by the Galena Estates Homeowners Association (HOA); however, over the years the maintenance had become too difficult for their small association and the HOA had requested the Board consider the County maintain Whites Creek Park. She commented staff was concerned that a precedent would be set since there were other HOA's who maintain park facilities.

Don Verhoef, Galena Country Estates, said a majority of residents who reside in Galena Estates were retired and on fixed incomes. He said originally the park was built by the developers as a neighborhood park; however, it had now become widely used by residents from the entire County. Mr. Verhoef stated the cost of maintenance had become a burden, and the HOA requested the Board approve the recommendation from the Parks Commission to assume the cost of the maintenance.

Sam Macias, Galena Homeowners Association, said the HOA had also maintained a berm and two entrances to the park for a number of years. He reiterated Mr. Verhoef's comments of maintenance costs becoming a burden to the HOA.

Commissioner Humke questioned if the HOA had any other maintenance responsibilities besides the berm, the two entrances and the park itself. Mr. Macias responded those were their responsibilities regarding maintenance. Commissioner Humke inquired about a bid received on July 4, 2004, and whether the work was completed. Mr. Macias replied the work was completed, the sprinkler heads were replaced, and the park was reseeded.

Commissioner Galloway asked if the homeowner's dues were ever raised to help alleviate some of the increased costs. Mr. Macias explained the HOA Board did not have the authority to raise fees on their own as it would take 90 percent approval by the homeowners to raise the fees as stated in their by-laws. He said there had been appropriations throughout the year where the homeowners contributed an amount of money to help cover the increased cost of maintenance.

Commissioner Larkin asked Ms. Mullen what the proximity was from Whites Creek Trailhead to Whites Creek Park. Ms. Mullen replied Whites Creek Trail traveled along the creek and into the park facility. Commissioner Larkin asked what provisions would be needed to advertise a trailhead to be accessed by the general public off the Mt. Rose Highway. Ms. Mullen said staff did not advertise the trail entrance from Mt. Rose Highway; however, it could be denoted on a County map as an actual trailhead.

Chairman Weber stated if more people utilized the parking area for access to the trail it would have a large impact on the homeowners living in the subdivision. Ms.

Mullen said the homeowners had requested the parking lot and the entry road into the park be paved which could be done through the normal district process. Commissioner Weber stated she had a hard time justifying the maintenance of the park by the County and was also concerned with the Board setting a precedent.

In response to Commissioner Larkin, Ms. Mullen said it was not uncommon to have a ball field within a neighborhood park maintained by a HOA. Commissioner Larkin told Mr. Verhoef, if the Board accepted maintenance of the park, it would then be highlighted on a regional map and traffic would be significantly increased in the area. Mr. Verhoef said the homeowners were aware of the increased traffic and suggested new stop signs in the development would assist to slow people down. He felt this park deserved to be better maintained.

Commissioner Galloway requested data based on usage from outside the area. Ms. Mullen referred to the staff report which stated if the Board decided to go with Option two, it had to be determined the park was in a good location for a County park and for general public use. Commissioner Galloway said that could not be determined without knowing how much use was from outside the area. Ms. Mullen responded it was used from outside since many of these parks with existing homeowner association controlled maintenance had a ball field and were used not just from the surrounding neighborhood. Commissioner Galloway said this particular HOA charged very little to their homeowners for maintenance and that would not be a problem except for the assertion they could not raise the rate. He did not consider that a hardship without a review of the HOA's by-laws and conditions, covenants and restrictions (CC&R's).

Commissioner Humke requested information regarding the history of Whites Creek Park, other homeowner supported parks and the number of properties who supported those parks, and the history of how parks developed in each case.

Chairman Weber requested staff assist the HOA by reviewing their by-laws and CC&R's to see if the by-laws could be changed in order to have the fees increased.

Melanie Foster, Legal Counsel, said she could look at the HOA's by-laws; however, she could not assist them with any necessary revisions.

Commissioner Galloway said, if a review of the CC&R's and the by-laws verified there was no way to raise the charges, that could justify the costs.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, Chairman Weber ordered that the decision for the County to acquire the maintenance of Whites Creek Park be continued. It was further ordered that staff be directed to compile data comparing other HOA supported parks as to the number of properties supporting those parks and the history of Whites Creek Park.

3:55 p.m. The Board recessed

4:12 p.m. The Board reconvened with Commissioner Sferrazza absent.

05-131 **OPERATIONAL AUDIT OF MUNICIPAL GOLF COURSES –
REGIONAL PARKS AND OPEN SPACE**

Doug Doolittle, Regional Parks and Open Space Assistant Director, provided the report, Operational Audit of Truckee Meadows Municipal Golf Courses, prepared by Economics Research Associates (ERA), which was placed on file with the Clerk. He said the report was requested to analyze the state of golf in the region and prepare a comprehensive report on the operation and maintenance of publicly owned golf courses as outlined in the agenda memorandum dated January 21, 2005. He said the report was being considered by the community-based Golf Task Force to develop a recommendation to be reviewed by Washoe County, the City of Reno and the Reno-Sparks Convention and Visitor Authority (RSCVA). Mr. Doolittle stated the report would be presented by a representative from ERA at the joint meeting between the County, the City of Reno and the RSCVA on February 16, 2005. He offered copies of the report to the Board to be reviewed prior to the joint meeting.

