

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

1:30 P.M.

FEBRUARY 20, 2007

PRESENT:

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

Amy Harvey, County Clerk
Katy Singlaub, County Manager
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:

07-191 AGENDA

County Manager Katy Singlaub pointed out that emergency item number 30 was added to the agenda to accept the resignation of Chairman Steven Sparks from the Board of Equalization and discuss possible appointment of an alternate for 2007.

***1:39 p.m.** Commissioner Weber arrived.

***1:39 p.m.** Commissioner Sferrazza arrived.

In response to the call for public comment, Guy Felton alleged that statements about decorum on the front of the agenda were intended to intimidate speakers and were an attack on free speech.

Sam Dehne commented that emergency item 30 did not provide enough notice to make an appointment to the Board of Equalization. He objected to keeping citizens waiting while closed meetings for work card permit appeals took place.

Gary Schmidt agreed that the Board of Equalization needed a fifth member but he did not believe the item was an unforeseeable emergency and thought an alternate should have been appointed much earlier.

Assistant District Attorney Melanie Foster stated that emergency item 30 was placed on the agenda after the February 16, 2007 resignation of Chairman Sparks

from the Board of Equalization, making it necessary to appoint an alternate for the remainder of the 2007 meetings. Chairman Larkin asked if the District Attorney's office had foreseen the nature of the resignation and Ms. Foster indicated she knew of no one who had been aware that Chairman Sparks intended to resign. In response to Commissioner Sferrazza's question, Ms. Foster stated that a letter sent by the District Attorney to Chairman Sparks, which subsequently led to his resignation, was dated February 15, 2007.

Commissioner Weber agreed with the public comments about work card appeals and asked legal counsel for input. Ms. Foster indicated the Board meeting must be called to order and open to the public before the appeal could be heard. Chairman Larkin pointed out the Board was not agendized for detailed discussion and asked that Commissioners wait for agenda item seven to request consideration on a future agenda.

Commissioner Weber referenced the staff report for item 26 and asked if Somerset developer Blake Smith had received notification so that he could be present during the discussion of that item. Ms. Foster indicated that Blake Smith was present.

Commissioner Galloway suggested that item 30 be heard early in the agenda. He thought there was a great deal of public interest for item 27 and it might be best to hear that item as early as possible but hold public comment open in the event that people wishing to speak arrived after 5:30 p.m. Chairman Larkin pointed out there were no time-specific notations on the agenda and the Board was free to move items in any order deemed to be in the public's interest.

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the agenda for the February 20, 2007 meeting be approved.

07-192 WORK CARD PERMIT APPEAL – GARY LOGAN

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Board go into closed session pursuant to NRS 241.030(1) for consideration of the work card permit appeal for Gary Logan.

2:00 p.m. The Board convened in closed session in the Caucus Room to hear testimony as to why the work card should or should not be granted. The appellant, Gary Logan, was present to offer testimony during the closed session. Debra Campbell and Charles Palian from the Washoe County Sheriff's Office, and Kevin Schiller and Alice LeDesma from Social Services were also present.

2:46 p.m. At the conclusion of the closed session, the Board returned to the Chambers and reconvened in open session.

In response to the call for public comment, Sam Dehne suggested that work card permit appeals be placed toward the end of an agenda. He also felt the name of the individual filing the appeal should not be released to the public.

Commissioner Galloway believed the record reflected no disqualifying offenses for issuing a work card.

Commissioner Humke indicated Mr. Logan needed to clear up confusing and incomplete records from another state and he could not support a motion to grant the work card until those questions were resolved in favor of the appellant. Commissioner Sferrazza and Chairman Larkin agreed with Commissioner Humke's position.

It was moved by Commissioner Galloway and seconded by Commissioner Weber to grant the work card permit with no conditions. The motion failed on a vote of 2-3, with Commissioners Humke, Larkin and Sferrazza voting "no".

Commissioner Humke suggested a continuance for the appeal but thought it would not be possible to establish a timeframe. Melanie Foster, Assistant District Attorney, agreed it would be difficult to establish a time certain.

Commissioner Galloway expressed concern about allowing the childcare facility to maintain licensure indefinitely while the work card issues were resolved. Chairman Larkin agreed but added that it should be feasible to clarify Mr. Logan's record within a reasonable period of time. Commissioner Sferrazza believed it was not to Mr. Logan's advantage to prolong a resolution. Chairman Larkin suggested review of the appeal in 90 days.

Commissioner Weber supported a continuance. Commissioner Galloway stated he would support a motion to continue, although he did not believe it was the best course of action.

On motion by Commissioner Humke, seconded by Chairman Larkin, which motion carried on a 5-0 vote, it was ordered that the work card appeal for Gary Logan be continued to allow the appellant to clarify out-of-state records as to the nature and disposition of his previous arrest. It was further ordered that the Board review Mr. Logan's appeal within 90 days. The Social Services department was encouraged to maintain the current status of the childcare facility's licensure pending resolution of the work card permit appeal.

INTRODUCTION OF NEW WASHOE COUNTY EMPLOYEES

Chairman Larkin invited 29 new Washoe County employees to come forward and introduce themselves to the Board. The Commissioners welcomed the new employees.

PUBLIC COMMENT

Stuart Mackie recalled a newspaper article about 6,700 acre-feet of water being given to developers at \$5,000 per acre-foot. He estimated a value of approximately \$100,000,000 for those water rights and wondered what was being done with them.

Sam Dehne spoke about first amendment rights.

Gary Schmidt read from a court order issued by Judge Brent Adams, which declared that the May 17, 2005 vote by the Board of County Commissioners to sanction Mr. Schmidt was without legal authority and therefore void. Mr. Schmidt read from an article, originally published February 15, 2007 in the *Reno News and Review*, suggesting the Commissioners who voted for the sanction now owed him an apology. Mr. Schmidt went on to read from his own press release; "These kinds of oppressive and abusive acts by elected officials against lawfully abiding citizens who are attempting to exercise their constitutional rights must not go unpunished." The court order, published articles and press release were all placed on file with the Clerk.

Commissioner Galloway wondered if Mr. Mackie's comments were referring to the 6,700 acre-feet of water rights that Reno, Sparks and Washoe County would contribute to the Truckee River Operating Agreement (TROA). Mr. Mackie thought the County was selling water rights to the builders. Commissioner Galloway asked what specific past or present agenda item he might be referring to. Mr. Mackie noted item 23 on today's agenda might be related but he was not sure.

Mimi Fujii-Strickler, Community Outreach Coordinator, introduced Peter Larsen, Brooke Schmanski and Lindsey Ginter, students from Reed High School who were interning with the County in a six-week pilot program. She also introduced university interns Megan Jackson, Dylan Ciciliano and Kylee Mischke.

COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS

Commissioner Humke stated that the South Valley Area Plan would be discussed later that evening by the County Planning Commission and had also been discussed at a community meeting attended by over 100 citizens. He announced a meeting of the South Truckee Meadows General Improvement District later that evening to discuss legislation for a regional water entity and a public workshop to discuss flood issues in Bailey Canyon Creek and Toll Road on February 26, 2007. Commissioner Humke reported that Chairman Larkin had been well received during a February 7, 2007 presentation to the State Assembly's Government Affairs Committee.

Commissioner Weber commented she had reviewed the tape of last week's discussion on Bill Draft Request (BDR) 48-183 about the creation of a regional water entity. She asked for a future agenda item to discuss the scheduling of work card permit appeals. Commissioner Weber thanked Reno City Councilman David Aiazzi and Washoe County School Board Trustee Lezlie Porter for attending her recent session of

“Coffee with your Commissioner”. She passed along issues raised at that meeting about the Black Springs Community to the County Manager.

Commissioner Galloway was pleased about the public meeting concerning flood hazards in Bailey Canyon and hoped there could be one about fire hazards as well. He expressed his interest in discussing SB 79 and SCR 1 during the Board’s legislative update later in the agenda. He commented that some Board members had been labeled as having appointed members to the Nuisance Committee who were not in their Districts. He believed these were mistakes and stated he was not attempting to appoint anyone outside of his District. He requested additional information as to who might be attending Committee meetings that had not been formally appointed.

Commissioner Galloway registered his disappointment that the wording of agenda item 30 did not allow for the appointment of more than one alternate to the Board of Equalization. County Manager Katy Singlaub apologized about the wording and offered to place it on a future agenda. Commissioner Galloway stated that would be too late for this year’s meetings. Assistant District Attorney Melanie Foster clarified that the Board was agendized to appoint just one alternate.

07-194 MINUTES

On motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Larkin ordered that the minutes of the regular meeting of January 16, 2007 be approved.

07-195 GRANT – DIVISION OF AGING SERVICES – NO WRONG DOOR SYMPOSIUM – SENIOR SERVICES

Chairman Larkin asked about the “No Wrong Door” program. Senior Services Director Marietta Bobba explained that the grant was to provide lunch for participants in a summit to learn more about the federal 211-phone number that would provide information on social and human services in the area.

