

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

TUESDAY

2:00 P.M.

SEPTEMBER 14, 2004

PRESENT:

**Jim Shaw, 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:

**04-924      AGENDA**

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, Chairman Shaw ordered that the agenda for the September 14, 2004, meeting be approved. It was noted that Item 21, Canvass of the September 7, 2004 Primary election, was added to the agenda.

\*Commissioner Sferrazza arrived at 2:05 p.m.

**04-925      PUBLIC COMMENTS**

Margarita Ibane, on behalf of Carter King, attorney, stated a lawsuit was filed on a contract regarding Jack Alian.

Guy Felton, NorthernNevada.com, criticized Chairman Shaw on time constraints placed on citizens who were speaking on behalf of the Ballardini Ranch issue.

Al Hesson, Reno resident, spoke out against George W. Bush. He encouraged citizens to vote against Bush and to vote for John Kerry.

Gary Schmidt, Washoe resident, spoke on the loss he experienced recently due to the Andrew Lane Fire. He requested documents related to County policy and procedures dealing with a property owner's right to defend their property.

Sam Dehne, local resident, stated citizens' rights should be re-evaluated in order to allow people access to their property. He also spoke on an upcoming trial concerning whether or not citizens can be removed from public meetings.

### **MANAGER'S/COMMISSIONERS' COMMENTS**

Commissioner Weber requested maps with percentages of Federal, State and Local land controlled by the County, such as, BLM, railroads, easements, roads, etc., be placed on a future agenda.

Commissioner Sferrazza received concerns from constituents about the excavation of the sewer connection in Golden Valley. He advised the North Valley Citizen Advisory Board that he would request this item be placed on a future agenda.

Commissioner Galloway reported that the West Truckee Meadows Citizen Advisory Board requested a status report on access to the Hunter Creek Canyon, the development of the vicinity of Hunter Creek Canyon and road issues pertaining to that canyon. He also requested the status on any agreements with the Truckee Meadows Water Authority regarding the maintenance of the Hunter Creek reservoir facilities that TMWA maintains, and to have staff update him on the progress of an agreement with Tahoe Regional Planning Agency regarding vacation rentals.

Commissioner Humke said he visited Mr. Schmidt on his property, post Andrew Lane Fire. The Manager's office informed the Commissioner that Jess Travers, Building and Safety Official, had been in immediate contact with residents who had lost a home, apprising them on assistance available from County, State and Federal agencies. Commissioner Humke requested a future agenda item for a briefing about emergency procedures when fire and police are working together. He also remarked he attended meetings for the Citizens Steering Committee as to the 2030 update plan and reported there are numerous material items for the committee to look at in terms of the Southeast quadrant of the Truckee Meadows.

Chairman Shaw said that he and Commissioner Weber attended the dedication ceremony at the Black Springs Grand View Terrace Community Center. Several residents from the area spoke on the history of Black Springs and how grateful they are for the County's continued support.

### **04-926      MINUTES**

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the minutes of the regular meeting of June 22, 2004 be approved.

**04-927            SEXUAL ASSAULT - MEDICAL CARE - PAYMENT**

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw 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 34 sexual assault victims in an amount totaling \$4,640.19 as set forth in a memorandum from Kim Schweikert, Program Assistant, District Attorney's Office, dated August 30, 2004 and placed on file with the Clerk.

**04-928            DECLARATION OF EMERGENCY – ANDREWS FIRE –  
MANAGER**

Upon recommendation of Aaron Kenneston, Emergency Manager Administrator, through Katy Singlaub, County Manager, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the declaration of an emergency made by the Washoe County Manager on August 25, 2004 due to the Andrew Fire, as well as the subsequent termination of said emergency on August 30, 2004, be approved.

**04-929            AGREEMENT - SOCIAL ENTREPRENEURS, INC. - WASHOE  
COUNTY CONTINUUM OF CARE STRATEGY FOR FY 2004/05  
-MANAGER**

Upon recommendation of Gabrielle Enfield, County Grants Administrator, through Katy Singlaub, County Manager, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that an agreement between Washoe County and Social Entrepreneurs, Inc., concerning the development of the Washoe County Continuum of Care Strategy for Fiscal Year 2004/05 in the amount of \$28,610, be approved and Chairman Shaw be authorized to execute the same. It was noted that Washoe County, the City of Reno, the HOME Consortium, and the City of Sparks jointly funded this agreement in the following amounts: Washoe County \$7,153.00, City of Reno \$7,152.00, City of Sparks \$7,152.00, and the HOME Consortium \$7,153.00.

**04-930            AUTHORIZE PAYMENT – TAHOE REGIONAL PLANNING  
AGENCY – MANAGER**

Upon recommendation of Gabrielle Enfield, County Grants Administrator through Michelle Poché, Assistant County Manager, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered the payment of \$22,252 to Tahoe Regional Planning Agency pursuant to the Tahoe Regional Planning Compact (Article VIII, Public Law 96-551, December 1980) be approved.

**04-931            ACCEPTANCE OF CASH DONATIONS – JUROR FEE DONATIONS – SOCIAL SERVICES**

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the cash donations in the amount of \$2,058 and juror fee donations in the amount of \$640 be accepted with the Boards gratitude and the Finance Department be directed to make the appropriate budget adjustments for Fiscal Year 2003/04:

<b>ACCOUNT NUMBER</b>	<b>TITLE</b>	<b>AMOUNT OF INCREASE/</b>
20026-484000	General Donations	\$ 2,198.00
20095-484000	Foster Care Donations	\$ 500.00
20026-710300	General Donations/Operating Expense	\$ 2,198.00
20095-710500	Foster Care Donations/Other Expenses	\$500.00

**04-932            ACCEPTANCE OF GRANT – GERLACH VOLUNTEER FIRE DEPARTMENT - FIRE**

Upon recommendation of Roy Slate, Division Chief, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that a grant to Gerlach Volunteer Fire Department for \$4,000.00 from the U.S. Department of the Interior, Bureau of Land Management’s FFY 04 Rural Fire Assistance Grant Program be accepted and Chairman Shaw be authorized to execute the acceptance documents and staff be authorized to expend these grant funds, in combination with \$400.00 matching funds from the Fire Suppression Fund to purchase replacement wildland hose and associated equipment.

It was further ordered that the Finance Department be directed to make the following budget adjustments:

<b>ACCOUNT NUMBER</b>	<b>DESCRIPTION</b>	<b>AMOUNT OF INCREASE/</b>
10436-431100	Gerlach VFD-BLM Grant/ Federal Grants	\$4,000.00
10436-711504	Gerlach VFD-BLM Grant/Equipment <\$10,000	\$4,000.00

**04-933            RESOLUTION – OLDER NEVADANS RESOURCES, INC. – REVOLVING CHECKING ACCOUNT – TREASURER**

Upon recommendation of Bill Berrum, Treasurer, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that a revolving checking account be authorized for Senior Services utilizing Older Nevadans Resource, Inc., funds (ONRI) to be used for emergency purposes only. It was noted that the following resolution be adopted and Chairman Shaw be authorized to execute the same:

## **RESOLUTION**

**WHEREAS**, The Board of County Commissioners of Washoe County, pursuant to NRS 354.609, has the authority to create and fund revolving checking accounts; and

**WHEREAS**, The Washoe County Senior Services Center has requested the establishment of a revolving checking account to assist in the administration of that office;

**RESOLVED, BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA**, as follows:

1. That, pursuant to the provisions of NRS.324.609, the County Treasurer and the County Comptroller are hereby authorized and directed to take all necessary steps to establish and account for a revolving checking account for the Washoe County Senior Services Center.
2. The administration of this account shall be in compliance with the procedures and internal controls as required by the Treasurer, Comptroller, and Internal Auditor, in accordance with Washoe County Code.
3. That the above revolving checking account will be with the Bank of America for the purpose of holding, disbursing, and accounting for funds received from Older Nevadans Resources, Inc., within the Senior Services Center's annual budget. These funds will be used to assist clients with emergency needs requiring immediate financial assistance such as emergency fuel deliveries, medications that are needed immediately and last minute notice of utility shut off's.
4. That said revolving checking account shall maintain a balance of not more than \$2,000.00 at any given time, and will be used exclusively for transactions related to the Washoe County Senior Services Center. Each expenditure transaction will require two (2) signatures, and one (1) official from the Treasurer's Office shall be listed on the signature bankcard.
5. That the Director of the Senior Services Center shall henceforth be held accountable for the revolving checking account authorized by this resolution. Additionally, each transaction shall be accounted for, audited and balanced on a monthly basis, and a copy of each

reconciled bank statement shall be provided to the Treasurer's Office.

6. That the County Clerk is directed to distribute copies of this resolution to the Washoe County Treasurer, Comptroller and the Director of Senior Services Center.

**04-934            ACCEPTANCE OF SUB-GRANT AWARD – BUREAU OF ALCOHOL AND DRUG ABUSE – JUVENILE SERVICES**

Upon recommendation of Mary Ann Woolley, Juvenile Services Division Director, through Leonard Pugh, Juvenile Services Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the Sub-Grant Award from the Bureau of Alcohol and Drug Abuse in the amount of \$20,551 to fund Juvenile Services Back on Track Program for July 1, 2004 through June 30, 2005 be accepted.

**04-935            INTERLOCAL AGREEMENT – STATE OF NEVADA WELFARE DIVISION – COURT ADMINISTRATOR**

Upon recommendation of Darin Conforti, Assistant Court Administrator, through Ron Longtin, Court Administrator, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Interlocal Agreement between Washoe County and the State of Nevada Welfare Division, concerning access and visitation services to child support enforcement program participants, be approved and Chairman Shaw be authorized to execute the same. It was noted the term of agreement is effective upon signing through September 30, 2008 with an approximate fiscal impact of \$33,000 for fiscal year 2004/05.