05-132 **REPORTS/UPDATES FROM COUNTY COMMISSIONERS**

Commissioner Galloway stated he attended the Nevada Association of Counties (NACO) meeting held on February 4, 2005. He said Community Wildlife Protection Plans needed to be drawn up to give the County preference of Federal funds to fight wildfires. He explained NACO needed information to expedite payment for fast repay on the cost of ballot printing as the State was required to give the County reimbursement. Commissioner Galloway said unfunded mandates were discussed, which were on County ballots. He said the voters supported no unfunded mandates; however, NACO stated the attitude in the Legislature had not changed. He reported NACO requested Washoe County data on income received from franchise fees, since a bill existed to do away with those fees. He said there was discussion concerning elected officials' salaries, and he noted the County Fiscal Officers Association desired to set-up a commission to study and recommend salaries. Commissioner Galloway said he believed there was support from NACO not to change the second tier gas distribution formula.

Katy Singlaub, County Manager, commented the franchise fee information requested by NACO had been provided. She said Senator Townsend submitted legislation to roll back franchise fees to a cap of two percent. Ms. Singlaub remarked Washoe County's franchise fee was three percent while most jurisdictions in the State were set at the maximum of five percent.

Commissioner Larkin reported he and Steve Bradhurst, Water Resources Director, went to Carson City and received a \$4-million check for the Spanish Springs Sewer Nitrate project. He also attended an emergency meeting of the Regional Transportation Commission Board where litigation was considered with the landowner

for the exit at McCarran and Kietzke, concerning the extension of the South Virginia Connector.

05-133 2002 REGIONAL PLAN SETTLEMENTS, LITIGATION AND ASSOCIATED ISSUES

Adrian Freund, Community Development Director, commented that at the February 22, 2005 meeting the Board would discuss options for a mediated settlement of the City of Reno's annexation program, which would precede the meeting with Judge James Hardesty on February 25, 2005.

05-134 PUBLIC COMMENT

Chairman Weber stated there was a request to re-open public comment.

Commissioner Galloway asked if this could have been addressed during public comments at the beginning of the meeting and the Chairman concurred. Commissioner Galloway said he would support it this time; however, not in the future.

On motion by Chairman Weber, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, it was ordered to re-open public comments.

Gary Schmidt, Washoe resident, said clarification needed to be made on the agenda when the Legislative update would be heard either at the Caucus and/or the Commissioner meeting. He distributed two suggested changes to NRS, which were placed on file with the Clerk.

4:45 p.m. The Board recessed

5:30 p.m. The Board reconvened with Commissioner Sferrazza absent.

05-135 COMPREHENSIVE PLAN AMENDMENT CASE NUMBER CP04-019 – SOUTH VALLEYS AREA PLAN MAINTENANCE – COMMUNITY DEVELOPMENT

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* and mailed to affected property owners on January 28, 2005 to consider a request to amend the South Valleys Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment request would update minor discrepancies in the land use database to reflect changes in assessor information and/or to clarify the depiction of land uses on adopted maps. The proposed amendment would match the physical location of East Lake Boulevard to the aerial photography on three parcels. The proposal does not affect the boundary of Parks & Recreation (PR) land use. The parcels are located within a portion of T16N and T17N, R20E, MDM, Washoe County, Nevada. The South Valleys Area Plan is within the East Washoe Valley, West Washoe Valley,

and the Galena-Steamboat Citizen Advisory Board boundaries and is within Washoe County Commission District No. 2. (APN 50-351-14; 50-500-01; 50-500-07). To maintain currency of general area plan data, administrative changes to the area plan are also proposed. These administrative changes include: a revised map series with updated parcel base, a revised table of land uses; and updated textual information, including but not limited to plan horizon dates, population estimates, agency names, and reported acreage values.

Catherine Lorbeer, Senior Planner, described the requested amendment and provided background information as detailed in the agenda memorandum dated January 19, 2005.

In response to Commissioner Galloway's questions, Ms. Lorbeer explained there was some discussion of maintenance and policy information contained in the plan; and she encouraged the Citizen Advisory Board (CAB's) to carry those issues to the South Valleys update, which was being managed by the Advanced Planning Division. She said they could have a broader community discussion of actual policy language or concerns about land use throughout the area plan. Ms. Lorbeer remarked this proposal did not change any of the land uses. Commissioner Galloway asked if this area plan contained the St. James Village, and Ms. Lorbeer replied St. James Village was farther to the north.

In response to Commissioner Humke, Ms. Lorbeer said there were no plans underway to change any CAB boundaries.

Katy Singlaub, County Manager, said area plans resulted from topography and those boundaries were different from the boundaries of CAB's. She commented the planning areas did overlap differently; however, there were no plans to divide any CAB's.

Chairman Weber opened the public hearing by calling on anyone wishing to speak. There being no response, the Chairman closed the public hearing.

Having made the following findings, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, it was ordered that Comprehensive Plan Amendment Case Number CP04-019 (South Valleys Area Plan Maintenance) be approved and the Chairman be authorized to execute the Resolution amending the area plan after a determination of conformance has been made with the regional Plan by the Truckee Meadows Regional Planning Agency.

1. The proposed amendments to the South Valleys Area Plan are in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan.

2. The proposed amendments to the South Valleys Area Plan will provide for land uses compatible with existing and planned adjacent land uses and will not adversely impact the public health, safety or welfare.

3. The proposed amendments to the South Valleys Area Plan will not adversely affect the implementation of the policies and action programs of the Conservation element, the Population Element and/or the Housing Element of the Washoe County Comprehensive Plan.

4. The proposed amendments to the South Valleys Area Plan will promote the desired pattern for the 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.

5. The proposed amendments to the South Valleys Area Plan will be the first amendment to the plan in 2005 and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.

6. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.

7. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the County Commission from the Washoe County Planning Commission, and the information received during the Washoe County Commission public hearing.

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There being no further business to come before the Board, the meeting adjourned at 6:41 p.m.

BONNIE WEBER, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Stacy Gonzales, Deputy County Clerk*