On recommendation of Marietta Bobba, Senior Services Director, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Larkin ordered that the grant award in the amount of \$759 (with no County match) from the Division for Aging Services for the Aging and Disability Resource Center program to support refreshment costs associated with the “No Wrong Door” symposium held January 12, 2007 be accepted retroactively and the Finance Department be directed to make the following budget adjustments:

Account	Description	Amount
10579-431100	ADRC – Federal Revenue	\$ 759
10559-710872	ADRC – Food Purchases	\$ 759

07-196 AGREEMENT – DEPUTY SHERIFF TO RESIDE IN COUNTY-OWNED RESIDENCE (GERLACH) – PUBLIC WORKS

In response to the call for public comment, Sam Dehne noted the agenda did not state a purpose for the housing arrangement.

Commissioner Humke read items from the contract to clarify the purpose and terms of the arrangement.

Commissioner Galloway asked if this type of housing agreement had been done before. County Manager Katy Singlaub responded that the County had entered into past arrangements with park rangers and with the prior deputy who served in Gerlach. She observed it was difficult for employees to find housing in the Gerlach area.

On recommendation of Wendy Pitts, Property Program and Fiscal Control Manager, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Employee Housing Agreement between Washoe County and Edward Johnston (a Washoe County Deputy Sheriff), concerning provision of and residing in a County-owned residence in Gerlach be approved and the Chairman be authorized to execute the same. Public Works, through its Facility Management Division, will provide ongoing maintenance while the resident Deputy will pay all utility expenses incurred for occupancy of the property.

07-197 REPORT – DELINQUENT SPECIAL ASSESSMENT SALE CANCELLED – TREASURER

On recommendation of Linda Jacobs, Deputy Treasurer, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, the Board acknowledged receipt of the Report of Sale for a delinquent special assessment sale, which was cancelled because all delinquencies were paid prior to the scheduled sale date of January 24, 2007.

07-198 SEXUAL ASSAULT MEDICAL CARE PAYMENT – DISTRICT ATTORNEY

Pursuant to NRS 217.280 through 217.350, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Larkin ordered that payment with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care for 27 sexual assault victims in an amount totaling \$18,272.20 and for follow-up treatment in an amount totaling \$4,153.88 for victims, victims' spouses and other eligible persons as set forth in a memorandum from Kim Schweickert, Program Assistant, District Attorney's Office, dated February 1, 2007.

07-199 REPORT – APPROPRIATION ADJUSTMENTS – FINANCE

On recommendation of Lisa Gianoli, Budget Manager, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, the Board acknowledged the following appropriation adjustments (no fiscal impact) within the Administrative Assessment Fund:

Account	Description	Amount
Increase:		
C710705-813001	Transfer to Debt Service-Court Admin Assmnt	\$ 30,000
C717710-813001	Transfer to Debt Service-AB102 Admin Assmnt	\$ 35,000
	Total Increases:	\$ 65,000
Decrease:		
C710715-711504	Equipment – NonCapital	\$ 30,000
C717715-781004	Equipment – Capital	\$ 35,000
	Total Decreases:	\$ 65,000

07-200 STATUS REPORT – TRUCKEE RIVER FLOOD MANAGEMENT PROJECT

Upon recommendation of Naomi Duerr, Truckee River Flood Management Project Director, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Larkin ordered that the January 2007 status report on activities related to the Truckee River Flood Management Project be accepted.

07-201 GRANT –NEVADA DIVISION OF EMERGENCY MANAGEMENT – 2007 EMERGENCY MANAGEMENT PERFORMANCE GRANT – EMERGENCY MANAGEMENT

On recommendation of Cathy Ludwig, Grants Coordinator, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Larkin ordered that the 2007 Emergency Management Performance Grant (EMPG) from the State of Nevada, Division of Emergency Management in the amount of \$81,932.41 be accepted and the Finance Department be directed to make the following budget adjustments:

Account	Description	Amount
Increase Revenue:		
IO TBD-431100	Federal Grant Revenue	\$ 81,932.41
Increase Expenditures:		
IO TBD-701110	Base Salaries	\$ 55,776.84
IO TBD-710100	Professional Services	12,982.00
IO TBD-710300	Operating Supplies	1,500.00
IO TBD-710334	Copy Machine Expense	1,200.00
IO TBD-710350	Office Supplies	1,900.00

Account	Description	Amount
IO TBD-710360	Postage	200.00
IO TBD-710504	Registration	500.00
IO TBD-710508	Telephone	2,000.00
IO TBD-710529	Dues	300.00
IO TBD-710546	Advertising	1,000.00
IO TBD-710872	Food Purchases	300.00
IO TBD-711113	Equip. Srv. Replac.	500.00
IO TBD-711114	Equip. Srv. O&M	1,000.00
IO TBD-711210	Travel	2,773.57
	Total Expenditures	\$ 81,932.41

**07-202 SPONSORSHIP AGREEMENT – RED, WHITE & TAHOE BLUE –
FOURTH OF JULY CELEBRATION – MANAGEMENT
SERVICES**

Chairman Larkin commented that past policy had been for all entities to request monies through the budgeting system. County Manager Katy Singlaub indicated that a grant award required Board action and the Red, White and Tahoe Blue organization wanted to make their request before the Board for the 2006-07-budget year because they were concerned about getting funds in time for the Fourth of July event.

On motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Agreement for Services between the County of Washoe and Red, White & Tahoe Blue be approved in the amount of \$5,000 for sponsorship of Fourth of July celebrations at Incline Village and Crystal Bay. It was further ordered that the Chairman be authorized to execute the Agreement.

**07-203 AGREEMENT – GOVERNMENT AFFAIRS SERVICES –
MANAGEMENT SERVICES**

Commissioner Sferrazza asked for an explanation of the payment amounts. County Manager Katy Singlaub stated the first payment of \$28,000 covered March 1 through June 30, 2007, payments of \$84,000 would cover fiscal year 2007-08, and the Manager’s Office expected it would have enough staff to decrease consultant expenditures to \$42,000 in fiscal year 2008-09. She explained that interim legislative committees required full-time representation and monitoring. Ms. Singlaub stated that the cost for a consultant was less than that for a full-time salaried position with benefits.

Commissioner Humke mentioned that the consultant’s contract specified duties in Federal, State and local government relations, implying contact with local governments in other areas of the State as necessary. He was confident that Ms. Singlaub could direct the consultant to remain active on Washoe County’s behalf.

In response to the call for public comment, Sam Dehne stated that “government affairs” was a fancy term for lobbyists. He wondered what the lobbyists would spend the money on.

On recommendation of John Slaughter, Management Services Director, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Agreement for Professional Services between Washoe County and LG Strategies Limited be approved in the amount of \$28,000 in fiscal year 2006-07 (March 1, 2007 to June 30, 2007), \$84,000 in fiscal year 2007-08, and \$42,000 in fiscal year 2008-09; plus pre-approved expenses. It was further ordered that the Chairman be authorized to execute the agreement.

07-204 BUDGET AMENDMENT – FY 2006-07 – HIV PREVENTION GRANT PROGRAM – HEALTH

Upon recommendation of Patsy Buxton, Fiscal Compliance Officer, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that amendments be approved totaling a decrease of \$36,732.85 in both revenue and expenses to the adopted fiscal year 2006-07 HIV Prevention Grant Program, (IN 10013), to bring the fiscal year 2006-07 adopted budget into alignment with the grant. It was further ordered that a vacant 1.0 FTE benefits-eligible Administrative Assistant I Position (PC# 70002171) be abolished and the Finance Department be directed to make the following budget adjustments:

Account	Description	Amount of Increase/(Decrease)
2002-IN-10013-431100	Federal Revenue	(\$ 36,732.85)
2002-IN-10013-701110	Base Salaries	(\$ 47,105.66)
-701300	Overtime	(2,137.29)
-705210	Retirement	(9,303.37)
-705230	Medicare	(683.03)
-710100	Professional Services	25,000.00
-710119	Subrecipient Payments	(6.00)
-710300	Operating Supplies	600.00
-710334	Copy Machine Expense	(400.00)
-710350	Office Supplies	100.00
-710361	Postage	50.00
-710500	Other Expense	875.00
-710502	Printing	(500.00)
-710503	Licenses & Permits	(60.00)
-710505	Rental Equipment	(497.50)
-710509	Seminars and Meetings	(500.00)
-710512	Auto Expense	(26.00)
-710546	Advertising	(500.00)
-710721	Outpatient	5,085.00
-711210	Travel	276.00

Account	Description	Amount of Increase/(Decrease)
-711504	Equipment, NonCapital	(7,000.00)
	Total Expenditures	\$ 36,732.85

