

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

JANUARY 14, 2003

PRESENT:

**Pete Sferrazza, Chairman**  
**Jim Galloway, Commissioner**  
**David Humke, Commissioner**  
**Jim Shaw, Commissioner**  
**Bonnie Weber, Commissioner**

**Amy Harvey, County Clerk**  
**Katy Singlaub, County Manager**  
**Madelyn Shipman, 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:

**03-03            AGENDA**

In accordance with the Open Meeting Law, on motion by Commissioner Shaw, seconded by Commissioner Humke, which motion duly carried, Chairman Sferrazza ordered that the agenda for the January 14, 2003 meeting be approved with the following amendment: For Item 9J(2) insert the words "...*up to* two additional fabricated water-born restroom buildings."

**03-04            ELECTION OF CHAIRMAN**

Sam Dehne, Reno citizen, commended Chairman Sferrazza for conducting orderly and fair meetings and allowing citizens to scrutinize their government. He said he would support either David Humke or Bonnie Weber to serve as Chairman of the Board.

Gary Schmidt, Washoe County citizen, thanked Commissioner Sferrazza for his service as Chairman and congratulated Commissioners Humke and Weber on their election to the Board. He recommended Commissioner Shaw for Chairman and Commissioner Humke for Vice Chairman. He said he did not believe a newly elected Commissioner would have the continuity of dealing with the issues currently before the Board. He stated he respects Commissioner Galloway but knows he is quite busy.

Commissioner Shaw said, after considerable thought and in consideration of the public comments just presented, he would nominate Commissioner Humke to

serve as Chair for next year. Commissioner Weber seconded the nomination. Commissioner Sferrazza nominated Commissioner Galloway and advised his opinion is that a second to the nomination is not required. Commissioner Galloway said he believes Commissioner Humke has the support of the Board, and expressed his concern that a new Commissioner does not realize how their schedule is impacted until they have served for some time. He suggested he be nominated for Vice Chairman, as he attends every meeting. Commissioner Galloway then withdrew his name from the nomination for Chairman. The Board then unanimously elected Commissioner Humke as Chairman of the Board of County Commissioners. Chairman Humke then assumed the gavel.

**03-05            ELECTION OF VICE CHAIRMAN**

Chairman Humke said his understanding is the Board's rules do not fall under any significantly collected body of rules such as *Mason's Manual* or *Robert's Rules of Order*, and, in the absence of set rules, he would nominate Commissioner Shaw for Vice Chairman of the Board. Commissioner Sferrazza nominated Commissioner Galloway. Chairman Humke stated that, based on the previous Chair's ruling, a second to the nomination would not be required. On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, the nominations were closed.

Commissioner Sferrazza stated he likes both Commissioner Shaw and Commissioner Galloway, but believes Commissioner Galloway would do the best job. Commissioner Weber said she would support Commissioner Shaw, noting she has nothing against Commissioner Galloway, and the decision is difficult. Commissioner Galloway commented that his many activities have never kept him from County Commission business. Commissioner Shaw stated he would support his nomination for Vice Chairman. Chairman Humke noted that three Commissioners have expressed support for Commissioner Shaw and two expressed support for Commissioner Galloway.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Commissioner Shaw was elected as Vice Chairman of the Board of County Commissioners.

Chairman Humke presided over the meeting as follows:

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

**PRESENTATION OF APPRECIATION - COMMISSIONER PETE SFERRAZZA'S SERVICE AS CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS**

Chairman Humke presented a plaque of appreciation to Commissioner Sferrazza for his service as Chairman of the Board from January 2002 to January 2003.

**03-06            PUBLIC COMMENTS**

Sam Dehne, Reno Citizen, sang "Happy Days Are Here Again." He then discussed his objection to Secretary of State Dean Heller charging him \$2,500 for forgetting to file a campaign expense report. He noted the report had all zeros on it.

Onie Cooper, Nevada Martin Luther King, Jr. Commission, discussed matters concerning the overcrowding at the jail. He said many inmates are incarcerated for misdemeanor cases and do not need to be in the jail. He suggested a committee be appointed to investigate whether these inmates could be a resource to the community rather than being kept in jail doing nothing.

Gary Schmidt, Washoe County Citizen, discussed his pursuit to change how the County handles requests for public records. He said the deficient manner in which the County handles these requests has been ongoing for many years. He expressed appreciation for the corrections that have been made, but said it is time to finalize the process now that the Attorney General rendered an opinion that the County Code could not declare a record confidential. He noted that 16 County Codes have been identified that would have to be repealed because of the Attorney General's opinion.

Tom O'Connor, Incline Village resident, representing the Community Alliance for Media Democracy, read a letter dated January 14, 2003 from Lara Pearson, Community Alliance for Media Democracy, regarding their previous request for designation of a local public, educational, and governmental ("PEG") television channel for the North Shore of Lake Tahoe. Ms. Pearson's letter stated the deadline for the Washoe County cable television franchise renewal agreement is rapidly approaching, and they are concerned their needs have not been addressed by the County Commissioners. She requested the Community Alliance for Media Democracy be placed on the Board's next scheduled meeting agenda.

**MANAGER'S/COMMISSIONERS' COMMENTS**

Commissioner Galloway requested that Mr. Cooper's comments concerning jail overcrowding and formation of a committee to investigate the possible community use of inmates incarcerated on misdemeanor offenses be forwarded to the Criminal Justice Advisory Committee. He then requested that the Community Alliance for Media Democracy be included in any future meetings of the Franchise Working Group currently being organized.

Commissioner Shaw thanked County Manager Katy Singlaub and staff for the workshop held last Thursday at the jail that provided the opportunity to meet with staff and the elected officials representing Northern Nevada.

Commissioner Sferrazza expressed appreciation for the plaque presented to him today. He welcomed Chairman Humke and Commissioner Weber to the Board. Commissioner Sferrazza then reviewed accomplishments the Board made over the past year, which included beginning the joint Cities/County meetings, building the Regional Public Safety Training Center and EOC Dispatch Center, starting the Jan Evans Juvenile Justice Facility, acquiring a great deal of open space, public support of the animal control shelter, and starting the District Attorney/Reno Municipal Court Building project. He stated the County can be proud of these accomplishments and thanked staff and the Board for making the past year a success.

Katy Singlaub, County Manager, expressed appreciation on behalf of staff for Commissioner Sferrazza's leadership as Chairman of the Board.

### **MINUTES**

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that the minutes of the regular meetings of October 8 and October 15, 2002 be approved.

#### **03-07            SEXUAL ASSAULT - MEDICAL CARE - PAYMENT**

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care and follow-up medical or psychological treatment for 90 sexual assault victims in an amount totaling \$22,439.33, as set forth in a memorandum from Lidia Osmetti, Office Manager, District Attorney's Office, dated December 18, 2002 and placed on file with the Clerk.

#### **03-08            APPOINTMENT - 911 EMERGENCY RESPONSE ADVISORY COMMITTEE**

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that the reappointment of Press Clewe, Emergency Management Administrator, as Washoe County's representative on the 911 Emergency Response Advisory Committee, effective June 11, 2002 to June 11, 2004, be ratified.

**03-09                    RESIGNATION AND APPOINTMENT - LIBRARY BOARD OF TRUSTEES**

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that the resignation of Dr. Ken Romeo from the Library Board of Trustees, effective immediately, be accepted. It was further ordered that Vivian Freeman be appointed to fill Dr. Romeo's unexpired term of June 30, 2006. Chairman Humke noted that Ms. Freeman was present and stated it was a pleasure to serve with her in the Nevada Legislature. He expressed appreciation for her acceptance of this appointment.

**03-10                    RESIGNATION AND APPOINTMENT - BOARD OF EQUALIZATION**

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that the resignation of Eric Herzik from the Washoe County Board of Equalization, effective immediately, be accepted. It was further ordered that Martha (Marti) Allison be appointed to fill Mr. Herzik's unexpired term of June 30, 2006.

**03-11                    RESIGNATIONS AND APPOINTMENTS - SENIOR SERVICES ADVISORY BOARD**

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that the resignation of Doris Isaeff, effectively immediately, from the Washoe County Senior Services Advisory Board be accepted; and that Michelle Lacerda be appointed to fill the unexpired term of July 1, 2003.

It was further ordered that the resignation of Dolores Burnett, effective November 26, 2002, from the Washoe County Senior Services Advisory Board be accepted; and that Leonard Schiller be appointed to fill the unexpired term of July 1, 2006.

**03-12                    ACCEPTANCE OF DONATION - NORTHERN NEVADA DUI TASK FORCE - SHERIFF**

Upon recommendation of Sheriff Dennis Balaam, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that a donation of \$2,500 from the Northern Nevada DUI Task Force to pay for overtime incurred during saturation DUI enforcement patrols during the New Year's holiday be accepted with the Board's gratitude, and the following budget adjustments be authorized:

**Increase Revenues:**  
15236D-5802                \$2,500.00  
**Increase Expenditures:**  
15236D-7003                \$2,500.00

**03-13                ACCEPTANCE OF DONATION FOR SCHOLARSHIP FUND - DAVID ROUNDTREE - HUMAN RESOURCES**

Upon recommendation of Joanne Ray, Human Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that a \$1,000 donation from David Roundtree for the County Scholarship Fund be accepted with the Board's gratitude; and the Comptroller be directed to make the following account changes:

<b>Account Number</b>	<b>Description</b>	<b>Increase</b>
001-1090-1094D-5802	General Donations	\$1,000.00
001-1090-1094D-7140	Other Professional Services	\$1,000.00

**03-14                ACCEPTANCE OF DONATIONS - SENIOR SERVICES**

Upon recommendation of Karen Mabry, Senior Services Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that the following three donations totaling \$27,000 be accepted with the Board's gratitude; and the Comptroller be directed to make the following account changes.