**04-936            PURCHASE REQUISITION – LAKES ENVIRONMENTAL CONSULTANTS, INC – EMISSION INVENTORY SYSTEM – HEALTH**

Upon recommendation of Pamela Fine, Health Analyst, through Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that Purchase Requisition #TBD issued to Lakes Environmental Consultants, Inc., Prof. Jesse L. The, PhD, P. Eng., President, in the approximate amount of \$95,000 for contractual services to develop an Emission Inventory System for Washoe County, funded by the Federal Environmental Protection Agency Base Grant on behalf of the Air Quality Management Division of the District Health Department be approved.

**04-937            PURCHASE REQUISITION – BOARD OF REGENTS – UNR  
SCHOOL OF MEDICINE – HEALTH**

Upon recommendation of Patsy Buxton, Health Analyst, through Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that Purchase Requisition #3000001916 issued to the Board of Regents, UNR School of Medicine in the approximate amount of \$45,200 for laboratory testing in support of the medical clinic operations on behalf of the Community & Clinical Health Services Division of the District Health Department be approved.

**04-938            DONATION AGREEMENT – AMERICAN LAND  
CONSERVANCY – MANAGER**

Upon recommendation by Karen Mullen, Parks and Recreation Director, through Michelle Poché, Assistant County Manager, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that the donation agreement between Washoe County and the American Land Conservancy, concerning approximately 32 acres located in Hunter Creek Canyon, APN #09-030-43, be approved and Chairman Shaw be authorized to execute upon presentation.

**04-939            REQUEST FOR APPROVAL – SUN MESA PARK MASTER PLAN  
– SUN VALLEY – MANAGER**

Upon recommendation by Karen Mullen, Parks and Recreation Director, through Michelle Poché, Assistant County Manager, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the Sun Mesa Park Master Plan located near 5<sup>th</sup> Street and Klondike in Sun Valley be approved with the following conditions:

1. Landmark Homes will be responsible for all grade work in the park area and installation of all storm drainage improvements required for the project. The Residential Park Tax will only be used to pay for the park improvements such as playground equipment, walking path, picnic shelter, picnic tables, irrigation systems, landscape materials, paving, etc.
2. The Parks Department will be responsible for the maintenance of the landscaping and park improvements. The Sun Mesa Homeowners will be responsible for the detention basin and all drainage improvement maintenance. The Washoe County Public Works Department would only be responsible for the pipe under the street.

3. The final design will include low-level bollard lighting along the path system.
4. Landmark Homes has agreed that the fences bordering the park will be open view fences and consistent in style.
5. Landmark Homes will dedicate the land for the park and all improvements when construction is complete.

**04-940            RESOLUTION – SOUTHEAST TRUCKEE MEADOWS AREA  
PLAN – COMMUNITY DEVELOPMENT**

Upon recommendation of Sandra Dutton, Planner, through Adrian Freund, Community Development Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Shaw be authorized to execute the same:

**RESOLUTION**

**ADOPTING THE AMENDED SOUTHEAST TRUCKEE MEADOWS AREA PLAN (CP04-002), A PART OF THE WASHOE COUNTY COMPREHENSIVE PLAN**

**WHEREAS**, Sections 278.150, 278.170 and 278.210, Nevada Revised Statutes, specify that the Washoe County Planning Commission may prepare, adopt and amend a master (comprehensive) plan for all or any part of the County, subject to County Commission approval;

**WHEREAS**, Section 278.160, Nevada Revised Statutes, specifies that the master plan shall include the following subject matter or portions thereof as deemed appropriate: community design, conservation plan, economic plan, historic properties preservation plan, housing plan, land use plan, population plan, public buildings, public services and facilities, recreation plan, safety plan, seismic safety plan, solid waste disposal plan, streets and highways plan, transit plan, and transportation plan, and such other plans as judged necessary;

**WHEREAS**, A public hearing on the adoption of the amended SOUTHEAST TRUCKEE MEADOWS AREA PLAN, a part of the Washoe County Comprehensive Plan, was held on May 18, 2004, by said Planning Commission.

**WHEREAS**, The Washoe County Planning Commission has found that the SOUTHEAST TRUCKEE MEADOWS AREA PLAN, a part of the Washoe County Comprehensive Plan, and the most recent amendment, together with the applicable maps and descriptive matter, provide a long-term general plan for the Development of the County including the subject matter currently deemed appropriate for inclusion in the Comprehensive Plan, and has submitted the amendment to the SOUTHEAST TRUCKEE



MEADOWS AREA PLAN to the Board of County Commissioners, Washoe County, with the recommendation for approval and adoption thereof;

**WHEREAS**, Section 278.220, Nevada Revised Statutes, specifies that the Board of County Commissioners of Washoe County, Nevada, may adopt and endorse plans for Washoe County as reported by the Planning Commission, in order to conserve and promote the public health, safety and general welfare;

**WHEREAS**, A public hearing on the adoption of the Washoe County Comprehensive Plan, including the SOUTHEAST TRUCKEE MEADOWS AREA PLAN, was first held on May 21, 1991, with the most recent amendment to the SOUTHEAST TRUCKEE MEADOWS AREA PLAN being held on June 22, 2004, by the Board of County Commissioners of Washoe County, Nevada;

**WHEREAS**, At the conclusion of the public hearing, the Board of County Commissioners endorsed the amendment to the SOUTHEAST TRUCKEE MEADOWS AREA PLAN, a part of Washoe County Comprehensive Plan, pursuant to Section 278.0282, Nevada Revised Statutes, for conformance review with the Truckee Meadows Regional Plan;

**WHEREAS**, A public hearing for the review of the conformance of the Washoe County Comprehensive Plan, including the SOUTHEAST TRUCKEE MEADOWS AREA PLAN, was first held on October 23, 1991, with the most recent amendment to the SOUTHEAST TRUCKEE MEADOWS AREA PLAN being held on July 28, 2004, by the Truckee Meadows Regional Planning Commission, at which time the plan was deemed in conformance with the Truckee Meadows Regional Plan; and

**WHEREAS**, The amendment to the SOUTHEAST TRUCKEE MEADOWS AREA PLAN, a part of the Washoe County Comprehensive Plan, which is in conformance with the Truckee Meadows Regional Plan, has completed all the necessary requirements for adoption as specified in the Nevada Revised Statutes and Article 820, Amendment of Comprehensive Plan, of the Washoe County Development Code; now, therefore, it is hereby

**RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA**, That the Board does hereby adopt and endorse the amended SOUTHEAST TRUCKEE MEADOWS AREA PLAN, a part of the Washoe County Comprehensive Plan, to serve as a guide for the orderly growth and development of Washoe County, Nevada.

**04-941            RESOLUTION – SUN VALLEY AREA PLAN – COMMUNITY DEVELOPMENT**

Upon recommendation by Sandra Dutton, Community Development, through Adrian Freund, Community Development Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered

that the following resolution be adopted and Chairman Shaw be authorized to execute the same:

## **RESOLUTION**

### **ADOPTING THE AMENDED SUN VALLEY AREA PLAN (CP04-004), A PART OF THE WASHOE COUNTY COMPREHENSIVE PLAN**

**WHEREAS**, Sections 278.150, 278.170 and 278.210, Nevada Revised Statutes, specify that the Washoe County Planning Commission may prepare, adopt and amend a master (comprehensive) plan for all or any part of the County, subject to County Commission approval;

**WHEREAS**, Section 278.160, Nevada Revised Statutes, specifies that the master plan shall include the following subject matter or portions thereof as deemed appropriate: community design, conservation plan, economic plan, historic properties preservation plan, housing plan, land use plan, population plan, public buildings, public services and facilities, recreation plan, safety plan, seismic safety plan, solid waste disposal plan, streets and highways plan, transit plan, and transportation plan and such other plans as judged necessary;

**WHEREAS**, A public hearing on the adoption of the amended SUN VALLEY AREA PLAN, a part of the Washoe County Comprehensive Plan, was held on May 18, 2004, by said Planning Commission;

**WHEREAS**, The Washoe County Planning Commission has found that the SUN VALLEY AREA PLAN, a part of the Washoe County Comprehensive Plan, and the most recent amendment, together with the applicable maps and descriptive matter, provide a long-term general plan for the development of the County including the subject matter currently deemed appropriate for inclusion in the Comprehensive Plan, and has submitted the amendment to the SUN VALLEY AREA PLAN, to the Board of County Commissioners, Washoe County, with the recommendation for approval and adoption thereof;

**WHEREAS**, Section 278.220, Nevada Revised Statutes, specifies that the Board of County Commissioners of Washoe County, Nevada, may adopt and endorse plans for Washoe County as reported by the Planning Commission, in order to conserve and promote the public health, safety and general welfare;

**WHEREAS**, A public hearing on the adoption of the Washoe County Comprehensive Plan, including the SUN VALLEY AREA PLAN, was first held on May 21, 1991, with the most recent amendment to the SUN VALLEY AREA PLAN being held on June 22, 2004, by the Board of County Commissioners of Washoe County, Nevada;

**WHEREAS**, at the conclusion of the public hearing, the Board of County Commissioners endorsed the amendment to the SUN VALLEY AREA PLAN, a part of the Washoe County Comprehensive Plan, pursuant to Section 278.0282, Nevada Revised Statutes, for conformance review with the Truckee Meadows Regional Plan;

**WHEREAS**, A public hearing for the review of conformance of the Washoe County Comprehensive Plan, including the SUN VALLEY AREA PLAN, was first held on October 23, 1991, with the most recent amendment to the SUN VALLEY AREA PLAN, being held on August 11, 2004, by the Truckee Meadows Regional Planning Commission, at which time the plan was deemed in conformance with the Truckee Meadows Regional Plan; and

**WHEREAS**, The amendment to the SUN VALLEY AREA PLAN, a part of the Washoe County Comprehensive Plan, which is in conformance with the Truckee Meadows Regional Plan, has completed all the necessary requirements for adoption as specified in the Nevada Revised Statutes and Article 820, Amendment of Comprehensive Plan, of the Washoe County Development Code; now, therefore, it is hereby

**RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA**, That the Board does hereby adopt and endorse the amended SUN VALLEY AREA PLAN, a part of the Washoe County Comprehensive Plan, to serve as a guide for the orderly growth and development of Washoe County, Nevada.