07-205 BUDGET AMENDMENT – FY 2006-07 – WIC CLINIC GRANT PROGRAM – HEALTH

Upon recommendation of Patsy Buxton, Fiscal Compliance Officer, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that amendments be approved totaling an increase of \$51,039 in both revenue and expenses to the adopted fiscal year 2006-07 WIC Clinic Grant Program, (IO 10031), to bring the fiscal year 2006-07 adopted budget into alignment with the grant. It was further ordered that the creation of one position be authorized for a 1.0 FTE benefits-eligible Community Health Aide (PC# TBD) as evaluated by the Job Evaluation Committee, and the Finance Department be directed to make the following budget adjustments:

Account	Description	Amount of Increase/(Decrease)
2002-IO-10031-431100	Federal Revenue	\$ 51,039
2002-IO-10031-701110	Salaries	\$ 47,368
-705210	Retirement	9,355
-705230	Medicare	687
-710100	Professional Services	(1,200)
-710200	Service Contract	(1,061)
-710205	Repairs & Maintenance	(400)
-710300	Operating Supplies	(5,638)
-710334	Copy Machine	9
-710350	Office Supplies	2,996
-710500	Other Expense	(4,700)
-710502	Printing	1,000
-710509	Seminars and Meetings	(250)
-710512	Auto Expense	622
-711210	Travel	2,251
	Total Expenditures	\$ 51,039

07-206 BUDGET AMENDMENT – FY 2006-07 – WIC MARKETING GRANT PROGRAM – HEALTH

Upon recommendation of Patsy Buxton, Fiscal Compliance Officer, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that amendments be approved totaling a decrease of \$2,401.53 in both revenue and expenses to the adopted fiscal year 2006-07 WIC Marketing Grant Program, (IO 10009), to bring the fiscal year 2006-07 adopted budget

into alignment with the grant. It was further ordered that the Finance Department be directed to make the following budget adjustments:

Account	Description	Amount of Increase/(Decrease)
2002-IO-10009-431100	Federal Revenue	(\$ 2,401.53)
2002-IO-10009-701110	Salaries	(\$ 4,912.95)
-701300	Overtime	(217.02)
-705210	Retirement	(970.32)
-705230	Medicare	(71.24)
-711210	Travel	3,770.00
	Total Expenditures	(\$ 2,401.53)

07-207 PURCHASE REQUISITION – BOARD OF REGENTS – AIR QUALITY MANAGEMENT WOODSTOVE REBATE PROGRAM – HEALTH

Upon recommendation of Lori Cooke, Fiscal Compliance Officer, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that purchase requisition #3x6851 in the amount of \$65,000 be approved. The requisition was issued to the Board of Regents, Nevada System of Higher Education, on behalf of the University of Nevada, Reno, Nevada Small Business Development Center in support of the Washoe County Air Quality Management Woodstove Rebate Program, funded by a grant from the Nevada Department of Motor Vehicles, for the period through June 30, 2007.

07-208 AGREEMENT – WASHOE MEDICAL CENTER – EMERGENCY USE OF 800-MHZ RADIO INVENTORY – HEALTH

Commissioner Galloway recalled that the County was providing only the backbone for the 800-MHz system and wondered who was bearing equipment costs. Telecommunications Manager Craig Harrison stated that the 800-MHz system would provide backup capability to the hospitals in emergency situations. He clarified they had purchased their own radios, paid the \$2,000 backbone buy-in for each radio, and would pay the charges for radio usage.

On recommendation of Lori Cooke, Fiscal Compliance Officer, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Letter of Agreement between Washoe County, the Washoe County Health District and Washoe Medical Center be approved and the Chairman be authorized to execute the same. The Agreement allows Washoe Medical Center to use a portion of the Washoe County 800-MHz existing radio inventory and participate on a specific Washoe County District Health Department talk group to communicate with the Health Department and other hospitals during an emergency when other forms of communication fail.

07-209

**AGREEMENT – ST. MARY’S MEDICAL CENTER –
EMERGENCY USE OF 800-MHZ RADIO INVENTORY –
HEALTH**

Commissioner Galloway recalled that the County was providing only the backbone for the 800-MHz system and wondered who was bearing equipment costs. Telecommunications Manager Craig Harrison stated that the 800-MHz system would provide backup capability to the hospitals in emergency situations. He clarified they had purchased their own radios, paid the \$2,000 backbone buy-in for each radio, and would pay the charges for radio usage.

On recommendation of Lori Cooke, Fiscal Compliance Officer, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Letter of Agreement between Washoe County, the Washoe County Health District and St. Mary’s Medical Center be approved and the Chairman be authorized to execute the same. The Agreement allows St. Mary’s Medical Center to use a portion of the Washoe County 800-MHz existing radio inventory and participate on a specific Washoe County District Health Department talk group to communicate with the Health Department and other hospitals during an emergency when other forms of communication fail.

07-210

**AGREEMENT – NORTHERN NEVADA MEDICAL CENTER –
EMERGENCY USE OF 800-MHZ RADIO INVENTORY –
HEALTH**

Commissioner Galloway recalled that the County was providing only the backbone for the 800-MHz system and wondered who was bearing equipment costs. Telecommunications Manager Craig Harrison stated that the 800-MHz system would provide backup capability to the hospitals in emergency situations. He clarified they had purchased their own radios, paid the \$2,000 backbone buy-in for each radio, and would pay the charges for radio usage.

Chairman Larkin disclosed that he served on the Northern Nevada Medical Center Board of Directors and asked legal counsel if that represented a conflict. Assistant District Attorney Melanie Foster pointed out that it was a straightforward business transaction but recommended that Chairman Larkin abstain from the vote.

On recommendation of Lori Cooke, Fiscal Compliance Officer, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion carried on a 4-0 vote with Chairman Larkin abstaining, it was ordered that the Letter of Agreement between Washoe County, the Washoe County Health District and Northern Nevada Medical Center be approved and the Chairman be authorized to execute the same. The Agreement allows Northern Nevada Medical Center to use a portion of the Washoe County 800-MHz existing radio inventory and participate on a specific Washoe County District Health Department talk group to communicate with the Health

Department and other hospitals during an emergency when other forms of communication fail.

07-211 DISCUSSION/DIRECTION – SETTLEMENT AGREEMENT WITH SOMERSETT PARCELS

Commissioner Galloway commented that the staff report was very limited and asked for additional information as to who had gone out to the Somerset Development and what they had found. Assistant District Attorney Melanie Foster indicated that staff had gone out to the Development and prepared a map from that visit. She stated it was clear that the provisions for a 5,125-foot elevation line and the 100-foot setback had been met and no evidence was found of any roads connecting from Somerset to Mogul. Ms. Foster pointed out that the poor quality of the map attached to the Settlement Agreement made it difficult to correlate that map with the map prepared by staff during their visit. She emphasized that the only remaining question was whether or not any of the two-story homes fell within the area where the Agreement did not allow them. She commented that Somerset developer Blake Smith was present and had his own maps, which might clarify things further.

Commissioner Weber apologized to Mr. Smith, who had never received the letter notifying him of the meeting and had read about the meeting in the newspaper.

Mr. Smith indicated that the Somerset Development had gone to great lengths to make sure it was in compliance with the Settlement Agreement and he was certain all of the homes in the prescribed area were single-story. He had maps showing the elevation and setback lines, photographs of the single-story homes within the prescribed area, and plans for homes to be built on the remaining undeveloped lots, all of which were placed on file with the Clerk.

Mr. Smith reviewed some of the history leading up to the Settlement Agreement. He identified the 5,125-foot elevation line, the 100-foot setback area along that line, and the area designated only for single-story homes on his map. Commissioner Galloway clarified with Mr. Smith that the single-story limitation covered a small area and did not follow a setback all along the elevation line. Mr. Smith commented that the subdivision area had been redesigned to remove 17 planned homes and re-graded twice to comply with the Agreement. Commissioner Galloway observed that there may be grading beyond the setback line, which could be mistaken for graded lots. Mr. Smith pointed out that the County had approved an additional 80 acres since the Agreement and access through Mogul was currently being graded. Commissioner Galloway stated he had received comments about the visibility of the homes from Mogul and asked staff to investigate accordingly. On further questioning by Commissioner Galloway, Mr. Smith stated there were no two-story homes within the prescribed area and no homes south of the agreed upon setback line.

Commissioner Galloway asked for independent verification from Community Development staff to verify Mr. Smith's assertions. Mr. Smith indicated his

willingness to assist staff with maps, tours of the property or by providing any other information upon request. Commissioner Galloway asked that staff reports be sent to himself and to Commissioner Weber.

**07-212 PROCLAMATION AND APPEARANCE – NEVADA’S CENTER
FOR ENTREPRENEURSHIP AND TECHNOLOGY**

Chairman Larkin read the Proclamation declaring February 24 through March 3, 2007 as Entrepreneurship Week and presented it to Dave Archer, Managing Director of Nevada’s Center for Entrepreneurship and Technology (NCET).