<b>Account Number</b>	<b>Description</b>	<b>Amount of Increase</b>
025-2520-2501A-2501D4-5802	E.L.Cord Foundation	\$25,000.00
025-2520-2506-25061-25061D1-5802	Adult Day Care Donations	\$ 1,000.00
025-2520-2505-250511-25051D1-5802	Nutrition Donations	\$ 1,000.00
025-2520-2501A-2501D4-7001	E.L. Cord Foundation	\$25,000.00
025-2520-2506-25061-25061D1-7398	Adult Day Care Donations	\$ 1,000.00
025-2520-2505-250511-25051D1-7392	Nutrition Donations	\$ 1,000.00

**03-15                CLASSIFICATION, RECLASSIFICATION, ABOLISHMENT - NEW AND EXISTING EMPLOYEE POSITIONS - HUMAN RESOURCES**

Upon recommendation of Joanne Ray, Human Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that the following reclassifications of existing positions, classification of a new position, and the abolishment of classes be approved:

**Reclassifications of Existing Positions**

<b>Department</b>	<b>Current Position</b>	<b>Pay Grade</b>	<b>Recommended Class</b>	<b>Pay Grade</b>
Health/Air Quality	Administrative Secretary Supervisor	K	Office Assistant II	E
Parks	Irrigation Specialist	G	Sr. Grounds Parks Maintenance Worker	J
Sheriff	Supervising Criminalist	R	Supervising Criminalist Senior Criminalist	Q(R)
	Senior Criminalist	O(Q)		Q(R)
	Criminalist II (2 positions)	N(P)		O(Q)
Water Resources	Senior Hydrogeologist	P(Q)	Water Resources Program Manager	Q(R)

**Classification of New Position**

<b>Department</b>	<b>Current Position</b>	<b>Recommended Class</b>	<b>Pay Grade</b>
Social Services	New Position (approved in FY 02/03 budget)	Psychologist	R

**03-16      ACCEPTANCE OF GRANT - E. L. CORD FOUNDATION - JUVENILE SERVICES**

Upon recommendation of Mary Ann Woolley, Juvenile Services, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that a grant in the amount of \$25,000 from the E. L. Cord Foundation to purchase recreation and fitness equipment for use by juveniles detained in the Wittenberg Hall Detention Center at the new Jan Evans Juvenile Justice Facility be accepted with gratitude.

**03-17      ACCEPTANCE OF GRANT - FEDERAL EMERGENCY MANAGEMENT AGENCY - EMERGENCY MANAGEMENT**

Upon recommendation of Gabrielle Enfield, Grants Administrator, and Press Clewe, Emergency Management Administrator, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that \$45,000 in grant monies from the Federal Emergency Management Agency (FEMA) for the Pre-Disaster Mitigation Plan Grant (PDMP) be accepted, and the Comptroller be authorized to make the following account changes:

**Increase Revenue:**

10144G/4301 Federal Contribution \$45,000.00

**Increase Expenditure:**

10144G/7140 Professional Services \$45,000.00

It was further ordered that an agreement for consulting services between Washoe County and Dimensions Unlimited, Inc., concerning provision of all services necessary for planning and performance of the Pre-Disaster Mitigation Plan Project be approved and Chairman Humke be authorized to execute the same. It was noted the consultant will provide 12 months of on-going leadership, support and document development for the Hazard Vulnerability Analysis and Multi-hazard Mitigation Plan; and that the required County match is \$15,000.00.

**03-18            RESOLUTION TO AUGMENT THE BUDGET - TRAFFIC FACILITY IMPACT FEE FUND (091) - ACKNOWLEDGE PUBLICATION OF NOTICE OF INTENT**

Upon recommendation of Anna Heenan, Senior Fiscal Analyst, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the publication of a Notice of Intent to Augment Budget dated January 10, 2003 be acknowledged. It was further ordered that the following resolution be adopted and Chairman Humke be authorized to execute the same:

**RESOLUTION  
TO AUGMENT THE BUDGET OF THE TRAFFIC FACILITY IMPACT FEE  
FUND (FUND 091)**

**WHEREAS**, the Traffic Facility Impact Fee Fund had an opening fund balance not appropriated in fiscal year 2002/2003; and

**WHEREAS**, the fund has unbudgeted revenues in fiscal year 2002/2003; and

**WHEREAS**, the fund has no appropriation authority and requires the appropriation authority to spend down the cash and close the fund:

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of County Commissioners of the County of Washoe, State of Nevada:

Section 1. That the budget of the Traffic Facility Impact Fee Fund (091) be adjusted as follows:

Increase Expenditures

091-9101-7880	Construction Contracts	\$18,000
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Increase Revenues

Unappropriated opening fund balance	\$17,640
091-9101-6151 Interest	\$ 360

Section 2. This Resolution shall be effective on passage and approval.

Section 3. The County Clerk is hereby directed to distribute copies of the Resolution to the Department of Taxation, Engineering, Comptroller, and the Budget Division.

**03-19            GRANT, BARGAIN AND SALE DEEDS - SOUTHWEST POINTE ASSOCIATES, LLC - ARROWCREEK OPEN SPACE DEDICATION - PARKS**

Upon recommendation of Mike Boster, Planner, through Karen Mullen, Parks and Recreation Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that two Restrictive Covenants, two Grant, Bargain and Sale Deeds and one Easement for Drainage and Utilities and Road Grading for the transfer of 608.88 acres of open space at the ArrowCreek development from ArrowCreek Golf Holdings, LLC, Southwest Pointe Associates, LLC, the Nell J. Redfield Trust, and the ArrowCreek Homeowners Association be approved and Chairman Humke be authorized to execute the same.

**03-20            AUTHORIZATION TO JOIN ON CITY OF SPARKS CONTRACT FOR LIQUID ALUM – PURCHASING/WATER RESOURCES**

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that the Purchasing and Contracts Administrator be authorized to utilize the City of Sparks contract for Liquid Alum (Aluminum Sulfate) for the duration of the contract period (November 1, 2000 through October 31, 2003) on behalf of Washoe County's Department of Water Resources. It was further ordered that the Purchasing and Contracts Administrator be authorized to issue purchase orders for the same that may exceed \$25,000 per order.

**03-21            AWARD OF BID - PREFABRICATED WATERBORNE RESTROOM BUILDING - BID NO. 2362-03 - PARKS**

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the *Reno Gazette-Journal* on October 24 and November 21, 2002, for a prefabricated waterborne restroom building on behalf of the Parks and Recreation Department. Proof was made that due and legal Notice had been given.

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

Modular Building Construction, Inc.  
Restroom Facilities, Ltd.

Hunter Knepshield submitted a "no-bid" response.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that Bid No. 2362-03 for a prefabricated waterborne restroom building on behalf of the Parks and Recreation Department be awarded to Restroom Facilities, Ltd. in the net amount of \$89,848. It was noted the amount is the lump sum to engineer, construct, transport, and install on the County-provided site at Bartley Ranch Regional Park, a physically challenged accessible, multiple-user, prefabricated and relocateable waterborne restroom building with three toilets, one urinal, and two sinks. (Men's room: one toilet, one urinal, and one sink. Women's room: two toilets and one sink.) Installation of the utilities will be subcontracted with Sierra Builders and is included in the bid price.

It was further ordered that the County's option to procure up to two additional prefabricated waterborne restroom buildings from Restroom Facilities, Ltd., subject to configuration, finish and fixture modifications as may be necessary to meet specific park requirements through December 31, 2003, provided the purchase of any such additional restroom buildings are approved by the Finance Department, be acknowledged; and that the Purchasing and Contracts Administrator be authorized to execute an agreement with Restroom Facilities, Ltd. to perform the work.

**03-22            AUTHORIZATION TO JOIN ON TRUCKEE MEADOWS WATER  
AUTHORITY AGREEMENT FOR GPS EQUIPMENT –  
PURCHASING/WATER RESOURCES**

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that the Purchasing and Contracts Administrator be authorized to utilize the Truckee Meadows Water Authority (TMWA) contract for Global Positioning Satellite (GPS) Equipment for the duration of the contract period (March 7, 2002 through March 7, 2003) on behalf of the Water Resources Department. It was further ordered that the Purchasing and Contracts Administrator be authorized to issue a purchase order for two GS50 + Dual Frequency GPS/Package Equipment in the total amount of \$29,990 from Surveyor's Service Company. It was noted that the GPS equipment would be purchased as approved by the Truckee Meadows Water Authority (TMWA) in their Invitation and Advertised Bid #0115; and that the GPS equipment would be used for locating water and sewer infrastructure necessary for mapping the systems belonging to the Water Resources Department.