**04-942            ACCEPTANCE OF DONATION – ANIMAL SERVICES – PUBLIC WORKS**

Upon recommendation of Jean Ely, General Services Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the donation from Dale Kulm, in the amount of \$40 to Washoe County Animal Services be accepted with the Boards appreciation.

**04-943            VACANT POSITION – ANIMAL CONTROL BOARD – PUBLIC WORKS**

Upon recommendation of Jean Ely, General Services Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that Dr. Paul Davis be appointed to the Washoe County Animal Control Board to serve as the County Commission District 4 member representative to complete the un-expired four year term being vacated by Ms. Kathleen Skogsberg. The Board expressed their gratitude and appreciation to Ms. Skogsberg's contributions over the past nine months.

**04-944            APPROVAL OF CHANGE ORDER – GRADEX CONSTRUCTION  
– LAZY 5 REGIONAL PARK PHASE 2 – PUBLIC WORKS**

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Change Order Number Two to Gradex Construction in the amount of \$24,717.00 for Lazy 5 Regional Park Phase 2 be approved, the contract administrator be authorized to execute the necessary documents, and the Budget Division be directed to make the following adjustments:

<b>ACCOUNT NUMBER</b>	<b>DESCRIPTION</b>	<b>AMOUNT OF INCREASE/ (DECREASE)</b>
C900190-710585	Undesignated Budget	(\$6,258.00)
C900280-781001	Park Tax Subdistrict 2C, Land Improvements	\$6,258.00

**04-945            CAPITAL CONTRIBUTION FRONT ENDING AGREEMENT –  
HAMILTON HOMES - REGIONAL TRANSPORTATION  
COMMISSION – PUBLIC WORKS**

Upon recommendation of David Price, County Engineer, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Capital Contribution Front Ending Agreement between Washoe County and the Regional Transportation Commission and Hamilton Homes (developers of record), concerning the design and construction of Pyramid Highway Intersection Improvements in the estimated cost of \$550,000, be approved and Chairman Shaw be authorized to execute the same.

**04-946            STREET NAME CHANGE – ANTELOPE VALLEY COURT**

Upon recommendation of the Regional Street Naming Committee, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the request to change the name of an unnamed easement, located north then west off Antelope Valley Road, to Antelope Valley Lane be approved effective March 14, 2005.

**04-947            STREET NAME CHANGE – INCOGNITO LANE**

Upon recommendation of the Regional Street Naming Committee, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the request to change the name of an unnamed easement, located east off Panorama Drive and south of Desatoya Drive, to Incognito Lane be approved effective March 14, 2005.

**04-948            STREET NAME CHANGE – CHEN COURT TO SUNSET VISTA COURT**

Upon recommendation of the Regional Street Naming Committee, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the request to change the name of Chen Court, located west off Los Pinos Drive, one street north of the eastern terminus of Valle de Sol Boulevard, to Sunset Vista Court be approved effective March 14, 2005.

**04-949            STREET NAME CHANGE – TAOS COURT TO TAOS LANE**

Upon recommendation of the Regional Street Naming Committee, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the request to change the name of Taos Court, located west of Quiet Meadow, one street east of Thomas Creek Road, to Taos Lane be approved effective March 14, 2005.

**04-950            AGREEMENT - GREAT BASIN LAND AND WATER – ACQUISITION OF REAL PROPERTY – TRUCKEE RIVER FLOOD MANAGEMENT - PROFESSIONAL SERVICES**

Commissioner Sferrazza questioned if the County would be paying two to five percent of transaction value per acquisition and one to two percent of transaction value for some of the higher priced parcels.

Paul Urban, Flood Control Manager, stated the fee paid to Great Basin Land and Water (GBLW) would be actual time and materials expended; which would equate to approximately 2-5 percent of the transaction value. He added they are hoping to receive the most cost efficient land acquisition.

Katy Singlaub, County Manager, stated the Board already had an agreement with the Nevada Land Conservancy to acquire properties for the Truckee River Flood Management Project. The County has a \$12 million obligation along with the Cities of Reno and Sparks to acquire such properties. She said by doing it this way, the County is able to leverage the funds and not pay twice for the experience of learning about the properties, working with those property owners, putting these deals together, and compiling all the background information.

Rob Scanland, (GBLW), stated their experience with the water quality settlement agreement is the transaction cost essentially runs 2 to 5 percent; however, they anticipate the flood control project will cost less. Mr. Scanland stated there are three reasons to work with a public interest non-profit organization: shared goals and objectives, experience, and cost savings. The reason Great Basin was formed was to help entities, such as Washoe County, accomplish projects like the flood control project; and

their goal is to get the County the best possible deal and spend the flood control monies in the most efficient manner.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that an agreement between Washoe County and Great Basin Land and Water (GBLW), concerning professional services in support of the acquisition of real properties for the Truckee River Flood Management Project, be approved and Chairman Shaw be authorized to execute the same.

**04-951            RESOLUTION – INTENT TO ACQUIRE CERTAIN PROPERTIES  
– GREAT BASIN LAND AND WATER – WATER RESOURCES**

Upon recommendation of Paul Urban, Flood Control Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following resolution, be adopted and Chairman Shaw be authorized to execute the same.

**RESOLUTION**

**A RESOLUTION DECLARING INTENT TO ACQUIRE CERTAIN PROPERTIES FROM GREAT BASIN LAND AND WATER IN FURTHERANCE OF THE TRUCKEE RIVER FLOOD MANAGEMENT PROJECT AND APPOINTING LICENSED REAL ESTATE APPRAISERS FOR THE PURPOSE OF VALUING ANY PROPERTIES SO ACQUIRED.**

**WHEREAS**, the County of Washoe (hereafter “County”) and the Great Basin Land and Water (hereafter “GBLW”) have established a harmonious relationship wherein GBLW acquires properties designated by the County in its Regional Open Space Plan to be desirable for open space; and

**WHEREAS**, the County desires to continue said relationship by urging the GBLW to consider acquiring additional properties designated by the County as desirable for acquisition in furtherance of its Truckee River Flood Management Project; and

**WHEREAS**, the County and GBLW intend to enter into an agreement whereby the County may elect to purchase property acquired by GBLW that GBLW deems suitable for the Truckee River Flood Management Project; and

**WHEREAS**, the law governing counties requires the appointment of a competent real estate appraiser by the Board of County Commissioners for properties purchased for use by counties; and

**WHEREAS**, the agreement between GBLW and the County intends that, for properties desired to be acquired, the County reimburse GBLW its direct costs and expenses associated with its purchase; and

**WHEREAS**, the intent of NRS 244.275 requiring the appraisal of property prior to purchase by a county is best met if the appraisal occurs prior to the purchase of property; and

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of Washoe County do hereby appoint the following real estate appraisers to value property potentially to be acquired by the County: Paul Alves, Stephen Johnson, William Kimmel, Lyn Norberg, Julie Ott, Reese Perkins, Robert Schiffmacher, Lee Smith, Mark Warren, Anthony Wren;

**BE IT FURTHER RESOLVED** that the Board of County Commissioners of Washoe County will consider for acquisition from GBLW for the Truckee River Flood Management Project only properties that have been appraised by the above-named persons;

**BE IT FURTHER RESOLVED** that the Board of County Commissioners of Washoe County reserves the right to amend and add to the above list of individuals at any time.

**04-952            APPOINTMENT – WELL MITIGATION HEARING BOARD – WATER RESOURCES**

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that Jim Harrill, Roger Jacobson, Pete Morros, Karen Rosenau and Scott Tyler, be appointed as members of the Well Mitigation Hearing Board as part of the Groundwater Resources Data Center and Well Mitigation Program.

**04-953            ADJUSTMENTS TO 1996 SERVICE TERRITORY – TRUCKEE MEADOWS WATER AUTHORITY – WATER RESOURCES**

Upon recommendation of Vahid Behmaram, Water Rights Supervisor, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that adjustments to the 1996 service territory boundaries between Washoe County and the Truckee Meadows Water Authority be acknowledged. It was noted the adjustments were detailed on an exhibit map attached to the staff report dated, September 1, 2004, which was placed on file with the Clerk.

**04-954            CORRECTION OF FACTUAL ERRORS - ASSESSOR**

Upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following Roll Change Requests

correcting factual errors and the Order directing the Treasurer to correct the error be approved and Chairman Shaw be authorized to execute the same:

<b>PROPERTY OWNER</b>	<b>PARCEL #</b>	<b>AMOUNT</b>	<b>ROLL</b>
William C. Martin et al	009-771-01	-\$382.86	2004 Secured
Anthony J. & Cathryn R. Karr	009-771-03	-\$382.86	2004 Secured
Steven L. & Mary-Jon Sparks	023-592-04	-\$12.01	2002 Secured
Steven L. & Mary-Jon Sparks	023-592-04	-\$11.87	2003 Secured
Steven L. & Mary-Jon Sparks	023-592-04	-\$12.08	2004 Secured
Redfield Suites LLC	024-055-30	-\$2,558.93	2004 Secured
Mary Luke	026-031-32	-\$1,498.02	2003 Secured
Conrad R. Stitser TR	040-640-07	-\$517.26	2003 Secured
W. B. McDonald	082-270-24	-\$64.67	2004 Secured
Craig & Katherine Kennington	087-112-03	-\$60.07	2002 Secured
Craig & Katherine Kennington	087-112-03	-\$59.65	2003 Secured
Craig & Katherine Kennington	087-112-03	-\$60.22	2004 Secured
Robert F. M. Atkinson	122-129-14	-\$308.80	2001 Secured
Robert F. M. Atkinson	122-129-14	-\$319.79	2002 Secured
Robert F. M. Atkinson	122-129-14	-\$326.70	2003 Secured
William M.& Barbara E. Vilcsek	124-041-27	-\$216.88	2001 Secured
William M.&Barbara E. Vilcsek	124-041-27	-\$230.58	2002 Secured
William M.&Barbara E. Vilcsek	124-043-19	-\$190.43	2003 Secured
Sierra Bouquet-The Glen LLC	127-590-15	-\$1,961.13	2004 Secured
Sierra Bouquet-The Glen LLC	127-590-16	-\$2,730.40	2004 Secured
Sierra Bouquet-The Glen LLC	127-590-17	-\$2,768.66	2004 Secured
Sierra Bouquet-The Glen LLC	127-590-18	-\$2,272.58	2004 Secured
Alex & Cathy M. Bullentini TR	142-182-06	-\$1,021.85	2004 Secured
Andre Porter	154-063-09	-\$4,684.03	2004 Secured
KTS Properties LLC	164-380-11	-\$950.79	2004 Secured
Dale D. Schuler	514-335-08	-\$26.99	2002 Secured
Dale D. Schuler	514-335-08	-\$26.55	2003 Secured
Dale D. Schuler	514-335-08	-\$26.92	2004 Secured

**04-955            AWARD OF BID – MASSEY LINE EXTENSION – WATER RESOURCES**

This was the time to consider award of bid for the Massey Line Extension Project for the Water Resources Department. Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* between August 14 and August 26, 2004. Proof was made that due and legal Notice had been given.