Mr. Archer thanked the Board for their support. He provided some background on the NCET, explaining that it started out as a technology alliance with the Economic Development Authority of Western Nevada (EDAWN) in 1999 and was placed under the jurisdiction of the Nevada Commission on Economic Development in 2002. He pointed out that NCET was a 501(c)(3) nonprofit organization. The primary purpose of NCET was to promote the various programs available to entrepreneurs such as the Nevada Small Business Development Center, Small Business Administration and the Service Corps of Retired Executives. Another important purpose of the organization was to sponsor their own events, such as the Governor’s Cup Collegiate Business Plan, a monthly Technology Thursday mixer in Reno, and Entrepreneurship Week USA. Mr. Archer commented that Entrepreneurship Week was being celebrated throughout the Country, with Nevada doing more than any state in the Nation to recognize the week’s events.

4:05 p.m. Commissioner Sferrazza temporarily left the meeting.

On motion by Chairman Larkin, seconded by Commissioner Humke, which motion passed on a 4-0 vote with Commissioner Sferrazza absent, it was ordered that the following proclamation be adopted and the Chairman be authorized to execute the same:

PROCLAMATION

WHEREAS, According to the Department of Labor, most of the new jobs created throughout the United States in the past decade have come from the creative efforts of entrepreneurs, which have been expanding and advancing technology and fueling the recent growth in the economy; and

WHEREAS, Entrepreneurs have been the source of economic innovation throughout the history of the Nation and the entire society has been improved because of the new ways of doing things that have been brought about by people who market their ideas; and

WHEREAS, Entrepreneurs are engaged citizens who work to improve their local communities, providing better opportunities for businesses to operate and a

better overall environment for the human resources they need to advance their innovative ideas; and

WHEREAS, More than 70 percent of young people envision starting a business or doing something entrepreneurial as adults, and entrepreneurial awareness will assist them in the future regardless of whether they run their own business or work in a business owned by others; and

WHEREAS, The high interest of young people in becoming entrepreneurs and the critical role entrepreneurs have played in advancing the national economy make it vital to encourage young people from academic backgrounds and all walks of life to explore their entrepreneurial potential and see if they have it in them to 'make a job' and

WHEREAS, Through a national initiative to observe Entrepreneurship Week USA, the Ewing Marion Kauffman Foundation, New York Times, Inc. magazine and hundreds of partner organizations promote awareness of the contributions of entrepreneurs as innovators, positive forces in the economy and important resources for improving communities as places to live and work; now, therefore, be it

PROCLAIMED, That the Washoe County Commission supports the goals and ideals of Entrepreneurship Week USA to ignite the Nation's consciousness about the importance of being entrepreneurial, so that the people of the United States are reminded of the social and economic contributions of entrepreneurs; and hereby issues this Proclamation calling on the State and Local Governments, schools, nonprofit organizations and others to observe February 24 through March 3, 2007 as Entrepreneurship Week in Washoe County with special activities and events to help inspire young people to begin a journey to fulfill their potential as self-starters and entrepreneurs.

07-213 APPEARANCE – NEVADA AGENCY FOR NUCLEAR PROJECTS, OFFICE OF THE GOVERNOR

County Manager Katy Singlaub introduced Joe Strolin and Robert Halstead from the Office of the Governor's Nevada Agency for Nuclear Projects, who were there to make a presentation regarding rail impacts on Washoe County.

Mr. Strolin identified Mr. Halstead as the Transportation Advisor for the Agency and probably one of the most knowledgeable people in the Country regarding the transportation of nuclear waste. He stated the U.S. Department of Energy (DOE) was considering a northern route for shipments of waste, should the Yucca Mountain project ever be built. Mr. Strolin observed it was the Agency's opinion the project was unlikely to go forward. Should it proceed, however, it was estimated no nuclear waste could begin to move until sometime between the years 2017 and 2025.

4:18 p.m. Commissioner Sferrazza returned to the meeting.

Mr. Halstead conducted a Power Point presentation, which was placed on file with the Clerk, giving a status report on the DOE proposal to construct a rail line to Yucca Mountain along the Schurz-Mina route. He provided some background information about the hazards of spent nuclear fuel transportation and the Mina-Schurz route proposed by the DOE in October of 2006. Mr. Halstead then discussed how the proposal might affect Washoe County. He estimated at least two to three trains per week would be transported over the line; three to four times per week if no second waste repository was built. Mr. Halstead stated that anywhere from 10 to 50 percent of the total shipments could go through Reno-Sparks. Accidents resulting in the breach of a cask would be rare but were a credible possibility and could be quite severe in nature. He identified additional safety concerns about the potential for terrorists to use shaped charges to rupture the casks.

Mr. Halstead pointed to a map illustrating the half-mile potential exposure zone on either side of the rail line, which would require local emergency planning if the route were to be used. Many large hotel-casinos, business and residences were located within the one-half mile zone. He discussed the results of a study commissioned by the Agency, which estimated the potential negative impact on property valuations in the event that shipments were going through the area, if an accident were to occur with no radiation release, or if an accident were to occur with the release of radiation.

07-214 **APPEARANCE – WASHOE COUNTY SCHOOL DISTRICT SUPERINTENDENT**

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, the presentation by the Superintendent of the Washoe County School District was continued to a future agenda.

07-215 **APPEARANCE – RENOWN HEALTH UPDATE**

Andy Pearl, Vice President of System Development for Renown Health, conducted a Power Point presentation, which was placed on file with the Clerk. He discussed Renown's purpose, its response to continued growth in Washoe County, the challenges presented in serving the healthcare needs of an aging population, the progress of current construction projects, and plans for the future.

4:25 p.m. Chairman Larkin temporarily left the meeting.

4:29 p.m. Chairman Larkin returned to the meeting.

07-216 BID AWARD – ARTICULATED MOTOR GRADER – BID NO. 2580-07 – PURCHASING

This was the time to consider award of the bid for an articulated motor grader for the Public Works Department. Bids were received from Cashman Equipment Company and Pape Machinery Inc.

Upon recommendation of Michael Sullens, CPM, Senior Buyer, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Larkin ordered that Bid No. 2580-07 for a new articulated motor grader for the Public Works Department be awarded to Cashman Equipment Company, the lowest responsive, responsible bidder, in the amount of \$206,035, which includes a guaranteed buy-back option to repurchase the equipment at the expiration of the three-year warranty period for \$160,178, resulting in a net total cost of \$45,857.

07-217 BID AWARD – PANASONIC TOUGHBOOK CONVERTIBLE TABLET PCs – BID NO. 2581-07 – PURCHASING

This was the time to consider award of the bid for 40 new Panasonic Toughbook Convertible Tablet PCs and ancillary equipment for the Building and Safety Department and the Health Department. Bids were received from:

Software House International	GovConnection, Inc.
CDW Government, Inc.	Howard Computers
OM Office Supply, Inc.	Portable Computer Systems

Upon recommendation of Michael Sullens, CPM, Senior Buyer, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Larkin ordered that Bid No. 2581-07 for 40 new Panasonic Toughbook Convertible Tablet PCs and ancillary equipment for the Building and Safety Department and the Health Department be awarded in the amount of \$164,437.60 to Software House International, the lowest responsive, responsible bidder.

07-218 CREATION OF LAND ACQUISITION/LAND MANAGER POSITION – TRUCKEE RIVER FLOOD PROJECT

On recommendation by Naomi Duerr, Director of the Truckee River Flood Management Project, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the creation of one full-time Land Acquisition/Land Manager position be authorized for the Truckee River Flood Project as evaluated by the Job Evaluation Committee. It was further ordered that the Finance Department be directed to make the appropriate budget adjustments to the Truckee River Flood Project's budget to accommodate the salary and benefits for the new position.

07-219

**AGREEMENT – RENO, SPARKS, WASHOE COUNTY –
MANAGEMENT OF WATER RIGHTS – WATER RESOURCES**

Commissioner Galloway brought up Stuart Mackie's earlier remarks that the County might be giving thousands of acre-feet of water rights to developers at \$5,000 per acre-foot and asked for clarification from staff. Donald Mahin, Senior Licensed Engineer, commented it was a misunderstanding of the agenda item. He stated there was a proposal to impose a fee of \$4,350 per acre-foot for each additional acre-foot of demand that would be supplied by the Truckee River or other Orr Ditch Decree water rights, but the fee was not imposed by the Agreement in this agenda item.

Commissioner Galloway clarified that the developer would still have to purchase water rights on the open market before new service could be provided and then would pay a connection fee on top of that amount. Mr. Mahin explained the fee would be used to cover any shortfall between the 6,700 acre-feet the County would dedicate to the Truckee River Operating Agreement (TROA) and the actual amount of County water rights found to be appurtenant to the streets.

Chairman Larkin discussed with Mr. Mahin that there was no \$100,000,000 pot of money being exchanged for buying or selling water rights. Mr. Mahin indicated that shortfalls requiring the County to purchase additional water rights for TROA might run as high as \$70,000,000 to \$80,000,000 and the fee was intended to cover that.