**03-23                    REVISIONS - GENERAL ASSISTANCE GUIDELINES AND STANDARDS - SOCIAL SERVICES**

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that the following changes to the Guidelines and Standards for the General Assistance Program be approved:

1. Disability statements from physicians are valid for up to one year from the current six months.
2. New language that clarifies the purpose of the Disabled Program.
3. Language that clarifies the criteria for each program.

It was noted that the changes were detailed in the agenda memorandum dated January 2, 2003, which was placed on file with the Clerk.

**03-24                    REVISION - DEPARTMENT OF SOCIAL SERVICES GUIDELINES AND STANDARDS**

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that:

1. The criteria developed between the Division of Child and Family Services of the Department of Human Resources, State of Nevada, and Washoe County Department of Social Services upon which adoption fees are to be based be approved.
2. The Department of Social Services Fee Schedule for services provided by the Department related to the adoption of children be approved.
3. The Department's Guidelines and Standards be amended to reflect ordinance and statute changes.

It was noted that the Washoe County Department of Social Services Guidelines and Standards, Revised January 2003, was placed on file with the County Clerk.

**03-25                    DEED – GRANTS OF EASEMENT - TESSA ASSOCIATES - OFFER OF DEDICATION - GALENA WATER ENTERPRISES - WATER RESOURICES**

Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Director, Department of Water Resources, on motion by Commissioner

Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the following actions be taken concerning water system improvements constructed by Galena Water Enterprises in the South Truckee Meadows:

1. The Deed from Tessa Associates Limited Partnership to Washoe County for two well sites be accepted and Chairman Humke be authorized to execute the same.

2. The Grant of Easement from Tessa Associates Limited Partnership to Washoe County for a water line and access be accepted and Chairman Humke be authorized to execute the same.

3. The Grant of Easement from Tessa Associates Limited Partnership to Washoe County for temporary access be accepted and Chairman Humke be authorized to execute the same.

4. The Grant of Easement from Tessa Associates Limited Partnership to Washoe County for temporary access and drainage be accepted and Chairman Humke be authorized to execute the same.

5. The Grant of Easement from Redfield Trust to Washoe County for water line and access be accepted and Chairman Humke be authorized to execute the same.

6. The Irrevocable Offer of Dedication from Galena Water Enterprises to Washoe County for water system facilities be accepted and Chairman Humke be authorized to execute the same.

7. The Engineering Manager be directed to record all documents with the Washoe County Recorder.

**03-26            RIGHT-OF-WAY GRANT - BUREAU OF LAND MANAGEMENT -  
WELL AND WATER LINE - GOLDEN VALLEY RECHARGE  
PROJECT - WATER RESOURCES**

Upon recommendation of John Collins, Utility Services Division Manager, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that the Director of the Department of Water Resources be authorized to accept and execute a Right-of-Way Grant with the Bureau of Land Management to enable a water line and well to be constructed on property currently owned by the Bureau of Land Management for the provision of artificial recharge water service to the Golden Valley area.

**03-27                    AUTHORIZATION TO SUBMIT RIGHT-OF-WAY APPLICATION TO BUREAU OF INDIAN AFFAIRS - SPANISH SPRINGS FLOOD CONTROL PROJECT - WATER RESOURCES**

Upon recommendation of John Collins, Utility Services Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that the Water Resources Department be authorized to submit a right-of-way application to the Bureau of Indian Affairs for a flood control channel and water transmission main across Reno-Sparks Indian Colony Parcel No. APN 089-460-02, which is part of the water system improvements in Spanish Springs.

**03-28                    INTERLOCAL AGREEMENT - CITY OF RENO – RENO CIVIL SERVICE COMMISSION - JOINT RECRUITMENT FOR OFFICE ASSISTANT II - HUMAN RESOURCES**

Upon recommendation of Joanne Ray, Human Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Interlocal Agreement between Washoe County, the City of Reno and the Reno Civil Service Commission for the purpose of conducting a joint recruitment for the Office Assistant II classification be approved and Chairman Humke be authorized to execute the same.

**03-29                    PROFESSIONAL SERVICES CONTRACT - RICHARD S. ADAMS AND CHARLENE P. ELEY - MENTAL HEALTH ASSESSMENT - JUVENILE SERVICES & SOCIAL SERVICES**

Upon recommendation of Mary Ann Woolley, Division Director, Juvenile Services, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the contract for professional services between Washoe County (Juvenile Services and Social Services Departments) and Richard S. Adams and Charlene P. Eley be approved and Chairman Humke be authorized to execute the same. The contract is for the purpose of conducting brief mental health assessments of juveniles detained at Wittenberg Hall or housed at the McGee Center or Kids Kottage to determine any suicidal/homicidal ideation for the purpose of classification for housing assignments and determining the need for further intervention, at a cost of \$60 per assessment.

**03-30                    INTERLOCAL AGREEMENT - PYRAMID LAKE PAIUTE TRIBE - BUREAU OF INDIAN AFFAIRS - 800 MHZ REGIONAL RADIO SYSTEM - GENERAL SERVICES**

Upon recommendation of Tom Gadd, Public Works Director, and Jim Lencioni, Telecommunications Superintendent, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Interlocal Agreement between Washoe County, the Pyramid Lake Paiute Tribe (Pyramid

Lake Paiute Tribal Council) and the United States Government, Bureau of Indian Affairs, concerning the use of the Marble Bluff Communications Site for the Washoe County 800 MHz Regional Radio System, be approved and Chairman Humke be authorized to execute the same.

**03-31            AGREEMENT - WASHOE CREDIT UNION - ATM MACHINES - GENERAL SERVICES**

Upon recommendation of Jean Ely, General Services Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that an Agreement between Washoe County and the Washoe Credit Union, concerning allowing three automatic teller machines to be located in County-owned facilities (one at 911 Parr Blvd., one at the County Administration Complex at 1001 East 9<sup>th</sup> St., and one at 75 Court St.) for a term of 48 months commencing retroactive to September 1, 2002 through August 31, 2006, be approved and Chairman Humke be authorized to execute the same.

**03-32            FY 2002/03 GRANT PROGRAM CONTRACT - RESOLUTION - GERLACH GENERAL IMPROVEMENT DISTRICT - URANIUM WATER TREATMENT FACILITY**

Upon recommendation of Gabrielle Enfield, Grants Administrator, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Grant Program contract between Washoe County and the Gerlach General Improvement District concerning Community Development Block Grant funding in the amount of \$17,402 for a Uranium Water Treatment Facility, be approved and Chairman Humke be authorized to execute the same. It was further ordered that the following Resolution be adopted and Chairman Humke be authorized to execute the same:

**RESOLUTION - authorizing grant of funds to the Gerlach General Improvement District**

**WHEREAS**, NRS 244.1505, Washoe County may expend money for any purpose which will provide a substantial benefit to the inhabitants of the County; and

**WHEREAS**, the Board of Commissioners of Washoe County has received a \$17,402 Community Development Block Grant from the State of Nevada, Commission on Economic Development to support this project.

**RESOLVED**, by the Board of Commissioners of Washoe County that:

1. The Board hereby grants to Gerlach General Improvement District, a government agency, a grant for fiscal year 2002-2003 in the amount of \$17,402.

2. The purpose of the grant is to provide assistance to Gerlach General Improvement District for the preparation of complete plans and specifications for the construction of a Uranium Treatment Plant, which will provide a substantial benefit to the inhabitants of the County.
3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are as set forth in the Grant Program Contract, which Contract is attached hereto and incorporated herein by reference. (placed on file with the Clerk)

**03-33            FIRST ADDENDUM TO INTERLOCAL CONTRACT -  
INTEGRATION OF STATE AND COUNTY CHILD WELFARE  
SYSTEM - SOCIAL SERVICES**

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the first addendum to the Interlocal Contract between Washoe County (Social Services Department) and the State of Nevada (Department of Human Resources, Division of Child and Family Services) authorizing Washoe County to make adoption subsidy payments to adoptive parents of special needs children on behalf of the Reno District Office of the Division of Child and Family Services be approved and Chairman Humke be authorized to execute the same.

**03-34            SERVICE AGREEMENT - AMCRIN CORPORATION -  
FINANCIAL FRAUD DATABASE - SHERIFF**

Upon recommendation of Sheriff Dennis Balaam, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Washoe County Sheriff's Office be authorized to enter into a Service Agreement with AMCRIN Corporation, a browser based searchable financial fraud database company, retroactive to December 4, 2002 to utilize browser based CrimeDex. It was noted there will be no financial impact as Wells Fargo Bank has agreed to pay for membership to AMCRIN.

**03-35            CORRECTION OF FACTUAL ERRORS - ASSESSOR**

Upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the following Roll Change Requests, correcting factual errors on tax bills already mailed, be approved for the reasons stated thereon and mailed to the affected property owners. It was further ordered that the Order on each Roll Change Request directing the Treasurer to correct the error be approved and Chairman Humke be authorized to execute the same.