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

Mike’s Trenching, Inc.



A & K Earth Movers, Inc  
Gerhardt & Berry Construction, Inc.

Upon recommendation of Thomas Kelly, Senior Licensed Engineer and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the bid for constructing the Massey Line Extension be awarded to the lowest responsive bidder, Mike's Trenching, Inc., in the amount of \$301,399, Chairman Shaw be authorized to execute the contract documents upon receipt, and the Engineering Manager be authorized to issue the Notice to Proceed.

**04-956            RESIGNATION AND APPOINTMENT - EAST TRUCKEE  
CANYON CITIZEN ADVISORY BOARD**

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the resignation of Harold Duke as an at-large representative for the East Truckee Canyon Citizen Advisory Board be accepted and Ida Louise Swires be appointed to fill the vacancy with a term expiring June 30, 2005.

**04-957            APPOINTMENT – SOUTHEAST TRUCKEE MEADOWS CITIZEN  
ADVISORY BOARD**

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that Bret South be appointed to replace Paul Murphy as an at-large alternate representative to the Southeast Truckee Meadows Citizen Advisory Board, with a term expiring June 30, 2005.

**04-958            BILL NO 1428 – AMENDING WCC CHAPTER 100 – BUILDING  
PERMIT FEES**

Bill No. 1428 entitled “**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REDUCING THE BUILDING PERMIT FEES, AND OTHER MATTERS PROPERLY RELATING THERETO**” was introduced by Commissioner Galloway, the title read to the Board: and legal notice for final action of adoption directed.

**04-959            INCLINE VILLAGE FAIRWAY PHASE III – WATER QUALITY  
IMPROVEMENT PROJECT – PUBLIC WORKS**

Upon recommendation of Kimble Corbridge, Engineer, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that:

1. The Incline Village Fairway Phase III-Country Club (EIP #231) Water Quality Improvement Project be accepted in concept;

2. The Director of Public Works be authorized as agent for Washoe County;
3. The request and acceptance of the grant funds from Nevada Tahoe Bond Act and U.S. Forest Service be authorized;
4. The request of TRPA Water Quality Mitigation Funds, if needed to supplement any shortfalls in grant funds, be authorized, and
5. The following resolution be adopted and Chairman Shaw be authorized to execute the same:

### **RESOLUTION**

Resolution of the Washoe County Board of Commissioners approving the application for Nevada Tahoe Bond Act Erosion Control Funds.

#### **INCLINE VILLAGE FAIRWAY PHASE III – COUNTRY CLUB (EIP #231) WATER QUALITY IMPROVEMENT PROJECT**

**WHEREAS**, the County of Washoe is submitting an application to the Nevada Division of State Lands (DIVISION) for financial assistance; and

**WHEREAS**, the Nevada Tahoe Conservation District has been assigned the administration of the program and has set up necessary procedures governing the program; and

**WHEREAS**, the adopted procedures established by the DIVISION require that the governing board must certify by resolution the approval of the proposed project application, including all understanding and assurances contained therein, and availability of matching funds prior to submission of said applications to the DIVISION.

**NOW THEREFORE, BE IT RESOLVED** that the proposed INCLINE VILLAGE FAIRWAY PHASE III – COUNTRY CLUB WATER QUALITY IMPROVEMENT PROJECT is approved for implementation;

**BE IT FURTHER RESOLVED** that the Board of County Commissioners do hereby certify that said agency can finance 100 percent of their share of the project.

**BE IT FURTHER RESOLVED** that the Board of County Commissioners does hereby appoint the Director of Public Works as agent of the Board of County Commissioners to conduct all contract negotiations, execute and submit all documents including applications, agreements, engineering contracts, billing statements,

and so on which may be necessary for the planning, design and construction of the above project.

**04-960            GRANT AGREEMENT – WATER CONSERVATION AND  
CAPITAL IMPROVEMENTS – WATER RESOURCES**

On motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Grant Agreement between Washoe County and the State of Nevada Department of Conservation and Natural Resources, concerning Water Conservation and Capital Improvements for the Heppner Subdivision Water System Improvements Project in the amount of \$1,280,300 with a County match of \$548,700, be approved and Chairman Shaw be authorized to execute the same.

**04-961            REAL AND PERSONAL PROPERTY TAX REFUND POLICIES –  
DISTRICT ATTORNEY**

Terry Shea, Deputy District Attorney, said the present tax refund policy is on a case-by-case basis; and the practice has been whether or not the Board found there was an equitable reason to grant a refund. The Board requested staff revise the Tax Refund Policy to a general no-refund policy based on exemptions. The basis for making a change to a no-refund policy would be a stricter interpretation of the statute, which allows the Board to give a refund. Mr. Shea stated the Board could adopt a no-refund policy and be in compliance with the law.

Commissioner Galloway asked if anything would be done to accommodate the concerns of people building on low-income approval. Mr. Shea responded a meeting was held with a representative of low-income housing who was taking those concerns to the Legislature.

Commissioner Galloway inquired if this policy was adopted, would it be possible for people to appeal a denial to the Board. Blaine Cartlidge, Deputy District Attorney, advised they could go to the County Manager or a Commissioner and request to have it placed on an agenda.

On motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, it was ordered that real and personal property tax refunds arising out of exemptions effective only to those real and personal property tax refund requests received by the County after September 14, 2004, except in errors of fact coming before the Board, be approved and the following resolution be adopted; and Chairman Shaw be authorized to execute the same

**RESOLUTION**

*Establishing a New County Tax Refund Policy for Taxpayer Property*

**WHEREAS**, the Board of Commissioners of Washoe County (“the Board”), pursuant to NRS 354.220-354.240, has the discretionary authority to refund property taxes paid by a taxpayer into the County Treasury, and the Board has exercised that discretion over the years by approving and denying such refunds; and

**WHEREAS**, such refund considerations often arise out of a taxpayer’s application for a property tax exemption authorized by Chapter 361 of the Nevada Revised Statutes, and if approved the exempt taxpayer might request a tax refund for that current or prior fiscal year(s); and

**WHEREAS**, such property tax exemptions are intended to “apply on a fiscal year basis” only (NRS 361.155(1)), with the single exception of the churches’ exemption found at NRS 361.125, which expressly provides that it’s exemption “must be prorated for the portion of a fiscal year” that the exempt entity owns the property in question, and the Nevada Supreme Court has long held that “tax exemptions are strictly construed in favor of finding taxability and that any reasonable doubt about whether an exemption applies must be construed against the taxpayer,” *Shetakis Dist. V. State, Dep’t Taxation*, 108 Nev. 901, 907, 839 P.2d 1315, 1319 (1992); and

**WHEREAS**, if the Nevada Legislature intended property exemptions other than the church exemption to result in a prorata exemption, causing a retroactive tax refund, then some or all of such exemption statutes would so provide but they do not;

**WHEREAS**, it is in the best interest of the County and the public that the County’s real and personal property tax refund policy be changed in certain respects.

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

1. As provided at NRS 361.155(1), approved property tax exemptions shall be effective starting with the fiscal year after the fiscal year in which exemption application was made.
2. Retroactive and prorata refunds shall no longer be granted when the refund request arises out of an approved exemption, and this policy shall apply to the Treasurer as well when the Treasurer acts on refund matters of \$500 or less pursuant to NRS 354.240(3).
3. Exceptions to the above may include the following: when a church requests a prorata refund appropriate under NRS 361.125(3), or when clear County staff error caused an exemption application to be filed late (NRS 361.155(1)), or when real or personal property is destroyed, or when double taxation or payment occurs, or when the property is nontaxable (such as in abatement matters or when the property is not located within the County).

4. The Treasurer, with the assistance of the Assessor as needed, shall directly submit to the Board any appropriate property tax refund requested by a taxpayer (such as those listed in paragraph number 3 above) without the District Attorney's input or opinion, except for refunds of \$500 or less that require the Treasurer to seek the District Attorney's opinion, and when in the Treasurers discretion a unique or unclear taxpayer refund request requires the District Attorney's input to the Board.

5. All taxpayer refund requests must be submitted in writing to the Treasurer with complete supporting documentation. When a request involves matters with which the Assessor (or any other County Department) could be concerned, the Treasurer shall promptly deliver to the Assessor (or other Department) a copied set of the taxpayer's written refund request so that the Assessor (or other department) may provide to the treasurer a written, prompt response.

**04-962            BILL NO. 1429 -AMENDING WCC CHAPTER 85 – PUBLIC  
ROADS – PUBLIC WORKS**

Tom Gadd, Public Works Director, said there have been struggles dealing with roads, which are in the category of presumed public and the obstructions to those roads. In conjunction with the District Attorney as well as landowners and the Backcountry Coalition, there have been a series of meetings; and the District Attorney's office has crafted this ordinance to deal with those issues, particularly the definition of public roads and setting up a process for the public to be able to come to the County and deal with obstructions on roads that are presumed to be public.