Chairman Larkin remarked that various entities had been involved in the negotiation of TROA on the public record for approximately 20 years and thought that concerned citizens should contact the office of U.S. Senator Harry Reid.

Commissioner Sferrazza stated that the 6,700 acre-feet of water rights the County was dedicating to TROA constituted a public asset. He indicated the purpose of TROA was partly to provide backup water for existing residents but TROA would also enable new development to occur that would not otherwise be possible. Commissioner Sferrazza expressed concern that the \$4,350 connection fee may not be high enough. Mr. Mahin discussed the philosophy that had gone into setting the rate and noted there was a provision for adjusting the fee if necessary. Commissioner Sferrazza commented that Mr. Mackie was correct in a sense because the County was giving water right assets to the TROA project and TROA would eventually enable additional water to be available for new development. Mr. Mahin pointed out that the water rights were still retained by the entities providing them and, although they could not be bought or sold, they could be used for water quality purposes. He remarked that TROA provided a benefit to the current residents. Commissioner Sferrazza agreed but thought there might be some benefit to new development that was not being paid for.

Commissioner Galloway asked Commissioner Sferrazza if he intended to vote against the agendized Agreement. Commissioner Sferrazza indicated he supported the Agreement but thought it was important to clarify the water rights issue raised by Mr. Mackie.

On recommendation by Donald Mahin, PE, Senior Licensed Engineer, and Jeanne Ruefer, Water Resources Planning Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Agreement on Management of Water Rights Appurtenant to Street Rights-of-Way Between Reno, Sparks and Washoe County be approved and the Chairman be authorized to execute the same upon receipt.

**07-220 EXPENDITURE – PRINTING OF STUDENT ACTIVITY BOOK –
COMMISSIONER DISTRICT SPECIAL FUNDING ACCOUNTS –
CLERK**

Commissioner Sferrazza asked if photographs of the Board of County Commissioners could be placed near the front of the Activity Book. County Clerk Amy Harvey responded that a black and white page could be placed in the booklet in addition to the color photographs of the Board that had already been placed toward the end.

On recommendation of Amy Harvey, County Clerk, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the expenditure of up to \$720 from each of the five Commission Districts’ Special Funding Accounts, for a total not to exceed \$3,600, be approved. The funds were to be used for the express and sole purpose of printing 5,000 copies of the activity book entitled “*Washoe County, Nevada – Activities and Fun Facts*”, which will be distributed by the Washoe County Clerk’s office in conjunction with its educational community outreach program.

**07-221 AGREEMENT – METAVANTE/LINK2GOV – ELECTRONIC
PAYMENT SOLUTIONS – MANAGER / BUILDING & SAFETY /
FINANCE / COMMUNITY DEVELOPMENT**

On recommendation of Assistant County Manager David Childs, County Building Official Don Jeppson, Director of Community Development Adrian Freund and Senior Fiscal Analyst Kim Carlson, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, it was ordered that staff be authorized to negotiate a sole-source agreement with Metavante/Link2Gov to provide electronic payment solutions, reporting services for Permits Plus Zone, and fees and services (if approved by Finance) for other departments wanting to accept electronic payment. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute an agreement upon finalization of the same. Invoiced costs paid to Link2Gov will range from 0.5 percent to 3.5 percent of credit card revenue depending on the type of debit or credit card transaction conducted. Startup costs for Permits Plus Zone participants are estimated at

\$6,000. Implementation costs for web-based services will vary based on chosen business processes but will not exceed \$10,000.

07-222 AMEND AGREEMENT – FEDERAL LOBBYING SERVICES – TRUCKEE RIVER FLOOD MANAGEMENT PROJECT

Commissioner Sferrazza commented he did not support the Agreement because he thought the \$385 per hour fee was excessive. Naomi Duerr, Director of the Truckee River Flood Management Project, clarified that the hourly charge was \$350 per hour for the current year and would be \$385 per hour next year. Commissioner Galloway asked if that was commensurate with what was customarily paid to federal lobbyists. Ms. Duerr responded that lobbyists typically charged about \$700 per hour to their private clients and she had confirmed that people were actually paying fees in that amount for similar services.

On recommendation of Naomi Duerr, Director of the Truckee River Flood Management Project, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion carried on a 4-1 vote with Commissioner Sferrazza voting “no”, it was ordered that the Amendment to the Agreement for Professional Consulting Services between Washoe County and Carmen Group Incorporated be approved in an amount not to exceed \$170,000 for a 12-month period, plus certain expenses as outlined in Exhibit B to the Agreement. It was further ordered that the Chairman be authorized to execute the Agreement.

07-223 DISCUSSION/DIRECTION TO AMEND AGREEMENT – FLOOD PROJECT COOPERATIVE AGREEMENT – TRUCKEE RIVER FLOOD MANAGEMENT PROJECT

Naomi Duerr, Director of the Truckee River Flood Management Project, conducted a Power Point presentation highlighting some of the changes being considered in the Cooperative Agreement by the Flood Project Coordinating Committee (FPCC). She asked for the Board’s consideration and direction to the FPCC to do three things:

1. Add Storey County as a voting member of the FPCC.
2. Change the University of Nevada, Reno’s representation from both voting and nonvoting to nonvoting status only.
3. Change the voting structure of the FPCC from 100 percent consensus, as it is now, to some type of majority rule.

Ms. Duerr stated that she would take the Board’s direction back to the FPCC but no changes would take effect until they had been passed by the FPCC with a 100 percent consensus vote and affirmed with a majority vote by the Board of County Commissioners, Reno City Council and Sparks City Council. She anticipated discussion at the March FPCC meeting with ratification of amendments by each of the three entities in March and April.

Commissioner Galloway expressed support for a two-thirds super majority voting structure, as well as the other two proposed changes. Ms. Duerr commented that the Reno City Council supported a simple majority. Commissioners Sferrazza and Weber agreed with Commissioner Galloway's position. Commissioner Humke stated he had no opposition to a super majority voting structure.

Ms. Duerr was given direction from the Board for the FPCC to move forward with the proposed changes, with the Board's recommendation for a two-thirds super majority voting structure of the FPCC.

**07-224 DISCUSSION/DIRECTION – RESEARCH POST EMPLOYMENT
HEALTH BENEFIT TRUST FUND – FINANCE**

County Manager Katy Singlaub explained that the pending State legislation represented a potential liability for the County of \$229,000,000 over the course of 30 years.

Commissioner Sferrazza asked how the amount was calculated. Melanie Purcell, Budget Manager, indicated the \$229,000,000 was taken from a preliminary actuarial report that calculated the lifetime cost of existing benefits should all employees retire and earn the benefit. Actuarial tables for life expectancy and employment expectancy were used in the determination.

Commissioner Sferrazza asked what employees would be entitled to the benefit. John Sherman, Finance Director, explained that all County employees were now covered under some type of retiree health benefit. He reminded the Board that Assembly Bill 286 from the 2005 Legislative Session allowed employees to join the State plan if the local government did not have a retiree health benefits plan. Effective with the 2007/08 fiscal year, the Government Accounting Standards Board (GASB) would require liabilities for current and past plans to be funded and amortized over 30 years. Commissioner Sferrazza asked for a copy of the actuarial report.

Commissioner Galloway commented that the County already had the liability before benefit structures had been revised. Ms. Purcell indicated that GASB could not recognize funding unless it resided in a trust fund. Chairman Larkin clarified that staff was requesting direction to update the actuarial numbers for fiscal year 2007-08 and investigate mechanisms for setting up a fund, but further legislation was required to grant authority to actually create the trust fund.

5:05 p.m. Commissioner Humke temporarily left the meeting.

On recommendation by Melanie Purcell, Budget Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion carried on a 4-0 vote with Commissioner Humke absent, staff was directed to research and prepare for the creation of a post-employment health benefit trust fund pending State legislation and develop a funding schedule using current appropriations and the existing fund

balance in the Pre-Funded Retiree Health Benefits Fund for future consideration by the Board.

**07-225 UPDATE – FY 2007/08 OPERATING BUDGET AND FY 2008-2012
CAPITAL IMPROVEMENTS PROGRAM – FINANCE**

The written report was received by the Board and placed on file with the Clerk. No action was taken on this item.

**07-226 AWARD OF BID – JANITORIAL SERVICES CONTRACT
VERSUS IN-HOUSE COST – BID NO. 2569-07 –PUBLIC WORKS**

The Board considered award of the bid for janitorial services for the Mills Lane Justice Center at its meeting on January 23, 2007, where it requested a report comparing the cost of in-house services to the use of an outside contractor. Bids were received from Qual-Econ U.S.A., Inc. and Best Janitorial Services, Inc.