<b>PROPERTY OWNER</b>	<b>PARCEL NO.</b>	<b>AMOUNT</b>	<b>ROLL</b>
Othello B. & Shirley L. Packer Tr	003-093-15	[-\$38.40]	1999 Secured
Othello B. & Shirley L. Packer Tr	003-093-15	[-\$41.44]	2000 Secured
Othello B. & Shirley L. Packer Tr	003-093-15	[-\$44.53]	2001 Secured
Othello B. & Shirley L. Packer Tr	003-093-15	[-\$45.34]	2002 Secured
Washoe County Treasurer	007-303-32	[-\$544.26]	2000 Secured
Washoe County Treasurer	007-303-32	[-\$555.15]	2001 Secured
Washoe County Treasurer	007-303-32	[-\$570.82]	2002 Secured
Thomas R. & Pamela P. Griffin	028-061-49	[-\$51.16]	1999 Secured
Thomas R. & Pamela P. Griffin	028-061-49	[-\$72.87]	2000 Secured
Thomas R. & Pamela P. Griffin	028-061-49	[-\$239.02]	2001 Secured
Thomas R. & Pamela P. Griffin	028-061-49	[-\$163.66]	2002 Secured
Washoe County Treasurer	032-220-61	[\$2,046.31]	2000 Secured
Washoe County Treasurer	032-220-61	[\$1,434.57]	2001 Secured
Washoe County Treasurer	032-220-61	[\$1,509.94]	2002 Secured
Northwest Business Enterprises LLC	039-200-04	[-\$82.32]	2002 Secured
North Valleys Development Co LTD	080-021-06	[-\$3,976.35]	2002 Secured

**03-36                    TRANSFER FROM WATER RESOURCES SEWER UTILITY  
ACCOUNT - INCREASE GENERAL FUND OPERATING  
TRANSFER TO WATER RESOURCES PLANNING DIVISION**

Katy Singlaub, County Manager, advised the County's Sewer Utility Account is an Enterprise Fund that is intended to be self supporting, but contributions were made from the General Fund for many years. She said the Sewer Utility Account can now reimburse the General Fund from sewer rate revenues.

Commissioner Sferrazza stated he would like the General Fund to be reimbursed with interest; otherwise, the South Truckee Meadows Water Reclamation Facility (STMWRF) is not paying its way as an Enterprise Fund. He commented that in 1991 a former County Commission indicated they would not collect interest at that time, but he would like the matter addressed to determine if the Board wishes to impose interest payments in the future.

Commissioner Galloway said he believes staff should suggest the type of standards they would propose for when interest would or would not be appropriate.

Upon recommendation of Jerry McKnight, Finance and Operations Manager, Department of Water Resources, through Steve Bradhurst, Director, Department of Water Resources, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that the transfer of \$1,150,000 from the Department of Water Resources Sewer Utility Account, as a partial reimbursement of prior General Fund contributions, be accepted, and an increase in the General Fund operating transfer to the Department of Water Resources Planning Division of \$447,801 be approved. It was further ordered that staff be directed to present options to the Board concerning the payment of interest in the near future.

03-37

**MEMORANDUM OF UNDERSTANDING - PYRAMID LAKE  
PAIUTE TRIBE - WATER AND WASTEWATER AUTHORITY IN  
WADSWORTH AREA - WATER RESOURCES**

Steve Bradhurst, Director, Department of Water Resources, advised the Pyramid Lake Paiute Tribe and Washoe County have been talking for a number of years regarding how to address sewer and water service problems in the Wadsworth area. He said the Wadsworth area is multi-jurisdictional and is the responsibility of the Tribe and the County, and representatives of the Tribe have requested a Memorandum of Understanding (MOU) with Washoe County regarding a good faith effort to establish a regional water and wastewater authority in that area.

John Jackson, Director of Water Resources, Pyramid Lake Paiute Tribe, advised the Tribal Council unanimously passed the MOU last month. He said the Pyramid Lake Tribe recognizes there is a genuine need to improve the water and wastewater systems in the Wadsworth area. He advised they have conducted groundwater studies, and are developing a water and wastewater master plan that will be completed in March 2003. Mr. Jackson said they recognize the need to remove septic tanks located along the river in order to improve water quality and to improve infrastructure for their future growth.

Albert John, Acting Director of Pyramid Lake Fisheries and member of the Regional Water Planning Commission, stated their entire water system is tied to the Truckee River from Lake Tahoe to Pyramid Lake, and they are looking at the issues on a more regional basis.

Upon recommendation of Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that a Memorandum of Understanding between Washoe County and the Pyramid Lake Paiute Tribe, concerning the initial steps for a joint effort to establish a regional water and wastewater authority in the Wadsworth area be approved and Chairman Humke be authorized to execute the same. It was further ordered that staff be directed to determine an appropriate funding source and allocate the necessary funding to cover the estimated cost of \$15,000.

03-38

**RESOLUTION OF APPRECIATION - SIERRA NEVADA  
CHAPTER OF THE AMERICAN RED CROSS**

Press Clewe, Emergency Management Program Manager, stated the American Red Cross provides substantial disaster assistance and numerous educational preparedness programs and has started a new program called "Prepare Nevada: Hometown Response Campaign".

William Larsen, Executive Director, Sierra Nevada Chapter of the American Red Cross, advised their chapter trains over 30,000 Northern Nevada citizens

annually in lifesaving skills. He said, following the events of September 11, they developed a program to assure the people they train have all the information and tools available in order to provide a safer community. He stated this comprehensive approach is the purpose of the "Prepare Nevada: Hometown Response Campaign" and noted this nationwide program started in Northern Nevada.

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Humke be authorized to execute the same on behalf of Washoe County.

### **RESOLUTION**

**WHEREAS**, The citizens and visitors of Washoe County benefit from the continuous services of the local Sierra Nevada Chapter of the American Red Cross making available preparedness education, disaster relief, and crisis communication; and

**WHEREAS**, The Sierra Nevada Chapter has formally received official endorsements from U.S. Senator Harry Reid, Congressman Jim Gibbons, Governor Kenny Guinn, Sheriff Dennis Balaam, and several other renowned political, business, and community leaders in support of the post 9/11 community preparedness plan, "Prepare Nevada: Hometown Response Campaign"; and

**WHEREAS**, The Sierra Nevada Chapter is recognized for providing National Red Cross and FEMA certified health and safety training, community disaster education, volunteer services, youth services, and Armed Forces Emergency Services in the community; and

**WHEREAS**, The Sierra Nevada Chapter is the premiere volunteer relief agency, which by Congressional mandate, responds to any/all natural disasters as well as provide relief services for large-scale transportation disasters; and

**WHEREAS**, The Sierra Nevada Chapter is a not-for-profit volunteer relief agency serving Washoe County and Northern Nevada, providing quality relief and response with no taxpayer support or subsidies; and

**WHEREAS**, The Sierra Nevada Chapter ongoing relief and response support of emergency management agencies, professional first responders, and to all the communities they serve in Washoe County and Northern Nevada; now therefore, be it

**RESOLVED**, That the Washoe County Board of Commissioners recognizes the national and international honors the Red Cross has received; and be it further

**RESOLVED**, That the Washoe County Board of Commissioners expresses their appreciation to the Red Cross on behalf of the citizens of Washoe County

and asks the citizens to join in recognizing the important role provided by the entire professional staff and volunteers of the Sierra Nevada Chapter of the American Red Cross.

**03-39                    PRESENTATION AND DISCUSSION – PROCEDURE FOR SALE OF WATER RIGHTS**

Karen Mullen, Director, Parks and Recreation, provided a brief overview of the procedure for the sale of water rights the Board will be conducting later today. She advised the minimum bid of \$10,000 per acre-foot was established by an independent appraisal, and the proceeds from the sale would go to the ball fields at the North Valleys Regional Sports Complex and for improvements to the Washoe Golf Course, as approved by a previous Board action. She noted the groundwater rights would be sold without any representation or warranties from the County, and potential bidders were urged to perform due diligence before submitting a bid. Ms. Mullen stated, after completion of the oral and written bid process, staff would request the item be continued to next Tuesday so, if necessary, bids could be reopened in the event someone would want to purchase the remaining water rights.

**03-40                    RESOLUTION - REFUND OF TAXES - BANBRIDGE LIMITED PARTNERSHIP - APN 031-441-57**

Upon inquiry of Commissioner Sferrazza, County Manager Singlaub advised that the Assessor's Office has determined the subject property was a qualified low-income housing project and was 100 percent occupied by low-income persons. Tom Mannschrek, Banbridge Limited Partnership, said they conduct a laborious process of obtaining an independent verification of an applicant's qualification to occupy low-rent housing.

Upon recommendation of Blaine Cartlidge, Deputy District Attorney, as stated in D.A. Opinion No. 6410, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Humke be authorized to execute the same on behalf of Washoe County:

**RESOLUTION**

*Directing the County Treasurer to Refund Taxes*

**WHEREAS**, the Board of Commissioners of Washoe County, pursuant to NRS 354.220-354.240, has the authority to direct the County Treasurer to refund money paid into the County Treasury; and

**WHEREAS**, Banbridge Limited Partnership ("Taxpayer") made application for a partial refund of real property taxes for the 2000-2001 tax year on APN 031-441-57; and

**WHEREAS**, the Taxpayer has overpaid taxes for 2000-2001 fiscal year in the amount of \$9,654.55; and

**WHEREAS**, it is the opinion of the Board of Commissioners of Washoe County that the Taxpayer has just cause for making such application and that the granting of the partial refund would be equitable.