Commissioner Galloway remarked there is also recognition in this ordinance of other types of public roads that might be established through easements and map dedications.

Susan Sidal, property owner in Palomino Valley, said she wants the law, not the Commission, to determine which roads are public.

Phil Bender, Washoe County Backcountry Coalition, stated he is in favor of the ordinance since it establishes conformity with the Nevada Revised Statutes and due process for determining which roads are open to the public.

Carl Adams, Washoe County Backcountry Coalition, said his group is trying to promote recreational access to public land. A formal legal determination is needed saying whether the road is indeed open. He also said maps need to be upgraded to the configurations of the roads.

Commissioner Galloway asked Mr. Bender if it was his intent for citizens to petition the County in order to get the facts stating whether a road is already public and not to create new public roads. Mr. Bender responded that was indeed the intent. Commissioner Galloway said State law gives the Commission the ability to hold a hearing and determines under specific standards and historic evidence, whether a road is

public. Commissioner Weber believed this establishes a process with these roads, which is fair and equitable.

Bill No. 1429, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING NEW SECTIONS TO WASHOE COUNTY CODE CHAPTER 85 WITH REGARD TO PUBLIC ROADS; PROVIDING FOR A DECLARATION OF POLICY; APPLICABILITY; DEFINITIONS; A PETITION PROCESS FOR THE DETERMINATION OF A PUBLIC ROAD; NOTICE AND INVESTIGATION BY THE DEPARTMENT OF PUBLIC WORKS; PUBLIC HEARING AND BOARD REQUIRED FINDINGS AND ORDER; LIMITING MAINTENANCE RESPONSIBILITY AND LIABILITY OF COUNTY; DECLARING THE OBSTRUCTION OF A PUBLIC ROAD UNLAWFUL AND A NUISANCE; PROVIDING FOR THE REMOVAL OF OBSTRUCTIONS AND ASSESSMENT OF COSTS OF REMOVAL; LIMITING PUBLIC USE TO PUBLIC ROADS; AND PROVIDING OTHER MATTERS RELATED THERETO" was introduced by Commissioner Galloway; the title read to the Board; and legal notice for final action of adoption directed.

**04-963            DISCUSSION AND ACTION – REGIONAL ANIMAL SERVICES CENTER – FINANCE DIRECTOR**

Tom Gadd, Public Works Director, reviewed the history of the project stating design for the new animal shelter began in July 2003. The advertisement for the building project was released on July 9, 2004 and bids were opened on August 10, 2004. The original construction budget was \$11,121,000, which included \$2.5 million contributed by the Nevada Humane Society. The architect's estimate was \$10,900,000; and United Construction came in with the lowest bid at \$13,959,000, which left a gap of \$2.8 million. Staff had originally budgeted \$13,000,000 for the project, and other funding became available from Public Works balance from last year that rolled into this account, bringing the available funds for this project to \$14.1 million. Staff further recommends that \$750,000 be transferred from other Public Works projects and that \$500,000 be transferred from contingency funds for a total of \$1.25 million. The Nevada Humane Society has offered an additional \$1.25 million towards the project, only if this current bid is accepted, which would bring the total funding to \$16.6 million. Mr. Gadd advised Western Nevada Supply has generously offered to contribute \$200,000 worth of supplies towards the project, and he noted the second option would be rejecting all the bids and starting over.

Commissioner Sferrazza remarked that he had hoped for an option to immediately re-bid. Mr. Gadd reiterated that the Nevada Humane Society's additional \$1.25 million would only be available for this bid. If it were re-bid, Public Works would have to do additional redesign work; and there is no guarantee of the results being different.

Several residents spoke in favor of the Regional Animal Shelter. Chairman Shaw also read several cards, which were in support of Option 1 and the project.

Commissioner Humke expressed appreciation for all the work the Nevada Humane Society and the Cities of Reno and Sparks have done for this project. He felt this was a case of market conditions overtaking the Public Works Law. Commissioner Weber agreed stating this shelter needs to be built.

Commissioner Sferrazza supported providing additional funding for the project; however, he had a problem with the low bidder. He said United Construction had a prior history of change orders and cost overruns on other projects. He requested two separate votes, one for the funding and the other for the bid award.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the transfer of up to \$500,000 from the General Fund Contingency Fund to the Public Works Construction Fund be approved and the Budget Division be directed to make the following changes plus any cash and transfer adjustments needed to reflect the following appropriation adjustments:

Public Works Construction Fund Deferred Project Funding:

<b>ACCOUNT NUMBER</b>	<b>DESCRIPTION</b>	<b>AMOUNT OF INCREASE/ (DECREASE)</b>
C920299-710100	General Gov't - Professional Services	(\$ 500,000)
C920499-781001	Public Safety-Land > \$10,000	( 150,000)
C920599-781080	Public Works-Construction Contracts	( 100,000)
C189000-820000	General Fund Contingency	( 500,000)
PW920451-781080	Regional Animal Shelter – Contracts	\$1,250,000

It was further ordered that:

1. An amendment to the lease agreement with the Nevada Humane Society be approved and the Chairman be authorized to execute the same amendment upon presentation.
2. The publication of a Notice of Intent to Augment the budget be acknowledged, the Resolution to augment the Public Works Construction Fund be adopted, and Chairman Shaw be authorized to execute the same.
3. The Finance Department be directed to return to the General Fund Contingency any unused funding up to the \$500,000 being transferred.

**RESOLUTION**

**A RESOLUTION TO AUGMENT THE PUBLIC WORKS CONSTRUCTION FUND**

**WHEREAS,** The Public Works Construction Fund will require an increase in appropriations due to costs associated with the construction of the Washoe County Regional Animal Services Center; and

**WHEREAS,** The Nevada Humane Society will provide an additional unbudgeted \$1,250,000 towards the project;

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

Section 1. That the budget of the Public Works Construction Fund be augmented as follows:

<b>Increase Revenues</b>	
PW920451-433300 Local Contributions	\$1,250,000
<b>Increase Expenses</b>	
PW920451-781080 Construction Contracts	\$1,250,000

Section 2. This Resolution shall be effective on passage and approval and the augmentation will be effective upon delivery of an executed copy of this Resolution to the Department of Taxation pursuant to NRS 354.498005.

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

Commissioner Sferrazza stated he was not in favor of awarding the bid to United Construction based on past history with them and he is concerned there will be numerous change orders and cost overruns.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza voting “No”, it was ordered that the bid for the subject project be awarded to the low, responsive, responsible bidder, United Construction, in the base bid amount of \$13,959,000 be approved and Chairman Shaw be authorized to execute the contract documents upon presentation.

Later in the meeting Commissioner Sferrazza rescinded his comments regarding United Construction and apologized to them.

\* \* \* \* \*



Chairman Shaw acknowledged Boy Scout Troop #88 from Lemmon Valley and welcomed them to the Commissioners meeting.

**04-964            REGIONAL QUALITY OF LIFE SALES TAX ADVISORY BOARD**  
**- PARKS**

Karen Mullen, Parks and Recreation Director, reported staff met with the Cities of Reno and Sparks, as well as citizens representing Natural Resources Management, Arts and Culture, and Historical Preservation groups for this project. They would like to provide a regional, community-based decision making process, which would include developing criteria for prioritizing projects and a recording requirement to assure responsible financial decisions. The staff and citizens from the Steering Committee also recommended that an advisory board be formed. The packet staff presented to the Board, which was placed on file with the Clerk, explained a Regional Quality of Life Sales Tax Advisory Board. The advisory board would consist of one elected official, or designee, from each of the two Cities and the County. There would also be one member from the Parks Commission and a citizen representative from each of the named groups, who would be appointed by the City Councils and the County Commission. The advisory board would begin to review the recommendations and submit those back to the Board for approval. Ms. Mullen stated in moving through this process, staff is hoping to gain concurrence on setting up a board, which would begin to review the steps and the processes on putting together the Technical Advisory Board.

Commissioner Galloway asked if the development of criteria, ensuring responsible financial decisions, and dispersal of funds are policies or criteria that would be developed and subject to the final approval of the Board. Ms. Mullen responded everything being established would be brought before the Board for approval.

Ms. Mullen also said staff is trying to model the advisory board after programs existing in other states such as Colorado and Missouri. Citizens from the Arts and Cultural groups have brought in examples of those existing boards showing how they provide a strong community based decision making process.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the structure of the Regional Quality of Life Sales Tax Advisory Board and the plan for a Technical Working Group to assist in the determination of project priorities and expenditures for the potential 2004 Sales Tax Advisory Board Ballot question be approved. It was further ordered that staff be directed to submit same to the Cities of Reno and Sparks for their review and possible concurrence, and upon further concurrence, staff be directed to proceed with implementation.

**04-965**

**APPOINTMENT – FUND ADVISORS PANEL – TRUCKEE  
MEADOWS WATER AUTHORITYS TRUCKEE RIVER FUND**

Commissioner Galloway stated the Commissioners took a stance in a previous meeting voicing the Board's disapproval of taking ratepayer money and applying it towards charitable causes of a general nature. As a result, the Truckee Meadows Water Authority (TMWA) has restricted these funds to promoting and improving the water quality of the Truckee River and its watershed. Given that TMWA is going ahead, he believes the Board should make these appointments.

Chairman Shaw said the Board is permitted to appoint three people to serve on this Panel. The staff report listed seven applications and he suggested appointing three people with the remaining four being named as alternates.

On motion by Commissioner Weber, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that Susan Lynn, Arlan Melendez and Jerry Purdy be appointed as the three primary members of the Fund Advisors Panel and Gene Gardella, Doug Smith, Neal Cobb and Patricia McAlinden be appointed as alternates.

**04-966**

**2002 REGIONAL PLAN SETTLEMENTS AND ASSOCIATED  
ISSUES**

Adrian Freund, Community Development, reported two minor changes to the Cooperative Planning Criteria. Copies were presented to the Board and placed on file with the Clerk. He requested the Board approve with the changes.