Commissioner Sferrazza observed from the staff report that there were 48 separate custodial contracts and asked about the total cost of the combined contracts. Mike Turner, Division Director of Facility Manager, stated he did not have a total figure in front of him but indicated it was more than a few million dollars. (Leticia Harris from Facility Management later responded that the total budget was \$1,400,000 for janitorial service contracts.) Commissioner Sferrazza wondered why there was not just one big contract. Mr. Turner indicated the County wanted to offer the opportunity for different local companies to bid on the contracts, thereby spreading the business around. Commissioner Sferrazza asked how the determination of 6.34 full-time equivalents was made for the Mills Lane Justice Center. Mr. Turner stated he had translated hours of current coverage into full-time equivalents.

5:11 p.m. Commissioner Humke returned to the meeting.

Commissioner Galloway thanked staff for providing the comparison report. Commissioner Sferrazza indicated he would support the staff recommendation but asked to receive additional information about the minority-owned status of the contractor.

On recommendation by Mike Turner, Division Director of Facility Management, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that Bid No. 2569-07 for janitorial services at the Mills Lane Justice Center for the Public Works Department be awarded to Qual-Econ USA Inc., the lowest responsive, responsible bidder, in an estimated annual amount of \$184,800. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute a two-year agreement with one single-year renewal option.

**DISCUSSION/DIRECTION – CITIZEN COMMITTEE – DRAFT
ADMINISTRATIVE ENFORCEMENT ORDINANCE AND DRAFT
NUISANCE ORDINANCE – COMMUNITY DEVELOPMENT**

Planning Manager Bob Webb pointed out an updated roster for the Citizen Committee and a list of those who attended the February 15, 2007 meeting, both of which were placed on file with the Clerk.

Commissioner Galloway noted he had two applicants for one vacant position. Mr. Webb verified that the address listed for applicant Katie Stevens was in District One and also in the Southwest Truckee Meadows Planning Area. Commissioner Galloway stated he would make an appointment for the vacant position prior to the next meeting of the Committee on March 1, 2007.

Chairman Larkin clarified with Mr. Webb that commissioners could still appoint alternates before the next meeting on March 1, 2007.

Commissioner Sferrazza asked about the status of applicant Margaret Reinhardt, indicating that she represented his District on the Sun Valley General Improvement District Board and, in the past, he had appointed people to the Sun Valley Citizen Advisory Board who did not live in District One. Mr. Webb stated that Ms. Reinhardt was a resident of District Five and the Board had directed that commissioners could only appoint members residing within their district. County Manager Katy Singlaub agreed that had been the Board's previous direction and noted the agenda item allowed the Board to change its direction concerning appointments.

Commissioner Humke noted the objections he had previously placed on the record regarding the way the Committee was set up. He indicated he had worked out the issues with applicants in his District and suggested the Board stay with its previous decision so as not to alter the work product of the Committee.

Commissioner Sferrazza discussed interpretation of the language concerning appointments and commented he had appointed Ms. Reinhardt because she lived within the Sun Valley Planning Area.

In response to the call for public comment, Gary Schmidt suggested, based on a review of the DVD from the Board's previous discussion and a reading of the language in the staff report, that Commissioner Sferrazza did have the ability to appoint Ms. Reinhardt. He alleged that Ms. Singlaub and Mr. Webb had made inaccurate statements.

Ms. Singlaub observed there had been confusion among the staff and the commissioners about how to interpret the language, which was why the issue was brought back to the Board for clarification. Commissioner Sferrazza agreed that staff had acted appropriately.

Commissioner Sferrazza asked if he could appoint Francine Donschick as an alternate within the North Valleys Planning Area. Commissioner Galloway thought two alternates could be appointed from anywhere within a commissioner's district, regardless of planning area. Chairman Larkin and Mr. Webb agreed that was the case.

Chairman Larkin verified with Mr. Webb that the list in the staff report represented current appointees and applicants within each planning area and each district.

Commissioner Sferrazza asked for a vote to clarify the Board's interpretation regarding appointments.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion carried on a 4-1 vote with Commissioner Sferrazza voting "no", it was ordered that each commissioner could make the following appointments to the Citizen Committee to Help Prepare the Draft Nuisance Ordinance and Draft Administrative Enforcement Ordinance:

1. Two members from each planning area within the commissioner's district so long as the appointees also reside within the commissioner's district; and
2. A total of two alternates who reside anywhere within the commissioner's district.

Commissioner Humke suggested the Board consider the issue of whether the application period was closed. Mr. Webb commented that applications received after the published deadline had been forwarded to the appropriate commissioner as they were received. Commissioner Humke clarified with Mr. Webb that names in italics on the roster attached to the staff report were from applications received after January 31, 2007.

Commissioner Humke made a motion to close applications and work from the existing pool of applicants listed on the roster in the staff report. Commissioner Weber seconded the motion.

Commissioner Sferrazza was opposed to closing the applicant pool and wanted the opportunity to solicit more applications for the Sun Valley Planning Area within his District. Commissioner Galloway did not want to close the application period, although he acknowledged that new appointees would be expected to catch up with Committee proceedings. Commissioner Humke stated he had only been trying to collaborate in forming a working Committee. He reiterated that he detested the ordinances and thought the whole process was flawed.

Commissioner Humke withdrew his motion and Commissioner Weber agreed to withdraw her second. Chairman Larkin brought up Mr. Webb's earlier reference to March 1, 2007 and clarified that was simply the next meeting date for the Committee and did not represent a deadline.

Commissioner Weber thought it was a disservice to keep the application process going indefinitely, although she could support letting it go another month.

Commissioner Weber commented that some of the planning areas did not seem appropriate to the districts, such as the Warm Springs Planning Area listed in her District. She stated it would be very difficult for her to find someone who lived in Warm Springs and also lived in District Five. Commissioner Galloway noted that the motion passed by the Board would automatically resolve that issue.

07-228 DISCUSSION/DIRECTION – PUBLIC COMMENT PERIOD FOR APPOINTED BOARDS AND COMMISSIONS – COMMUNITY DEVELOPMENT

Commissioner Galloway thought most of the Board was inclined to allow each body to make its own rules concerning public comment. Commissioner Sferrazza agreed. Commissioner Weber clarified that it was not necessary for the Board of County Commissioners and its appointed boards and commissions to have the same rule. She suggested wording that would allow each body to determine its own comment period as long as it was applied consistently to every speaker. Commissioner Galloway agreed. Commissioner Sferrazza thought there should be a minimum comment period. Commissioner Galloway suggested comment times should not be less than two minutes, based on a prior ruling of the District Attorney's office.

Melanie Foster, Assistant District Attorney, acknowledged that she was responsible for much of the confusion on the issue. It had come to her attention during the last meeting of the citizen advisory board (CAB) chairs that some of the boards were reducing time limits when there were a large number of speakers to be heard. Ms. Foster noted that the Attorney General was not comfortable with that practice and she had asked Planning Manager Bob Webb to address the issue with the CAB's. She believed that she might have given Mr. Webb the impression she was instructing the CAB's to change to a two-minute time frame.

In response to the call for public comment, Gary Schmidt referred to an email from Mr. Webb to the CAB's, which had stated: "as per direction from the County Commission" public comment would be limited to two minutes. Mr. Schmidt suggested Mr. Webb should publicly explain his comments and indicated he had asked for an investigation by the Attorney General or by a State grand jury. He called for disciplinary action against the responsible parties.

Commissioner Humke noted some of the comments from CAB members, which were attached to the staff report and placed on file with the Clerk. He emphasized the importance of uniformly applying a rule. Commissioner Humke suggested that CAB chairs could grant more time for comment to those speaking on behalf of a group.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that each body appointed by the

County Commission be authorized to set its own time limits for public speaking. It was further ordered that each body apply their time limits evenhandedly to all speakers and that the time limit not be less than two minutes per person.

**07-229 RESIGNATION OF CHAIRMAN STEVEN SPARKS –
APPOINTMENT OF ALTERNATE – BOARD OF
EQUALIZATION – MANAGER**

Chairman Larkin asked for clarification about the appointment of more than one alternate given the wording on the agenda. Assistant District Attorney Melanie Foster indicated the appointment of a list of alternates might be open to some future challenge but the District Attorney's office would do its best to defend the Board's decision if it chose to do that.

Commissioner Galloway suggested the Board appoint a first alternate and appoint another to serve in the event that person could not attend a meeting. Chairman Larkin asked legal counsel if the Board could accept the list of five applicants and appoint one to be the first alternate. Ms. Foster stated that, without an actual appointment, someone might challenge the ability of another to sit on the Board of Equalization if the first alternate were unavailable for a meeting. Commissioner Galloway asked if staff had confirmed with the applicants that they were available to attend the remaining five meetings. Chairman Larkin indicated that Rita Lencioni, Assistant to the County Manager, called each of the alternates and all had expressed their willingness to serve. Commissioner Galloway thought the Board should make one motion for a primary alternate and then a separate motion for any secondary alternates. He emphasized the importance of having an experienced candidate. Commissioner Weber expressed her thanks to Mr. Sparks for his service. She agreed with Commissioner Galloway that William Brush would be a good candidate, having served on the Board of Equalization in the past. County Manager Katy Singlaub stated she had received a message from Ms. Lencioni indicating that newspaper advertisements had been placed and all of the applicants confirmed their interest when contacted.