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

1. That the Treasurer of Washoe County is authorized and directed to refund to Banbridge Limited Partnership a total of \$9,654.55, which is the amount of the prorated taxes overpaid for the 2000-2001 tax year on APN 031-441-57.

2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity that has shared in the excess of the taxes collected in error for its pro rata share of the refund.

**03-41            RESOLUTION -REFUND OF TAXES - PEPPERMILL HOTEL CASINO - APN 019-250-14**

Upon inquiry of Commissioner Sferrazza, Leslie Rose, Controller, Peppermill Casino, advised their 2001 personal property declaration mistakenly contained real property assets, and the property was taxed twice.

Upon recommendation of Blaine Cartlidge, Deputy District Attorney, as stated in D.A. Opinion No. 6408, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Humke be authorized to execute the same on behalf of Washoe County:

**RESOLUTION**

*Directing the County Treasurer to Refund Taxes*

**WHEREAS**, the Board of Commissioners of Washoe County, pursuant to NRS 354.220-354.240, has the authority to direct the County Treasurer to refund money paid into the County Treasury; and

**WHEREAS**, Peppermill Hotel Casino ("Taxpayer"), made application for a partial refund of personal property taxes for the 2002-2003 tax year, which were billed on the secured roll and as part of the Taxpayer's real property taxes on APN 019-250-14; and

**WHEREAS**, the Taxpayer was double taxed on the same property for the 2002-2003 fiscal year in the amount of \$25,315.98; and

**WHEREAS**, it is the opinion of the Board of Commissioners of Washoe County that the Taxpayer has just cause for making such application for the 2002-2003 tax year and that the granting of the partial refund would be equitable.

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

1. That the Treasurer of Washoe County is authorized and directed to refund to Peppermill Hotel Casino a total of \$25,315.98, which is the amount of the taxes overpaid for the 2002-2003 tax year.

2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity that has shared in the excess of the taxes collected in error for its pro rata share of the refund.

**03-42            REFUND OF TAXES RECOMMENDED FOR DENIAL - SIERRA NEVADA MONTESSORI SCHOOL, INC.**

Peter Papadakos, Trustee, Sierra Nevada Montessori School, Inc., advised he is a parent volunteer and was the Secretary for the Corporation at the time the application for exempt status was filed and delivered to the Washoe County Assessor's Office on January 8, 2002. He said the preparation of the voluminous documents began on September, 2001 and the application process was quite lengthy. A correction to exemption documentation for the IRS and the State of Nevada was required before the County exemption could even be approached. Mr. Papadakos reviewed the timeframes of the process he conducted and stated he disagrees with the District Attorney's Opinion that Mountain View Montessori School has not acted in a timely manner in filing for exemption. He stated NRS 354.240 provides for a three-year period after the tax was due to file a claim, and the District Attorney's assertion that previous opinions in their office are somehow binding on the Commission is false.

Commissioner Galloway stated he understands the preparation process is tedious. Upon inquiry of Commissioner Shaw, Mr. Papadakos advised that, when he first applied for the exemption, he did not receive any instructions from the County concerning the required timeframe.

Jackie Silveira-Sater, Administrator, Mountain View Montessori School advised the Mountain View School moved into their own building on September 20, 1999. They utilize many volunteers and use a professional accounting firm to handle their taxes and other business matters, but had to negotiate through the maze of paperwork and legal requirements themselves. She stated the school serves 175 children ages 2 to 14 and their families, and all funds support their education programs. They believe in teaching the students and encouraging families to give back to the greater

community and are usually involved in some community service projects. They also believe in grant scholarships to families that are in need, and this money would be of great help to the school.

Vicki Puliz, President, Board of Trustees, Sierra Nevada Montessori School, advised the Sierra Nevada Montessori School was formed as a legal entity in 1997 and was granted Federal and State non-profit status in 1999. From the time the school was started, they questioned paying property taxes, as they were clearly a tax-exempt organization, and their tax advisors did not know how to obtain tax exemption from the County. One of their parent volunteers went to the County about the matter but was not able to obtain useful information on how to apply for the exemption. If they had received information at that point, they would have been able to submit an application one year earlier. They believe the application was made in a timely manner, as NRS 354.230 allows a claim for refunds to be filed within a three-year period. She said a refund of taxes was applied for in good faith as soon as they discovered they were entitled to a tax exemption.

Legal Counsel Shipman stated the law does not say an application for refund can be filed anytime within a three year period; it says the applicant shall file by June 15 of any given year, and the Board can consider a refund of up to three years, assuming there is just cause. The law does not mean the applicant can sit on their rights to apply, and she does not believe there has been a major processing delay by the County. She said the application of exempt status came 2.5 years after the school was eligible. The past precedent established by the policy adopted by the Board is to not provide for refunds or find that just cause was in place when a party sits on their rights as long as the applicant did. The recommendation for denial follows the Board's practice and was the basis for the District Attorney's Opinion. Chairman Humke explained that the term "sitting on one's rights" is a legal term. The term is not meant to be offensive and does not attach fault.

Commissioner Galloway asked if there have ever been any refund of taxes cases where the Board went back some amount of time. John Faulkner, Chief Deputy Assessor, said he is not aware of any variation made to the Board's policy. He stated the function of the Assessor's Office is to process the refund request in as timely a manner as possible and send the request to the District Attorney's Office for legal review and recommendation to the Board. Legal Counsel Shipman advised that Deputy District Attorney Blaine Cartlidge handled this matter and she has no personal knowledge of the refund requests. County Manager Singlaub suggested this item might be continued so that staff could do some fact finding concerning the precedence issue.

Chairman Humke stated he believes the Deputy District Attorney that drafted the opinion should be present to provide information and suggested the matter be continued to the January 28, 2003 meeting, if the applicant agrees. Ms. Puliz advised they would agree to a continuance.

Commissioner Sferrazza requested a copy of the past opinions listed in the District Attorney's opinion letter. Commissioner Galloway requested copies of NRS 354.320 and 361.155 and that the Deputy District Attorney comment on those statutes. Commissioner Sferrazza stated, from his experience as a tax attorney, a party cannot retroactively obtain a 501C3 non-profit status going back three years, and the entity would move forward from the time the non-profit status is obtained.

On motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the request by Sierra Nevada Montessori School, Inc., for a refund of taxes paid on APN 162-010-22 in the amount of \$36,638.74 for the 1999-2000, 2000-01, and 2001-02 fiscal years be continued to January 28, 2003.

**03-43                    RESOLUTION - REFUND OF TAXES- SPARKS CHRISTIAN FELLOWSHIP - APN 028-361-04**

Commissioner Sferrazza commented that he has a problem distinguishing the retroactive request of Sparks Christian Fellowship that is recommended for approval from the previous request made by Sierra Nevada Montessori School. Legal Counsel Shipman advised this request represents a prorated refund for one tax year only and is based on when the Church took ownership of the property in November, 2001. Upon inquiry of Commissioner Sferrazza, Legal Counsel Shipman advised the request for refund was received on August 12, 2002, but the request for exemption was received prior to June 15, 2002, which is required by law.

John Faulkner, Chief Deputy Assessor, said the Assessor and the District Attorney look at whether an agency was in existence and could have applied prior to June 15 of any given year, which is in accordance with the Board's policy. He advised that the applicant purchased the property on November 26, 2001, and at some point after the purchase of the property but before June 15, 2002 they made their request for exempt status. He explained that the previous applicant could have applied for the exemption in a timely fashion but did not.

Commissioner Sferrazza stated he believes, if the Board allows a retroactive refund in this case, the previous case should be allowed retroactive at least to January 8, 2002, the date they filed for exempt status. Legal Counsel Shipman stated the previous applicant had the ability to apply within the proper timeframe and, in the case of Sparks Christian Fellowship, the applicant did not sit on their rights because they applied for their exempt status as soon as they purchased the property.

Commissioner Shaw moved that the request for the refund of taxes to Sparks Christian Fellowship be approved. Commissioner Weber seconded the motion. Legal Counsel Shipman advised that the motion to approve the refund must be unanimous. Commissioner Galloway stated he would support the motion, as the issue concerns whether the previous refund request is consistent with the Board's policy. He said he believes this request for refund is consistent with past policy. Commissioner Sferrazza stated he could not support the motion and would like the matter continued to

provide the opportunity to review the issues. He said he is not sure the policy is consistent. Commissioner Shaw withdrew his motion because there was not a unanimous support of the Board.

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that this item be continued to January 28, 2003.

**03-44**            **BILL NO. 1367 -AMENDING WCC CHAPTER 50 -  
MOTORCYCLES AND OFF-ROAD VEHICLES**

Legal Counsel Shipman provided revised language to incorporate the issue brought up by Commissioner Galloway at yesterday's Caucus concerning the definition of an off-road vehicle course.

Bill No. 1367 entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY AMENDING CERTAIN PROVISIONS RELATING TO THE RIDING OF MOTORCYCLES ON MOTORCYCLE COURSES AND BY ADDING PROVISIONS PROHIBITING THE OPERATION OF OFF-ROAD VEHICLES WITHIN 500 FEET OF RESIDENCES OR IN SUCH A MANNER AS TO DISTURB THE PEACE," was introduced by Commissioner Galloway, as amended; the title was read to the Board; and direction was given to publish the legal notice for final action of adoption.