Commissioner Galloway asked if these changes came from Council members in deliberation. Mr. Freund responded they did not; and, in fact, staff agreed there is some process of weighing and balancing in the findings and policies. Commissioner Galloway said the cooperative plan and the cooperative planning areas being developed would attain certain findings. Mr. Freund replied the Cities requested guidance on how these findings would be applied. Commissioner Galloway remarked he did not wish to take action until he sees a list of findings and requested a copy. Mr. Freund responded he would supply the Commission with those findings and also noted there would be a status hearing on the Cooperative Planning Criteria appeal with Judge Hardesty on September 23<sup>rd</sup>.

Mr. Freund also discussed the Verdi Development Standards Handbook, which was argued before the Regional Planning Governing Board. The County's representatives on that Board did attempt to send the Handbook back to the Regional Planning Commission for reworking, however that motion was rejected. The Regional Planning Governing Board voted to uphold two things, the record of Reno zoning action with respect to the Verdi properties and the Development Standards Handbook itself as drafted. The last day for appeal on the Handbook is the 21<sup>st</sup> of September. Mr. Freund requested direction to file an appeal if necessary.

Chairman Shaw agreed it is necessary to move forward, as staff has made every attempt to schedule a meeting with the City of Reno.

Commissioner Weber remarked every effort has been made to work with the City. Since the deadline is approaching, she suggested going forward with an appeal.

On motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that staff be directed to file an appeal on the Verdi Development Standards Handbook with the understanding it can be reconsidered on or before September 21, 2004.

**04-967            VOTE CANVASS – SEPTEMBER 7, 2004 PRIMARY ELECTION – REGISTRAR OF VOTERS**

Dan Burk, Registrar of Voters, reported there were 211,352 registered voters in Washoe County and nearly 28 percent voted in the Primary election.

Mr. Burk responded to questions Commissioner Sferrazza had concerning the voting inconsistencies in Incline Village. .

Commissioner Galloway asked if there was a way to respond to citizens' concerns about more privacy while voting. Mr. Burk replied staff is looking into other options for poll site set-ups.

On behalf of the Board, Chairman Shaw commended Mr. Burk and his staff for their hard work.

Mr. Burk presented the abstract of the votes cast for all candidates in all the precincts in Washoe County in the Primary Election conducted on Tuesday, September 7, 2004, and certified the same to be true and correct as certified by the Accuracy Certification Board. The duly executed Submission of Abstract and Certificate of the Accuracy Certification Board were placed on file with the Clerk. Mr. Burk reviewed the statistics and results of the 2004 Primary Election and answered questions of the Board.

After conducting the canvass, the Board declared the abstract, as presented, to be a true vote cast and, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the members present execute the Certification of the Official Canvass for the 2004 Primary Election, as presented, and the Clerk be directed to enter upon the record of the Board an abstract of the results, which shall contain the number of votes cast for each candidate and question. It was further ordered that the Registrar of Voters submit a certified copy of the abstract to the Secretary of State.

**[abstract set forth in full in the permanent minutes]**

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**04-968            ORDINANCE NO. 1246 - BILL NO. 1425 - AMENDING CHAPTER 53 – THE UNLAWFUL USE OF ELECTRONIC STUN DEVICES**

**5:30 p.m.**        This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on September 3, 2004 to consider second reading and adoption of Bill No. 1425. 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 Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that Ordinance No. 1246, Bill No. 1425, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING THERETO PROVISIONS PROHIBITING THE UNLAWFUL USE OF ELECTRONIC STUN DEVICES AND BY PROHIBITING CERTAIN PERSONS FROM POSSESSING SUCH DEVICES,**" be approved, adopted and published in accordance with NRS 244.100.

**04-969            ORDINANCE NO. 1247 - BILL NO. 1426 - AMENDING CHAPTER 110 – 4H AND FUTURE FARMERS OF AMERICA LIVESTOCK PROJECTS**

**5:30 p.m.**        This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on September 3, 2004 to consider second reading and adoption of Bill No. 1426. 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 Weber, which motion duly carried, Chairman Shaw ordered that Ordinance No. 1247, Bill No. 1426, entitled, "**AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, ARTICLE 330, SECTION 330.45 - 4H AND FUTURE FARMERS OF AMERICA LIVESTOCK PROJECTS, TO MODIFY STANDARDS FOR THE KEEPING OF LIVESTOCK IN THE MEDIUM DENSITY SUBURBAN (MDS) LAND USE DESIGNATION FOR YOUTH ENROLLED IN THE 4H AND FUTURE FARMERS OF AMERICA (FFA) PROGRAM. THE CHANGES WOULD ALLOW UP TO SIX HENS, CAVY OR RABBITS ON MEDIUM DENSITY SUBURBAN DESIGNATED LOTS OF 6,000 SQUARE FEET OR MORE AND ONE SHEEP, SWINE OR GOAT ON PROPERTY BETWEEN 12,000 SQUARE FEET AND ONE-HALF ACRE, AND OTHER MATTERS PROPERLY RELATING THERETO,**" be approved, adopted and published in accordance with NRS 244.100.

**AMENDMENT TO 2004-2025 COMPREHENSIVE REGIONAL  
WATER MANAGEMENT PLAN - WATER RESOURCES**

**5:30 p.m.** This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on August 19 and September 3, 2004 and the *Sparks Tribune* on August 21, 28, and September 4, 2004 to consider adopting an amendment to the Comprehensive Regional Water Management Plan entitled, "2004-2025 Washoe County Comprehensive Regional Water Management Plan." Proof was made that due and legal Notice had been given.

Jim Smitherman, Water Resources Program Manager, gave a brief history on the regional water planning effort. He listed who was represented on the Regional Water Planning Commission, described how activities were funded, the purpose of the plan amendment, and the plan's major components. Mr. Smitherman said over 40 people contributed to writing the plan amendment over two and a half years. He said the Water Planning Commission approved it unanimously in June 2004 along with the resolution to forward it to the Board of County Commissioners for approval.

Mr. Smitherman discussed the review cycle of the Regional Water Management Plan; and he described the contents of the plan, discussing in greater detail Chapters 1-Policies and Criteria and Chapter 6-Projections of Population, Water Demand, and Wastewater Flow.

Commissioner Galloway clarified that commitment meant an actual hookup, not zoning. During discussion of changing to a 9-year drought standard from 10 years, Commissioner Sferrazza said he was concerned the change appeared to give the Truckee Meadows another 10 years of water supply, and he was against the change. He stated there was a financial incentive for the change, and Mr. Smitherman said the amount was substantial.

During discussion of population projections, water resources, and water demand, Commissioner Galloway asked what year the land use build out was approved, and Mr. Smitherman said 2002. Discussion ensued on the reality of the figures.

Mr. Smitherman briefly discussed balancing water rights, the drought response plan, and what could be done to conserve, which were new items in the amended plan. He said to implement the plan, it would cost \$136 million per year, which included \$106 million for the Truckee River Flood Control Plan, or \$364 per year per person. He said the last chapter contained a 60-point action plan that corresponded to identified issues separated by priorities.

Michael DeMartini, Regional Water Planning Commission (RWPC) Chairman, thanked all of the participants in developing the plan and listed them by name. He then introduced Susan Lynn, past Chair. Ms. Lynn thanked Mr. Smitherman and the Water Resources staff for supplying the needed resources and the Board for adopting the Commission's reports and providing funding. She also thanked the staff from the

participating jurisdictions, the consultants, and the Regional Water Planning Commissioners. Ms. Lynn said nine divergent interests reached agreement on the issues. She recommended the Board adopt the plan and any concerns be sent to the RWPC for inclusion in the update due at the end of February 2005.

Commissioner Galloway asked how the cost of implementing the plan would be billed to the public, and Mr. Smitherman said it would be new connection fees.

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

David Ziegler, Truckee Meadows Regional Planning Director, stated he had submitted written comments on June 30, 2004 to the Regional Water Planning Commission and to the Board of County Commissioners, which were placed on file with the Clerk.

Robert Marshall, local resident, stated, in the last sentence in section 1.3.E, it was unclear who decides the sustainable yield in Washoe County. He said throughout the rest of Nevada it is determined by the State Engineer, and he suggested adding, "as determined by the State Engineer" to the sentence.

John Rhodes, Deputy District Attorney and Counsel for the Regional Water Planning Commission, said that language was rejected numerous times; and the agreed upon language reflects current Nevada law. He went on to discuss the case upon which the current law was based. The Supreme Court has stated, "County and Local governments can place more burdensome restrictions on growth and development as long as those restrictions are consistent with the relevant long term comprehensive plans, Nevada Law and notions of public welfare."

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

Commissioner Humke said Theresa Shannon, local resident, sent an e-mail stating her concerns about the plan. Commissioner Galloway said an e-mail was received from Gary Feero, local resident, listing his concerns. Both e-mails were placed on file with the Clerk.

Commissioner Galloway cited his concerns with the plan in a memo to Katy Singlaub, County Manager, which was placed on file with the Clerk. He said if two changes were not included, it would be difficult for him to approve the plan; and he went on to discuss the changes.

Chairman Shaw said this plan was a tremendous effort. He said, because it is reviewed again in February 2005, some issues could be addressed now and some in February. Commissioner Galloway said a three percent growth rate should be looked at to see its impact. Commissioner Weber said she agreed with it being a tremendous effort,

but the Commission has issues that should be incorporated. She suggested the best action would be to adopt it, and then look at it again in six months.

In response to Commissioner Sferrazza, John Erwin, Truckee Meadows Water Authority Resource Planning and Development Director, said eight years would take the supply out to 2028, nine years to 2025, and ten years to 2010. Commissioner Sferrazza replied this was a significant difference.

Commissioner Sferrazza asked if RWPC refused to change the drought standard and the Board of County Commissioners did, would the revised plan supersede RWPC's report. Melanie Foster, Legal Counsel, said this is a planning document only, and does not have any enforcement capabilities. She said there is a conformity requirement between it and the Regional Plan, but there is no requirement the water purveyors amend their plan to comply with the Regional Plan.