Commissioner Humke made a motion to appoint William Brush as the first alternate. Commissioner Sferrazza expressed preference for Benjamin Green of Sparks or Linda Woodland from Sun Valley to avoid having Southwest Reno disproportionately represented. Chairman Larkin agreed with Commissioner Sferrazza and clarified that alternate positions were only in effect through the end of June 2007. Commissioner Humke withdrew his motion.

In response to the call for public comment, Gary Schmidt recommended Mr. Brush because he had served on the Board for two full years, and was familiar with the process and the issues. He reiterated his belief that the agenda item did not constitute a true emergency.

Commissioner Sferrazza stated it was a shame that Steven Sparks had resigned and indicated that the District Attorney's letter had not been clear about what Mr. Sparks had done that was objectionable.

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that the resignation of Steven Sparks be accepted and Benjamin Green be appointed to serve as primary alternate to the Board of Equalization with a term expiring on June 30, 2007.

Commissioner Galloway made a motion to appoint the remaining four applicants as alternates, with preference given in alphabetic order by last name. Chairman Larkin and Commissioner Humke suggested reverse alphabetic order. There was no second and Commissioner Galloway withdrew his motion.

Commissioner Humke thanked Mr. Brush for his past service. He noted he did not want to overtax Mr. Brush, who had resigned from the Board of Equalization last year for health reasons.

On motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the following appointments be made to the Board of Equalization with terms to expire June 30, 2007:

Linda W. Woodland, First Alternate
Diana Lee Pichotta, Second Alternate
Philip Horan, Third Alternate
William "Bill" Brush, Fourth Alternate

07-230 **DISCUSSION/DIRECTION – BDR 48-183 – PROPOSED
REGIONAL WATER ENTITY LEGISLATION – WATER
RESOURCES**

Chairman Larkin stated that Rosemary Menard, Director of Water Resources, had been tasked with putting together a staff report concerning Bill Draft Request (BDR) 48-183. The report, which was placed on file with the Clerk, incorporated the Board's previous discussion into a document titled *Suggestions for Policy Level Revisions to BDR 48-183* and contained a draft letter to Senator Amodei. Ms. Menard reviewed the suggestions in the staff report.

Commissioner Galloway read two additional suggestions he had submitted for consideration, which were also placed on file with the Clerk:

- "A. All provisions giving the proposed new agency explicit or implied authority over existing committed water rights should be deleted from the bill.
- B. The bill should be stripped of any provision that requires the Regional Water Plan to conform to the Regional Plan."

Commissioner Galloway pointed out that rulings by Judge Hardesty, upon which the latest Regional Plan Settlement Agreement were based, required the Regional Plan to conform to the Regional Water Plan, just the opposite of what BDR 48-183 proposed.

Due to time constraints, Chairman Larkin asked speakers to limit their comments to those not already stated at last week's meeting. He brought up the possibility of limiting public comment time to less than two minutes. Commissioner Humke was in favor of hearing all public comments and delaying the letter to Senator Amodei by an additional week. Ms. Menard indicated that Senator Amodei had requested input by February 23, 2007. John Slaughter, Management Services Director, stated that the Senator probably had a deadline of February 26, 2007 for committee bill introduction. Commissioner Weber believed the Board should allow the full two minutes for public comment from all speakers present and should also try to meet Senator Amodei's deadline to provide Washoe County's input.

In response to the call for public comment, Robert Cameron identified himself as a well owner who was quite involved in water issues. He did not believe it was beneficial to the County to have a water agency with a structure similar to that of the Regional Planning Agency.

6:12 p.m. Chairman Larkin temporarily left the meeting.

Pat Phillips stated she met with policy makers, well owners and associations in Las Vegas to discuss domestic wells and BDR 48-183. Their consensus was that Northern Nevada should fight for domestic well rights because the issues in Las Vegas, which were different from those in Northern Nevada, were driving the BDR.

Pamela Galloway commented that the South Truckee Meadows General Improvement District (STMGID) was working effectively and the residents did not want any government entity to declare eminent domain, take charge of their rates, alter their service areas or schedule their water supply. She suggested that a voluntary Northern Nevada alliance of water purveyors should be formed and BDR 48-183 should be shelved.

Jim Ainsworth noted there had been a three-hour workshop of the Sun Valley General Improvement District (SVGID), for which he was the Chairman. He related their conclusion that BDR 48-183 was an untenable document that should be thrown out altogether. Mr. Ainsworth pointed out that the local water purveyors had successfully worked together for many years and should present a united front against legislation by those who did not live in Northern Nevada.

6:17 p.m. Chairman Larkin returned to the meeting.

Susan Severt attended last night's SVGID workshop and was amazed how well the County's staff document matched what the citizens of Sun Valley had discussed. She stated that the suggestions made by Washoe County might help to make the bill viable.

William Puchert asked whether it was prudent to expand the Truckee Meadows Water Authority (TMWA) in light of several revelations about the agency in recent years. Chairman Larkin asked Mr. Puchert if he had any comments specific to the agenda item. Mr. Puchert hoped that commissioners and legislators would look at the financial workings of the proposed water authority in light of problems with similar water authorities in recent years.

Don Young pointed out that BDR 48-183 would amount to having the taxpayers subsidize the development community. He commended staff on their great report and encouraged the commissioners to take notice of the conclusions of John Rhoades in his letter to the Board.

Catherine Smith thought Washoe County was being steamrolled by BDR 48-183. She shared the skepticism of the other speakers and offered to submit her comments in writing.

Marjorie Sill felt that adding another level of costly bureaucracy would do nothing to solve water problems. As residents of one of the most arid states in the country, she stated we must live within our water budget.

Gary Schmidt concurred with Commissioner Galloway that the proposed legislation was in defiance of the Regional Plan Settlement Agreement. He recommended that the Board begin moving the issue through the courts at the earliest opportunity, all the way to the Supreme Court if necessary.

Chairman Larkin closed the public comment period.

Commissioner Humke suggested the bill could be amended after its introduction by Senator Amodei.

Commissioner Weber encouraged citizens to continue providing their input to the State Legislature in Carson City.

Chairman Larkin supported moving forward with the draft letter and the suggestions in the staff report, with the exception of the language in the "Eminent Domain" section of Attachment 1. He thought the suggestion to "include language that specifically prohibits the use of eminent domain by the new authority to acquire new water rights" was too limiting and asked the Board to strike that from the comments forwarded to the Legislature. He was ambivalent about which statement was most appropriate in the section regarding "Costs and Rates" but understood the principle of having growth pay for itself. Chairman Larkin thought the Board should be consistent

with the Interlocal Agreement that called for a body of seven members, whereas the “Governance” section of Attachment 1 suggested either a nine-member body or a five-member body.

Commissioner Galloway suggested a change in language to the “Eminent Domain” section such as “to acquire water rights that are already committed to use.” Chairman Larkin thought the section on “Reallocation of Existing Water” already said that. Commissioner Galloway feared that water rights held by a fiduciary might be interpreted as not being owned by the users who had paid for the rights through chain of title. He agreed that the section on “Reallocation of Existing Water” might be sufficient because it prohibited reallocation “by eminent domain or by any other means”.

Commissioner Galloway agreed with public comments by Jim Ainsworth and Don Young that amending the BDR really would not do the job, although he recognized that not submitting amendments could be even more damaging to the County’s interests. He asked for a preamble stating something like; “Although the Board of Washoe County Commissioners is conceptually opposed to this BDR, we do favor certain amendments that may reduce some of the most objectionable impacts in the event that this BDR becomes law. These amendments should include, without omission, all of the following,” followed by the suggestions in Attachment 1 and Attachment 2. Commissioner Galloway expressed concern that submitting the suggestions with no preamble would give the impression that Washoe County did not oppose the BDR. He pointed out the County’s suggestions might not get included as amendments and the ones that were included might not be worded quite right. Commissioner Galloway believed the BDR as written gave broad unbridled authority over water rights without enough exception or limitation and amendments might not be sufficient to minimize the adverse impact. He proposed that the Board submit the language in Attachment 1 of the staff report with the deletion in the “Eminent Domain” section suggested by Chairman Larkin but include the choice of “OR” statements in the sections regarding “Governance” and “Costs and Rates”. Commissioner Galloway pointed out that the County had compromised with a seven-member body in the Interlocal Agreement but originally favored a smaller governance board with representation for each of the purveyors and for the domestic well owners.

Commissioner Sferrazza agreed that the Board should go on record as opposing the BDR but should also request amendments in the event that it passed. He supported the comments made by Commissioner Galloway and the changes suggested by Chairman Larkin.