**4:50 p.m.**        Commissioner Weber temporarily left the meeting.

**03-45**            **BILL NO. 1368 -ABOLISHING ORDINANCE NOS. 1115 AND 1166  
- SCHEDULE OF RATES AND CHARGES FOR WATER  
SERVICE**

Jerry McKnight, Department of Water Resources, reviewed minor language changes made to the ordinance.

Bill No. 1368, entitled, "AN ORDINANCE REVISING A SCHEDULE OF RATES AND CHARGES FOR PROVISION OF WATER SERVICE BY WASHOE COUNTY WITHIN CERTAIN AREAS OF THE UNINCORPORATED AREA OF WASHOE COUNTY; REQUIRING THE DEPARTMENT OF WATER RESOURCES, UTILITY SERVICES DIVISION, TO SUBMIT BILLINGS TO ALL WATER USERS WITHIN THE CERTAIN AREAS, REQUIRING PAYMENT THEREOF; AND PROVIDING PROCEDURES FOR ITS ENFORCEMENT. THIS ORDINANCE ABOLISHES ORDINANCE NO. 1115 AND ORDINANCE NO. 1166," was introduced by Commissioner Shaw, as amended; the title was read to the Board; and direction was given to publish the legal notice for final action of adoption.

**03-46            EMERGENCY REPAIRS – MT. ROSE WELL #5 – WATER RESOURCES**

Upon recommendation of Jerry McKnight, Finance Manager, through Steve Bradhurst, Director, Department of Water Resources, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried with Commissioner Weber temporarily absent, Chairman Humke ordered that the emergency repairs to Mt. Rose Well #5, including payment for repair services in the amount of \$29,950, be acknowledged.

It was noted that the Risk Management Department is actively pursuing the recovery of all costs, including the Department's deductible, from Adams Excavation, the at-fault party, and its insurer, Zurich Insurance Company; and that the likelihood of a full recovery is very good.

**03-47            REIMBURSEMENT TO NEVADA TRI PARTNERS – OVERSIZING CONSTRUCTION OF STEAMBOAT CREEK INTERCEPTOR – WATER RESOURCES**

Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Director, Department of Water Resources, in accordance with Ordinance No. 1012 - Final Development Agreement - Damonte Ranch Trade Center, on motion by Commissioner Shaw, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Weber temporarily absent, Chairman Humke ordered that the reimbursement of \$308,311.50 to Nevada Tri Partners for expenses involved in oversizing construction of the Steamboat Creek Interceptor be approved.

**03-48            PURCHASE AGREEMENT – VERDI MUTUAL WATER COMPANY – VERDI SPRINGS LLC – WATER RESOURCES**

Upon recommendation of Steve Bradhurst, Director, Department of Water Resources, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried with Commissioner Weber temporarily absent, it was ordered that the following actions be taken:

1. The Purchase Agreement between Washoe County, Verdi Mutual Water Company, and Verdi Springs LLC be approved and Chairman Humke be authorized to execute.
2. The Director of the Department of Water Resources be authorized to conduct the closing (tentatively scheduled for February 1, 2003) as provided for in the agreement.
3. The Director of the Water Resources Department be directed to record all documents and take other appropriate steps to carry out the intent of the Purchase Agreement.

**03-49**                    **RIVER PINES DEVELOPMENT BOUNDARY LINE  
ADJUSTMENT – PUBLIC WORKS**

Legal Counsel Shipman stated a letter was submitted to the Board requesting this item be pulled, if the purchase of the Verdi Springs Water Company was approved in the previous item.

**03-50**                    **PAYMENT TO CITY OF RENO – PROJECT PERMIT FEES – JAN  
EVANS JUVENILE JUSTICE FACILITY – PUBLIC WORKS**

County Manager Katy Singlaub advised that project permit fees for the Jan Evans Juvenile Justice Facility are payable to the City of Reno pursuant to State law because it is an Enterprise Fund.

Upon recommendation of Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried with Commissioner Weber temporarily absent, Chairman Humke ordered that the payment to the City of Reno for project permit fees in the amount of \$361,711.44 for the Jan Evans Juvenile Justice Facility be authorized.

**03-51**                    **INCREASE TO STREET CUT PATCHING CONTRACT – CRUZ  
CONSTRUCTION COMPANY, INC. – PUBLIC WORKS**

Upon recommendation of David Price, County Engineer, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried with Commissioner Weber temporarily absent, Chairman Humke ordered that the increase in the amount of \$139,000 to the Street Cut Patching Contract with Cruz Construction Company, Inc. be approved, and the Contract Administrator be authorized to make appropriate adjustments to the contract value.

**4:55 p.m.**            Commissioner Weber returned to the meeting.

**03-52**                    **IMPLEMENTATION OF FICA ALTERNATIVE RETIREMENT  
PROGRAM FOR TEMPORARY/PART TIME ELIGIBLE  
EMPLOYEES – HUMAN RESOURCES**

County Manager Katy Singlaub advised that, in response to the question asked at yesterday's Caucus meeting, Joanne Ray, Human Resources Director has advised the FICA alternative retirement program for temporary/part-time eligible employees would not be optional. It was noted that in June, 1991 the Treasury Department determined that an employee may contribute 7.5% of their compensation to a 457 deferred compensation plan in lieu of Social Security.

Kathy Garcia, Comptroller, advised the definition of the plan participants could be as broad or narrow as the Board would want. She stated that Board members are currently covered by PERS, except for those excluded due to certain limited situations. She advised inclusion in the plan would not be voluntary, pursuant to IRS and Department of Treasury regulations.

County Manager Singlaub advised that the plan was introduced to increase flexibility for eligible employees for the funds they contribute. She said it would affect seasonal and part time employees who do not qualify for PERS, and those implications were analyzed. Ms. Singlaub advised the savings to the County is approximately \$177,847 for the last fiscal year.

Commissioner Shaw moved, seconded by Commissioner Galloway, that the implementation of a FICA alternative retirement program for temporary/part-time eligible employees be approved, with the amendment that the definition of the plan participants would include employees who are not eligible for PERS.

Commissioner Galloway explained that the motion included that all non PERS eligible employees would automatically go into the 457 Plan and it would be irrelevant whether an employee is considered part time or not. Commissioner Sferrazza said he could not support the motion as an involuntary implementation because he does not know whether employees working part time for the County would need those work quarters to qualify for Social Security.

Karen Mullen, Parks and Recreation Director, said they found that 30 percent of the permanent employees previously worked as seasonal employees, and it would have been beneficial for them to be under the proposed plan. She stated 30 percent of their full-time employees paid some Social Security they probably will not see because they will continue working for the County. Ms. Mullen said the Carson City Parks Department is on this plan and their employees like the program.

Commissioner Galloway commented that the definition of the participants to the alternative plan could be changed later by the Board if it is determined to be beneficial to do so.

On call for the question, the motion to approve the implementation of a FICA alternative retirement program for all non PERS eligible employees passed unanimously.

**03-53            UPDATE - REGIONAL NOISE REGULATIONS**

Bob Webb, Department of Community Development, reported that the City of Sparks has notified the Noise Ordinance Working Group that they would not participate in a regional noise ordinance, but their counsel may wish to participate in discussions concerning the same at a joint meeting. Pursuant to a request from Commissioner Galloway at Caucus, Mr. Webb distributed a compilation of proposed

changes to the County Code that could be necessary and the land use changes that might be required in the Development Code, if a joint noise ordinance is adopted. He further advised a draft ordinance does exempt public projects for the repair or construction of infrastructure, if those projects are for a public benefit. Other construction activity would only be limited between the hours of 7:00 p.m. and 6:00 a.m. and involved representatives of the construction industry have acknowledged the impact would be minimal.

Commissioner Galloway asked how the proposed noise levels compare to what is allowed under the current ordinances. Mr. Webb stated the current ordinances only refer to "loud" noises and do not refer to any specific decibel levels.

Commissioner Weber asked how many animal noise complaints someone could have against them before they were cited, and what the citation would be. Mr. Webb explained the citation would be a misdemeanor. He said, typically, a warning would be issued for the first instance, and any subsequent complaints would be subject to a citation. Commissioner Weber stated she would be very concerned about the proposed changes because she knows of instances where people have continuously received citations due to animal noise. Mr. Webb offered to discuss the concerns with Commissioner Weber and take them to the working group. Commissioner Shaw stated he would like to compare the proposed changes to the current City of Sparks noise ordinance.

**03-54                    2002 REGIONAL PLAN SETTLEMENT AND ASSOCIATED ISSUES**

Katy Singlaub, County Manager, stated staff does not have any new information at this time concerning 2002 Regional Plan Settlement issues. Upon inquiry of Chairman Humke, Adrian Freund, Director, Department of Community Development, advised he could provide copies of the information presented at yesterday's Caucus to anyone that would be interested.

Mike Reed, John Boone, and John Howe, residents of Silver Knolls, expressed their concerns that the Regional Plan has vague planning concepts rather than specific criteria, which was also the case in the previous plans and has resulted in the current urban sprawl situation. They stated these vague planning concepts allow developers to constantly "push the envelope." Mr. Boone said the plan should let the people and the developers know what to expect and should define what development is desirable and what is not.