Commissioner Humke said he agreed with Commissioner Galloway's Items 1 and 2, and with Mr. Marshall's comment. Commissioner Sferrazza agreed with Commissioner Galloway's two items because he is concerned the change from ten to nine years tells the public there is water available for an additional fifteen years, which may not be the case.

Ms. Foster commented, if the Board refused to accept the plan, by law it has to be sent back to the Regional Water Planning Commission with the Board's proposed changes. RWPC has 40 days to accept, reject, or propose alternatives, and bring it back to the Board. She said any action by the Board requires four votes.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Chairman Shaw voting "no," it was ordered that the amendment to the Comprehensive Regional Water Management Plan entitled, "2004-2025 Washoe County Comprehensive Regional Water Management Plan," be sent back to the Regional Water Planning Commission for inclusion of the following changes:

1. Eliminate Policy 1.3.d.
2. Restore drought protection to 10 years.
3. Change 1.3.e. to add at the end of the policy statement "as determined by the State Engineer."

It was further requested the following inadequacies be addressed in a future revision:

1. An analysis for a scenario of continued population growth at the historic three percent rate.



2. An analysis for a scenario where the accumulation of the total of 159,400 acre-feet of usage water rights does not materialize.
3. Analysis for a scenario where the Truckee River Operating Agreement is not implemented.
4. Recommendation of measures to regulate or limit the granting of new development entitlements (such as up-zoning).

**04-971            SPECIAL ASSESSMENT DISTRICT NUMBER 29 (MT. ROSE SEWER PHASE I) PUBLIC HEARING - PROTEST DISPOSAL RESOLUTION - BILL NO. 1430 - WATER RESOURCES**

**5:30 p.m.**        This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on August 27, September 3 and 10, 2004 to consider for Washoe County, Nevada, Special Assessment District (SAD) No. 29 (Mt. Rose Sewer Phase 1) all complaints, protests, and objections made in writing or verbally to the assessment roll or to the proposed assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and proposed to be assessed for, the improvements in the District, by any person interested, and by any parties aggrieved by such assessments.

Thomas Kelly, Senior Licensed Engineer, advised that three written protests have been received and have been determined to have validity. He said staff is recommending the three parcels be dropped from the District.

In response to Commissioner Sferrazza, Mr. Kelly said anyone not originally included in the assessment district could be added if they pay all of the appropriate connection fees and a surcharge that is approximately equal to what the assessment would have been had they been an initial participant.

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

Lesley Bienvenue, 40 Mountain Haven Lane, said the previous owner of the property had agreed to be included in SAD 29, which was not disclosed upon purchase of the property. She asked what the policy was at the time of the sale. Kendra Follett, Bond Counsel, said her title company should have informed her about the SAD. Commissioner Galloway asked if an assessed property was required to connect and would the property be guaranteed the capacity in the interceptor. Mr. Kelly said connection was not required and capacity would be guaranteed. Ms. Bienvenue said, besides the \$5,900 connection fee, the interceptor was not located near her property so it would be very expensive to connect to the sewer line.

Juan Sparhawk, 1185 Sky Tavern Road, asked if the sewer line does not happen would he get a refund of the assessment fee, how would he be billed, and can the

assessment and sewer connection fee be paid at the same time. Mr. Kelly said the assessment was for the sewer that was constructed approximately up to the Reindeer Lodge and was for capacity in the lower sewer line. He said a separate bill would come from the Treasurer's Office twice a year, and the payments cannot be combined. He said Mr. Sparhawk could pay the connection fee now, so if there were a fee increase, he would not have to pay the increased amount.

Barney Drake, 1205 Sky Tavern Road, asked that he be added to the assessment district.

Bert Querra, property owner, said he would receive no benefit because the sewer line was too far away from his property, and he asked to be taken off the assessment role.

Mr. Kelly recommended the Bienvenue's and Mr. Querra have their assessments reduced to zero. He said, if Mr. Drake would sign a waiver that he had received all notices, his property could be added to the assessment roles. In response to Commissioner Humke, Mr. Kelly said Mr. Sparhawk's protest had been withdrawn.

Dylan Mattole, 10195 Old Mt. Rose Highway, said one of three parcels he and his wife owned was included in the assessment district, and was it possible to include the other two parcels if they were willing to sign the waiver. Chairman Shaw said it was possible. Mr. Mattole asked how long a neighbor would have to opt out, and Katy Singlaub, County Manager, said that was the purpose of this hearing, and tonight was the final opportunity to do so.

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

Katy Singlaub, County Manager, asked if the parcel changes could be noted or does it have to come back to the Board, and Ms. Follett said they could be noted.

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

**RESOLUTION NO. 04-971**  
(of Washoe County, Nevada)

**A RESOLUTION CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 29 (MT. ROSE SEWER PHASE 1); OVERRULING COMPLAINTS, PROTESTS AND OBJECTIONS MADE TO THE ASSESSMENTS AT THE HEARING ON THE ASSESSMENT ROLL; VALIDATING AND CONFIRMING THE**

**ASSESSMENT ROLL; PROVIDING OTHER  
DETAILS IN CONNECTION THEREWITH.**

**WHEREAS**, the Board of County Commissioners (herein "Board") of the County of Washoe (the "County"), in the State of Nevada, pursuant to an Ordinance, adopted July 22, 2003 (the "District Ordinance"), created Washoe County, Nevada, Special Assessment District No. 29 (Mt. Rose Sewer Phase 1) (the "District") and ordered the acquisition of a sanitary sewer project as defined in NRS §271.200 and as hereinafter more specifically described as a sewer project for the District (the "Project"); and

**WHEREAS**, the Board has heretofore determined that the cost and expense of the Project is to be paid by special assessments levied against the benefitted lots, tracts and parcels of land in the District; and

**WHEREAS**, the Board has heretofore determined and does hereby declare that the net cost to the County of all the improvements in the District (including all necessary incidentals which either have been or will be incurred in connection with the District) is \$1,351,345, of which \$1,293,473.69 is to be assessed upon the benefitted lots, tracts and parcels of land in the District; and

**WHEREAS**, the Board together with the an engineer for the County Department of Water Resources as the engineer for the County with respect to the District (the "Engineer") made out an assessment roll for the District which contains, among other things, the names and addresses of the last-known owners of the property to be assessed, or if not known stating that the name is "unknown"; a description of each lot, tract or parcel of land to be assessed; and the amount of the proposed assessment to be levied thereon; and the Engineer has reported the assessment roll to the Board and filed the same with the County Clerk; and

**WHEREAS**, the Board by resolution duly adopted on August 24, 2004, established a date, time and location at which the Board would hear and consider any and all complaints, protests and objections to the assessment roll and to the assessments contained therein; and

**WHEREAS**, the Board has, in accordance with the provisions of law relating thereto, given the requisite legal notice by both mail and publication that complaints, protests and objections to assessments for improvements in the District should be filed with the County Clerk, and that the Board would hear and consider any and all complaints, protests or objections on Tuesday, September 14, 2004, at 5:30 p.m., at the First Floor Commission Chambers, Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada; and

**WHEREAS**, the Board met at the place and time to hear and consider all complaints, protests and objections made or filed; and

**WHEREAS**, the written and oral protests or objections were noted for the record and a copy of the minutes of the public hearing are attached hereto as Exhibit A; and

**WHEREAS**, all complaints, protests and objections, both written and oral, were heard and considered by the Board on September 14, 2004, and after extensive review and deliberation hereby are found to be without sufficient merit and are hereby overruled; provided, however, that the Board has, nevertheless, concluded that it is necessary and equitable that the assessment roll be corrected and revised as follows:

Parcel Number	Ownership	Revised Amount of Final Assessment
48-092-10	Dylan Mattole	\$2,791.41
48-092-14	Dylan and Robbin L. Mattole	\$2,791.41
48-092-12	Barney F. Drake	\$2,791.41
48-062-06	David R. Houston	\$0
48-070-02	Lesley S. and Christian Bienvenue	\$0
48-091-11	Bert Guerra	\$0
48-091-32	Albert Jr. and Mary M. Guerra	\$0

and

**WHEREAS**, the Board has determined and does hereby again determine, that all of the assessable property in the County which is specially benefitted by the improvements acquired in the District, and only the property which is so specially benefitted, is included on the assessment roll heretofore filed with the County Clerk on August 24, 2004; and

**WHEREAS**, the Board has determined, and does hereby determine, that the notice, both mailed and published, for the hearing held on September 14, 2004, on the assessment roll was reasonably calculated to inform each interested person of the proceedings concerning the District which may directly and adversely affect his or her legally protected rights and interests.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE, IN THE STATE OF NEVADA:** Section 1. This resolution shall be known as and may be cited by the short title "District No. 29 (Mt. Rose Sewer Phase 1) Assessment Protest Resolution" (the "Resolution").

Section 2. All complaints, protests and objections, both written and oral, are hereby found to be without sufficient merit and are hereby overruled, except as otherwise provided in this resolution.

Section 3. The Board hereby validates and confirms the assessment roll for the District, as made out by the Board, together with the Engineer, and filed in the records of the office of the County Clerk on August 24, 2004, is hereinabove modified, revised, corrected and made de novo.

Section 4. All action, proceedings, matters and things heretofore taken, had and done by the County and the officers thereof (not inconsistent with the Provisions of this Resolution) concerning Special Assessment District No. 29 (Mt. Rose Sewer Phase 1), including, but not limited to the acquisition of the Project and the validation and confirmation of the assessment roll and the assessments therein, be, and the same hereby are, ratified, approved and confirmed.

Section 5. The Engineer and officers of the County be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 6. All resolutions, or parts thereof, in conflict with this Resolution are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any Resolution or part of any Resolution heretofore repealed.

Section 7. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no way effect any remaining provisions of this Resolution.

Section 8. The Board has determined, and does hereby declare, that this Resolution shall be in effect immediately after its passage in accordance with law.