Commissioner Humke indicated he would not oppose the changes suggested by Chairman Larkin and could support approval of the other staff recommendations. He stated the language proposed by Commissioner Galloway contained too much negativity and was not typical for a preamble. Commissioner Humke believed that any preamble should focus on the positive aspects of the Interlocal Agreement.

Commissioner Galloway clarified he was not suggesting that his preamble be included in the legislation itself but as a statement to the Legislature that the Board was conceptually opposed to the BDR. He urged the Commission to protect its citizens by including some statement that the suggested amendments did not waive the County's conceptual opposition to the BDR.

Commissioner Weber commented that discussions with the various entities over the last several months had resulted in agreement to look at a water authority for this area. She suggested it was wrong to now oppose a water authority after supporting one in those discussions. Commissioner Galloway stated that the purpose of the joint purveyors meetings had been to demonstrate that Northern Nevada did not need legislative intervention. He added that amendments to make the BDR less onerous did not make the BDR acceptable and no board should have the powers provided by BDR 48-183.

Chairman Larkin clarified with County Manager Katy Singlaub that there would be opportunity for the Board to take a position on the BDR after its introduction. He suggested moving forward with the letter and suggestions for amendment but indicated he was not ready to include Commissioner Galloway's preamble. Chairman Larkin stated that the two additional statements submitted by Commissioner Galloway seemed to be restatements of language that was already included. Commissioner Galloway disagreed, noting there was no language addressing the BDR's requirement that the Regional Water Plan conform to the Regional Plan. He reiterated that the requirement conflicted with the Regional Plan Settlement Agreement.

Chairman Larkin commented that he did not want to take a position on the BDR until he had seen a final draft. He wanted staff input before including the additional suggestions submitted by Commissioner Galloway, including a staff report about what other means might be employed by a new authority to take over water rights. Ms. Singlaub and Ms. Menard agreed that Commissioner Galloway's item A was already reflected in the suggestions to be submitted. Ms. Singlaub observed that the Board of County Commissioners had previously taken action on the issue of the Regional Plan having to conform to the water supply. She asked for an opportunity for staff to look for language that would reinforce previous Board direction, as well as to look at the language currently in the BDR. Chairman Larkin proposed that staff report on that the following week and the other items be forwarded to Senator Amodei. Commissioner Humke observed that the BDR was certain to be amended several times in the weeks to come and the Board would have more opportunities to provide input for future versions.

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Washoe County comments regarding BDR No 48-183 be forwarded to Senator Amodei on behalf of the Board of County Commissioners. Comments to be forwarded are those in Attachment 1 and Attachment 2 of the staff report, after deletion of the "Eminent Domain" section on page 1 of Attachment 1.

Commissioner Galloway moved to include additional comments A and B in his email to Ms. Singlaub labeled "More 27". Commissioner Sferrazza seconded the motion. Following discussion, the motion failed on a 2-3 vote, with Commissioners Larkin, Weber and Humke voting "no".

Commissioner Weber wanted to see more information from staff before including additional comments.

Commissioner Humke thought the issues were satisfactorily addressed in the suggestions already included.

Commissioner Galloway moved to add the following preamble to the comments forwarded to Senator Amodei; "Although the Board of Washoe County Commissioners is conceptually opposed to this BDR, we do favor certain amendments that may reduce some of the most objectionable impacts in the event that this BDR becomes law. These amendments are reflected in the attached suggestions." Commissioner Sferrazza seconded the motion. Following discussion, the motion failed on a 2-3 vote, with Commissioners Larkin, Weber and Humke voting "no".

Commissioner Humke did not think, as a matter of strategy, that Commissioner Galloway's preamble was the way to go.

Chairman Larkin stated he did not oppose Commissioner Galloway's concept but felt the timing was not yet right to take a stance.

Commissioner Weber thought there was much work yet to be done.

The Board gave no further direction on this item.

07-231 LEGISLATIVE UPDATE – GOVERNMENT AFFAIRS

Discussion on this item was deferred to the next meeting of the Board of County Commissioners.

07-232 REPORTS/UPDATES – COUNTY COMMISSION MEMBERS

Commissioner Weber asked for an agenda item allowing her and Chairman Larkin to use their discretionary funds if need be for waste management dumpsters on the Pyramid Highway.

Commissioner Sferrazza received notice of a National Association of Counties (NACO) meeting in Las Vegas that he would be unable to attend and wondered if an alternate would be interested in attending.

Commissioner Humke stated he had attended a four-hour meeting in Pleasant Valley and would be attending a meeting of the South Truckee Meadows

General Improvement District later in the evening to discuss the proposed regional water authority legislation.

Commissioner Galloway indicated that SB 79, which was a proposal to allow the Secretary of State to write regulations showing how the paper trail could be used in a vote recount, was to be heard at the Legislature on February 27, 2007. Since the Board had deferred discussion on legislative issues and did not have time to make comments, he indicated he might act as an individual commissioner.

COMMUNICATIONS AND REPORTS

The following communications and reports were received, duly noted, and ordered placed on file with the Clerk:

COMMUNICATIONS:

- 07-233** A Notice of Completion between the Washoe County Department of Water Resources, Utility Services Division, and Humboldt Drilling & Pump Co. Inc., State Contractor's License No. 56797, for the South Truckee Meadows Exploratory Drilling, Phase 2 project (BCC Meeting August 8, 2006, Item 06-892.)
- 07-234** A Notice of Completion between the Washoe County Department of Water Resources, Utility Services Division, and Mike's Trenching, Inc., State Contractor's License No. 10711A, for the South Truckee Meadows General Improvement District Water System Improvements, Phase 1 project. (STMGID Trustee's Meeting July 25, 2006, Item 06-29STM.)
- 07-235** Nevada Department of Transportation Notice of Contract No. 3292, Project No. EB-NH-580-1(025)000 on I-580 Freeway from near Winters Ranch to near Mount Rose Highway, Washoe County, Fisher Sand & Gravel Co., Contractor. (Original letter and contract was forwarded to Public Works Department on December 12, 2006.)
- 07-236** State of Nevada, Department of Conservation and Natural Resources, Division of State Lands Notice for Lease of State Land located at 4001 Old Hwy 395, Washoe Valley, APN 046-021-03, also known as Station 30, to Washoe County's Sierra Fire Protection District. (SFPD Meeting January 9, 2007, Item 07-06SF.)
- 07-237** State of Nevada, Department of Conservation and Natural Resources, Division of State Lands Notice for Lease of State Land located at 4000 Joy Lake Road, Reno, APN 046-131-20, also known as Station 39, St. James Village to Washoe County's Sierra Fire Protection District. (SFPD Meeting January 9, 2007, Item 07-04SF.)

- 07-238** Sparks City Council appointment confirmation letter to Councilmember Ron Smith dated December 11, 2006 as an alternate to the Regional Transportation Commission. The appointment would end December 31, 2008.
- 07-239** Third Amendment to LEPC Grant Program Memorandum dated June 6, 2005 between Washoe County, a political Subdivision of the State of Nevada, by and through the Washoe County Local Emergency Planning Committee, and the Nevada Hospital Association a nonprofit corporation.
- 07-240** A Funding Agreement between the State of Nevada acting by and through its division of State Lands and the Conservation and Resource Protection Grant Program and the Washoe County Department of Regional Parks and Open Space for the purposes of constructing a multi-use path at Washoe Lake.
- 07-241** A Funding Agreement between the State of Nevada acting by and through its division of State Lands and the Conservation and Resource Protection Grant Program and the Washoe County Department of Regional Parks and Open Space for the purposes of constructing recreational trail improvements at the Spanish Springs Recreation Complex.
- 07-242** A Funding Agreement between the State of Nevada acting by and through its division of State Lands and the Conservation and Resource Protection Grant Program and the Washoe County Department of Regional Parks and Open Space for the purposes of constructing recreational trail improvements at Sun Valley Regional Park.
- 07-243** Summary of all claims made against Washoe County for tortious conduct for the calendar year 2006.

REPORT – MONTHLY (NOVEMBER 2006)

- 07-244** A. Clerk of the Court

REPORT – MONTHLY (DECEMBER 2006)

- 07-245** A. County Clerk
07-246 B. Clerk of the Court

REPORT – MONTHLY (JANUARY 2007)

- 07-247** A. County Clerk

REPORT – QUARTERLY (DECEMBER 2006)

- 07-248** A. County Clerk
- 07-249** B. Clerk of the Court
- 07-250** C. Office of the Constable, Incline Village/Crystal Bay Township
- 07-251** D. Washoe County Sheriff
- 07-252** E. Justice Court of Sparks Township

REPORTS - COMPREHENSIVE ANNUAL FINANCIAL

- 07-253** A. Grand View Terrace General Improvement District
- 07-254** B. Truckee Meadows Water Reclamation Facility
- 07-255** C. City of Sparks

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7:02 p.m. There being no further business to come before the Board, the meeting was adjourned.

ROBERT M. LARKIN, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Lisa McNeill
Deputy County Clerk*