**03-55                    WATER RIGHTS AUCTION - PARKS DEPARTMENT**

**5:15 p.m.** This was the time set in Public Auction Notices published in the *Reno Gazette-Journal* on December 11, 18, 25, and 27, 2002 and January 1, 8, and 12, 2003 to receive sealed bids and hear oral bids with regard to 300 acre-feet of water rights originating from the Sierra Sage Golf Course, 6355 Silver Lake Road, Stead, NV (under

supplemental permits 66958 and 66959); and possible award of sale of the same. Proof was made that due and legal Notice had been given.

Katy Singlaub, County Manager, and Karen Mullen, Parks and Recreation Director, explained the bidding process. Chairman Humke opened the following sealed bids:

Mickey Armes bid \$10,125 per acre-foot for 2.02 acre-feet.  
Daniel Douglas bid \$10,500 per acre-foot for 2.75 acre-feet.  
Reno West Investments, LLC bid \$10,000 per acre-foot for 5.0 acre-feet.  
Billy J. Mooneyham bid \$10,000 per acre-foot for 2.2 acre-feet.  
Hamilton Properties, Inc., bid \$10,001 per acre-foot for 25 acre-feet.  
Barker-Coleman Dev., LLC, bid \$10,001 per acre-foot for 65 acre-feet.  
George Butorac bid \$10,550 per acre-foot for 2 acre-feet.

Ms. Mullen noted the highest written bid was \$10,550 per acre-foot and oral bids must be at least five percent higher and in \$100 increments, which would be \$11,100. Chairman Humke called for oral bids starting at \$11,100 per acre-foot. Bidder No. 3 bid \$11,100 for one acre-foot and Bidder No. 7 bid \$11,200 per acre-foot for two acre-feet.

Leslie Admirand, Deputy District Attorney, advised that, when the last bid increase is received that determines how many acre feet are sold, the Board would then take the next highest written bid and ask for oral bids. She stated this process would continue until all the acre-feet are sold, and the Board might elect to sell any and all of the water rights. Chairman Humke then asked for oral bids exceeding \$11,200 per acre-foot, and there was no response.

On motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that the bid of Bidder No. 7, George Butorac, at \$11,200 per acre for two acre-feet of water rights be accepted, subject to the conditions of sale, as set forth in the bid document.

Ms. Mullen advised the next highest written bid was \$10,500 and oral bids starting at \$11,100 would be required. Chairman Humke called for oral bids starting at \$11,100 per acre-foot, and there was no response.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Humke ordered that the bid by Daniel Douglas at \$10,500 per acre-foot for 2.75 acre-feet of water rights be accepted, subject to the conditions of sale, as set forth in the bid document.

Ms. Mullen advised the next highest written bid amount was \$10,125, and oral bids would need to start at \$10,700. Chairman Humke called for oral bids starting at \$10,700 per acre-foot, and there was no response.

Commissioner Sferrazza expressed concern that selling at these prices would not raise the \$2,100,000 the County needs to do what it intended.

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that the bid made by Mickey Armes at \$10,125 for 2.02 acre-feet of water rights be accepted, subject to the conditions of the sale, as set forth in the bid document.

Ms. Mullen stated the next highest written bid amount was \$10,001 per acre-foot with two bidders. She said the required five percent increase for oral bids would be \$10,600. Chairman Humke called for oral bids starting at \$10,600 per acre-foot, and there was no response.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried with Commissioner Sferrazza voting “no,” Chairman Humke ordered that the bid of Hamilton Properties, Inc. at \$10,001 per acre-foot for 25 acre-feet of water rights, and the bid of Barker-Coleman Development LLC at \$10,001 per acre-foot for 65 acre-feet be accepted, subject to the conditions of sale, as set forth in the bid document.

Commissioner Sferrazza stated he could not support the bid because at these prices the County would not receive the money it wanted.

Upon inquiry of Commissioner Galloway, County Manager Singlaub stated there would be no reason to not proceed with this sale of the water rights. She said other water rights might be sold at different prices that would generate more money, which is the nature of the competitive process at an auction. Commissioner Galloway stated he thinks it would be just as appropriate for the County to have this money in the bank as to hold onto the water rights.

Ms. Mullen then advised the next highest bid amount was for \$10,000 per acre-foot and there were two bidders at that amount. She said the required five percent increase to start oral bids would be \$10,500. Chairman Humke called for oral bids starting at \$10,500, and there was no response.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried with Commissioner Sferrazza voting “no,” Chairman Humke ordered that the bid made by Reno West Investments, LLC at \$10,000 for 5.0 acre-feet of water rights and by Bill J. Mooneyham at \$10,000 per acre-foot for 2.2 acre-feet of water rights be accepted, subject to the conditions of sale, as set forth in the bid document.

Commissioner Sferrazza stated the County would only be raising a little over \$1,000,000 with these sales, and he could not support the motion.

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that this item be continued to January 21, 2003 at 3:00 p.m.

**03-56                    ORDINANCE NO. 1187 - BILL NO. 1365 - AMENDING CHAPTER 45 - CHILD WELFARE AND ADOPTION SERVICES**

**5:30 p.m.**        This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on January 3, 2003 to consider the second reading and adoption of Bill No. 1365. Proof was made that due and legal Notice had been given.

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

On motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that Ordinance No. 1187, Bill No. 1365, entitled, "**AN ORDINANCE AMENDING CHAPTER 45 OF THE WASHOE COUNTY CODE TO INCORPORATE THE PROVISIONS OF ASSEMBLY BILL 1 (AB1) OF THE 17<sup>TH</sup> SPECIAL SESSION OF THE NEVADA STATE LEGISLATURE IN TRANSFERRING CHILD WELFARE SERVICES, ADOPTION SERVICES AND FOSTER CARE LICENSING FROM THE DEPARTMENT OF HUMAN RESOURCES OF THE STATE OF NEVADA TO THE DEPARTMENT OF SOCIAL SERVICES, EXPANDING THE DUTIES OF SOCIAL SERVICES TO INCLUDE ENTERING INTO CONTRACTS AND AMENDING CONTRACTS THAT GRANT FINANCIAL ASSISTANCE TO ADOPTIVE PARENTS OF A SPECIAL NEEDS CHILD, ESTABLISHING THE DEPARTMENT OF SOCIAL SERVICES AS THE CHILD WELFARE SERVICES AGENCY FOR WASHOE COUNTY TO HANDLE PROTECTIVE SERVICES, FOSTER CARE SERVICES, AND ADOPTION SERVICES IN WASHOE COUNTY, DESIGNATING THE DEPARTMENT OF SOCIAL SERVICES AS THE LICENSING AUTHORITY FOR FOSTER CARE LICENSES IN WASHOE COUNTY AND ALLOWING THE DEPARTMENT TO INVESTIGATE APPLICANTS AND CHARGE REASONABLE FEES IN CONDUCTING AN INVESTIGATION OF A PERSON OR BUSINESS APPLYING FOR A FOSTER CARE LICENSE, ALLOWING THE DEPARTMENT TO PAY FINGERPRINTING AND SUBMISSION FEES ON BEHALF OF AN APPLICANT FOR A FOSTER CARE LICENSE, ALLOWING THE BOARD OF COUNTY COMMISSIONERS TO DEVELOP CRITERIA WHICH THE DEPARTMENT MUST USE IN ESTABLISHING FEES CHARGED FOR ADOPTION SERVICES AND ALLOWING THE BOARD TO ADOPT AND AMEND A SCHEDULE OF FEES TO BE CHARGED BY THE DEPARTMENT FOR SERVICES RELATED TO THE ADOPTION OF CHILDREN, ALLOWING THE DEPARTMENT TO PAY FINGERPRINTING AND SUBMISSION FEES ON BEHALF OF A PROSPECTIVE ADOPTIVE PARENT ADOPTING A SPECIAL NEEDS CHILD AND PROVIDING OTHER**

**MATTERS PROPERLY RELATING THERETO,"** be approved, adopted and published in accordance with NRS 244.100.

**03-57                    ABANDONMENT CASE NO. AB02-015 - YOUNESS GHANAVATI**  
**- APPEAL CASE NO. AX-02-006 - 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 3, 2003 to consider an appeal to reverse the Washoe County Planning Commission action to deny an abandonment of a twenty-foot (20') wide pedestrian/equestrian easement created as part of Final Subdivision Map No. 3679, Fieldcreek Ranch Subdivision Unit No. 1B. The abandonment is authorized by Article 806 of the Washoe County Development Code. The easement is located along the east property line of the following parcels on Assessor Map 142-12: 142-124-04, 142-124-03, 142-124-02, 142-125-04, 142-125-03, and 142-125-02. The parcels are additionally described as being located on the east side of Silver Wolf Road between Zolezzi Lane and Whites Creek. The easement is within parcels that are designated Low Density Suburban (LDS) in the Southwest Truckee Meadows Area Plan. The parcels are in the Southwest Truckee Meadows Citizen Advisory Board boundary and Washoe County Commission District No. 2. The easement is found within the Northwest quarter of Section 19, T18N R20E, MDM, Washoe County, Nevada, and Commission District No. 2. Proof was made that due and legal Notice had been given.

County Manager Singlaub commented that earlier today the appellant withdrew the appeal but later cancelled the withdrawal.

Paul Kelly, Planner, Community Development, advised that six lot owners requested abandonment of a 20-foot-wide pedestrian/equestrian easement that was created as part of the final plat for Fieldcreek Ranch Subdivision No. 1B. He advised that, following construction of their homes, the six property owners landscaped their back yards and placed fill, boulder and walls within the equestrian easement; and, with the exception of one driveway, all of the work was done without obtaining building permits. He said the Building and Safety Department issued stop work orders and ordered the removal of the improvements that were located within the easement, and, subsequently, a request for abandonment of the easement was submitted. Mr. Kelly advised that the easement is clearly shown on the subdivision plats and the Assessor's map; the building permit applications for all the houses clearly identified and correctly labeled the equestrian easement on their site plans; and the CC&R's were clear that the easement was for the use of all lot owners in the development. The easement is part of an extensive County parks and trail system, and the Parks Department strongly supports the retention of the easement. The Department of Water Resources needs the entire width of the easement for the existing main water line, and the Engineering Division has requested the 20-foot easement be retained. The Southwest Truckee Meadows Citizen Advisory Board unanimously supported the public use of the easement, and the Planning Commission denied the abandonment request at their meeting of December 3, 2002.

Commissioner Sferrazza noted a letter from Mark Gunderson indicates the County issued Certificates of Occupancy (C of O's) with the improvements on the easement. Upon inquiry, Mr. Kelly advised that statement was incorrect, and no building permits were issued for any of the improvements on the easement. Legal Counsel Shipman advised the improvements made on the easement were done subsequent to issuance of the C of O's. Mr. Kelly then showed pictures on the overhead camera of some of the improvements that encumber the easement.

Jim Leslie, representing Mr. Ghanavati, apologized for the confusion regarding whether this item would be on the agenda. He advised they were threatened with litigation if they did not cancel the withdrawal of the appeal. He said he thought the C of O's were issued while the improvements were on the easement, and he would have to dig deeper into that issue. He advised he had no evidence to contradict that the C of O's were issued prior to the improvements on the easement being made.

Sharon Kvas, Community Development, noted that one homeowner that is not an applicant made illegal improvements prior to receiving their C of O, and their C of O was stopped until the improvements were removed.

Chairman Humke opened the public hearing and called on those wishing to speak.

Doug and Sylvia Bohall, Gerry Williams, George Furman, Nancy Furman, Gloria Forbes, and Elisabeth Noonan spoke in opposition to the abandonment request.

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

Commissioner Galloway inquired about the legal relevance of the assertion that C of O's might have been issued after the encroachments were made. Legal Counsel Shipman advised a C of O is only for the occupancy of the house. She said an inspector would be required to take note of anything they saw that was not supposed to be on the property and perhaps not issue the C of O, as was done in the one case referred to earlier. She noted, however, the improvements for these properties occurred after the C of O's were issued.

Commissioner Galloway stated easements are noted on the purchase documents, and, if this easement was not so noted, the property owners could probably take the title company to court for payment for the removal of the improvements. He said he does not think it is the County's function to actively oversee homeowners. The homeowners need to know the rules and obey the covenants or the County Code and would have to bear the consequences of doing something that is not allowed. He stated he does not think this appeal has any significant merit, and the easement should be restored.

Commissioner Sferrazza said he agrees with the Planning Commission's findings that the abandonment would violate the Comprehensive Plan and material injury would result from the proposed abandonment by limiting hiking and equestrian use in the area. He said abandonment of this easement would also be an affront to any sense of compliance with building codes, and would create a problem for servicing the existing public water line located on the easement. Commissioner Sferrazza said he would like staff to investigate if the builder may be at fault in this situation, noting, a builder that violates the codes should be sanctioned.

Based on the following findings, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that the Planning Commission's recommendation to deny the abandonment request be upheld and the appeal of Abandonment Case No. AB02-015 (Youness Ghanavati) be denied. It was further ordered that staff investigate whether the builder violated the codes in this situation.

### **FINDINGS**

1. Comprehensive Plan. That, as recommended, the abandonment request is inconsistent with the land use map and policies of the Southwest Truckee Meadows Area Plan and the Parks and Recreation Department's trail master plan;
2. No Detriment. That the public will be materially injured by the proposed vacation by limiting hiking and equestrian use in the area;
3. Existing Easements. That the ability to service the existing public water line located in the vacated easement will not be retained if the abandonment was approved;
4. That the commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting;
5. That the Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Commission from the Washoe County Planning Commission, and information received during the Washoe County Commission public hearings.

03-58

**VARIANCE CASE NO. VA02-041 - CARL BARNEY - APPEAL**  
**CASE NO. AX02-007 - COMMUNITY DEVELOPMENT**

**5:30 p.m.** This was the time set in a Notice of Public Hearing mailed to affected property owners on January 3, 2003, to consider an appeal to overturn the Washoe County Board of Adjustment's action denying the request to vary the corner side yard setback from 30 feet to 4 feet and the rear yard setback from 30 to 12 feet to facilitate the construction of an attached garage with living space above, as authorized in Article 406 of the Washoe County Development Code. The project is located at 20 Somers Drive in Crystal Bay, approximately 175 feet south of the intersection of Somers Drive and Crystal Drive. The ±1.07-acre parcel, Lots 21 through 26, Block B, Nevada Vista Subdivision, is designated Low Density Suburban (LDS) in the Tahoe Area Plan, and is situated in a portion of Section 30, T16N, R18E, MDM, Washoe County, Nevada. The property is located in the Incline Village/Crystal Bay Citizen Advisory Board boundary and Washoe County Commission District No. 1 (APN 123-032-06). Proof was made that due and legal Notice had been given.

County Manager Katy Singlaub advised there has been a request to continue this item to the February 25, 2003 Board meeting.

The Chairman opened the public hearing by calling on anyone wishing to speak concerning this matter, and there was no response.

Sharon Kvas, Community Development, advised that everyone involved in this matter was noticed not to be here tonight.

On motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that this item be continued to February 25, 2003.

03-59

**BOARD AND COMMITTEE ASSIGNMENTS AND**  
**APPOINTMENTS**

Following discussion, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, the following Commissioner appointments to Boards and Committees were made:

**Jim Galloway**

Criminal Justice Advisory Committee – Alternate  
Debt Management Commission (12/31/04)  
Joint Fire Advisory Board – Alternate  
Nevada TRPA\*

Nevada Tahoe Conservation District Board of Supervisors (12/31/04)  
Park Commission - Liaison (Alternate)  
Regional Planning Governing Board – Primary (12/31/04)  
Senior Citizens Board – Appointed 1/02 (12/31/04)  
Tahoe Regional Planning Agency\*  
Truckee Meadows Water Authority – Alternate  
Washoe County School District Oversight Panel on School Facilities

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\*\*Nevada Association of Counties - Alternate  
\*Nevada members of TRPA sit on NTRPA

\*\*This appointment is not a part of the regular Commission appointments

**David Humke – Chairman**

Criminal Justice Advisory Committee – Primary (12/31/06)  
Investment Committee (Chairman to serve)  
Joint Fire Advisory Board - Alternate  
Nevada Commission for the Reconstruction of the V&T Railway –  
Alternate  
Organizational Effectiveness Committee (Chairman to serve)  
Regional Planning Governing Board – Alternate  
Regional Transportation Commission (12/31/04)  
Truckee Meadows Water Authority – Alternate

**Pete Sferrazza**

Investment Committee  
Joint Fire Advisory Board – Primary (12/31/06)  
Nevada Association of Counties – Board of Directors (12/31/06)  
Regional Planning Governing Board – Alternate (no set term)  
Reno-Sparks Convention & Visitors Authority (12/31/06)  
Truckee Meadows Water Authority Board - Primary

**Jim Shaw, Vice Chairman**

District Board of Health (12/31/04)  
Joint Fire Advisory Board – Alternate  
Nevada Commission for the Reconstruction of the V&T Railway –  
Primary  
Regional Planning Governing Board – Primary (12/31/04)  
Regional Transportation Commission (12/31/03)  
Senior Services Advisory Board - Alternate

Truckee Meadows Water Authority – Alternate  
Washoe County School District Oversight Panel on School Facilities

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\*Washoe County Human Service Consortium [member of triumvirate]  
(per BCC 4/94 at the request of the Consortium) – 06/30/04

\*This appointment is not a part of the regular Commission appointments.

**Bonnie Weber**

Joint Fire Advisory Board – Primary (12/31/06)  
Park Commission – Liaison (12/31/06)  
Regional Planning Governing Board – Primary (12/31/06)  
Reno-Sparks Convention & Visitors Authority (12/31/06)  
Truckee Meadows Water Authority - Alternate

**03-60      COUNTY COMMISSIONERS RULES AND PROCEDURES FOR  
2003/04**

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that the current Washoe County Board of Commissioners Rules and Procedures remain in effect until the Board holds its retreat and these issues are discussed.

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There being no further business to come before the Board, the meeting adjourned at 8:05 p.m.

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**DAVID E. HUMKE**, Chairman  
Washoe County Commission

**ATTEST:**

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

*Minutes Prepared by  
Barbara Trow and Sharon Gotchy  
Deputy County Clerks*