**BILL NO. 1430**

Bill No. 1430, entitled, "**AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 29 (MT. ROSE SEWER PHASE 1); ASSESSING THE COST OF SANITARY SEWER IMPROVEMENTS AGAINST THE ASSESSABLE TRACTS OF LAND BENEFITTED BY THE IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH,**" was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

**04-972**            **APPEAL CASE NUMBER AX04-010 – ADMINISTRATIVE PERMIT AP04-003 – RONALD AND FRANCEY DENNIS – COMMUNITY DEVELOPMENT**

**5:30 p.m.**        This was the time set in a Notice of Public Hearing mailed on September 3, 2004 to affected property owners on Appeal Case Number AX04-010 to consider the

appeal of Administrative Permit AP04-003 by Ronald and Francey Dennis of the Board of Adjustment's decision, which denied, without prejudice, the applicants' request to legalize the previous construction of two amateur radio towers, one being 138 feet in height and one being 100 feet in height, with attached array, as authorized in Section 110.324.35 of the Washoe County Development Code with the issuance of an Administrative Permit. The project is located approximately 500 feet north of the intersection of Indian and Wigwam, in the Golden Valley area and is addressed as 9275 Wigwam. The ±5-acre parcel is designated Low Density Suburban (LDS) in the North Valleys Area Plan, and is situated in a portion of Section 11, T20N, R19E, MDM, Washoe County, Nevada. The property is located in the North Valleys Citizen Advisory Board boundary and Washoe County Commission District No. 3. (APN: 552-040-46) Proof was made that due and legal Notice had been given.

Chairman Shaw disclosed he has known the Dennis' for many years and had advised them on what procedures to follow regarding this issue. He had asked Legal Counsel if his voting on the appeal would be a problem, and he said Melanie Foster, Legal Counsel, stated she did not believe it was a problem.

Roger Pelham, Community Development Planner, provided the background of the appeal and passed around photos, which were placed on file with the Clerk. He also listed the options available to the Board. Mr. Pelham said the Deputy District Attorney had advised staff that a denial of the permit might be contrary to federal law and that some accommodation must be made of Mr. Dennis' hobby, but mitigation of the effects on the surrounding property owners' might also be required. He said the applicant's attorney had stated they plan to request a continuance so they can try to work out a compromise plan with neighboring property owners. Mr. Pelham said staff does not feel qualified to mediate during the discussion, and recommends the County use the Neighborhood Mediation Center. Staff also recommends that the mediation be expedited because the towers had not had an engineering or structural analysis done on them; and, if they failed, could cause damage to neighboring properties or injury to residents.

In response to Commissioner Galloway, Mr. Pelham said the applicant, because of the denial without prejudice, could go back to the Board of Adjustment but would have to pay another fee.

Commissioner Humke said there were references at Caucus that Mr. Dennis was participating in the Homeland Security effort, and he wondered what percentage was hobby and what was Homeland Security.

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

Louis Test, representing the applicant, spoke about zoning regulations, making accommodations to amateur communications, and the history of the antennas. He said Mr. Dennis requested the item be continued for at least 30 days to attempt mediation to resolve neighbors' concerns, but still accommodating amateur radio communications.

Commissioner Humke referred to Dr. Romero's letter regarding Court decisions against the erection of amateur radio towers. Mr. Test disagreed, and said the cases he had researched over the last few weeks had favored the towers and awarded attorney's fees. Most cases were remanded back to the governing body to work out some type of accommodation. Ms. Foster said she had done extensive research into these cases, and radio towers had only been refused because of safety and efficiency reasons.

Nancy Fritz, neighbor, spoke against the towers because of telephone and television reception problems. She also felt since the towers have no lights or reflectors, they are a danger to navigation. She said he also lied by stating he got a building permit and later admitted he had not. Robert Fritz, neighbor, estimated the radio towers had depreciated his property by \$20,000. He asked the towers be torn down because they are too tall and were put up without permits.

William Ferris, neighbor, passed around photos, which were placed on file with the Clerk, taken from his backyard. He said he believed the towers had decreased his property values.

Pat Sanders, neighbor, said her background in real estate and examining property appraisals leads her to believe the towers do not affect value. She said they might limit the number of prospective buyers, and probably would not allow them to get top value for the property if they were to sell. Ms. Sanders said this is a residential neighborhood and the towers are not appropriate. She also expressed concern about the height of the towers and emergency and fire helicopters.

Pat McAlinden, neighbor, passed around photos, which were placed on file with the Clerk. She said Mr. Dennis had a history of noncompliance, citing incidents with dogs and car storage. Ms. McAlinden said she would like to see evidence of involvement with Homeland Security, and she did not agree with mediation. She said his offer to plant trees would be ineffective because of the slope and the time it takes trees to grow to a height that would block the view of the towers.

Stephen Rogers, local resident and ham radio operator, described radio frequency requirements and the technical details of tower height. He spoke in favor of the continuance and mediation. Ralph Covington, American Radio Relay League, agreed.

Don Carlson, American Radio Relay League, said when emergencies arise, computer and cell phones will not work or the cell phone frequencies are taken over by government agencies for emergency communications. He said the first responders to help the City of New York with emergency communications after 9-11 were amateur radio operators. Mr. Carlson cited local examples of this type of work as the Andrews and Waterfall fires. He said Assembly Bill AB61 mandated amateur radio operators be reasonably accommodated. He felt the statements about property values and radio towers was hypothetical with no facts to back them up.

Chairman Shaw read the card from Donn Fisher, Sparks resident, requesting the Board not impair the ability of amateur radio operators to perform emergency communications services. Chairman Shaw stated a card from Dave Abramson indicated he was for the appeal.

Greg Altig, Salvation Army Team Emergency Network, agreed with Mr. Carlson's comments about cell phones. He added none of the four permanent emergency communications centers around Reno have the tower capability to reliably reach the national communications network during an area emergency and might have to relay through one of the tall towers.

Gary Grant, Red Cross Communications Sierra Chapter, said he agreed with previous comments regarding cell phones, and he reminded everyone that Washoe County is in earthquake country.

Sharon Kvas, Planning Manager, said the Neighborhood Mediation Group requires that people meet voluntarily. Chairman Shaw asked the seven people in the audience who indicated they were opposed to raise their hands to signal a willingness to mediate, and no one raised their hands. Commissioner Galloway asked if the applicant intended to modify the proposal to address as many impacts as possible even if no mediation occurred. Mr. Test said they wanted to find out what height would be necessary to work at that location. He said Mr. Dennis had applied for a building permit to relocate the tallest tower. Commissioner Galloway requested the large span of the guide wires be addressed, and Mr. Test said that was being looked at along with the towers' structural safety. Commissioner Galloway requested they also look at the interference issue.

In response to Chairman Shaw, Mr. Test said, out of the 33 people who had to be notified, 23 signed an acknowledgement that they were not in opposition, but he was not sure where they lived in relation to the property.

In response to Commissioner Sferrazza, Mr. Pelham said any tower height greater than 45 feet requires an administrative permit. Ms. Kvas said when Mr. Dennis applied for an administrative permit, the height allowed was 65 feet by rights with additional height allowed with an administrative permit. She said the Communications Facility Article rewrite has just been approved. She said this change allows by rights 45 feet retractable with up to 120 feet extended, but Mr. Dennis applied prior to this change.

Commissioner Sferrazza asked if there were any fines for having the towers up without a permit, and Ms. Kvas said the only fine was paying a double fee when finally applying for a permit.

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



Commissioner Weber requested a continuance, and asked everyone to get together and work it out.

After discussion, Commissioner Sferrazza moved to deny the appeal. There was no second and the motion died.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that Appeal Case Number AX04-010 to consider the appeal of Administrative Permit AP04-003 by Ronald and Francey Dennis of the Board of Adjustment's decision be continued until October 12, 2004 to give the applicant time to get a structural analysis, attempt mediation, address the interference and aesthetic issues to the extent possible, and come back to the Board with their best proposal. It was further ordered that the proposal be disseminated to the Board and the neighbors as early as possible prior to the October 12, 2004 meeting.

**04-973            COMPREHENSIVE PLAN AMENDMENT CASE NO. CP04-008 – ST. JAMES RESORT**

**5:30 p.m.**        This was the time set in a Notice of Public Hearing, published in the *Reno Gazette-Journal* on September 3, 2004 and mailed on September 1, 2004 to affected property owners, to consider a request to amend the South Valleys Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment request involves the redesignation of ±536 acres from Tourist Commercial (TC) and General Rural (GR) to Medium Density Suburban (MDS), Medium Density Rural (MDR) and General Rural (GR). The proposed request will establish a residential density of approximately 2 units per acre over the entire property. Eight parcels totaling 459.63-acres are currently designated Tourist Commercial (TC) and the remaining 18 parcels totaling 77.16 acres are currently designated General Rural (GR). The subject property is located at the southwest corner of U.S. Highway 395 and Pagni Lane in the southern portion of Pleasant Valley. The area of the amendment totaling 536.79 acres is located within the Truckee Meadows Service Area and within the City of Reno Sphere of Influence, but subject to roll-back, as identified by the 2002 Truckee Meadows Regional Plan. The parcels are located within Section 13, T17N, R19E and Section 18, T19N, R20E and are within the Galena-Steamboat Citizen Advisory Board boundary and Washoe County Commission District No. 2. (APNs 046-100-02; 046-100-03; 046-100-04; 046-100-05; 046-100-06; 046-100-07; 046-100-08; 046-100-09; 046-090-01; 046-090-04; 046-090-05; 046-090-06; 046-090-07; 046-090-08; 046-090-09; 046-090-10; 046-090-11; 046-090-12; 046-090-13; 046-090-14; 046-090-15; 046-090-16; 046-090-17; 046-090-18; 046-090-23; 046-090-25; 046-090-26). Proof was made that due and legal Notice had been given.

Trevor Lloyd, Community Development Planner, said the original plan had 1,090 units, and the item was continued to explore a density reduction in and around the critical and sensitive stream zones that resulted in a reduction to 995 total units. He said the property owner was agreeable to the reduction. Mr. Lloyd said this Comprehensive Plan Amendment satisfied the terms of the Regional Plan Settlement

Agreement, which rolls back the City of Reno's sphere of influence keeping the development within Washoe County. He said ballots were sent to properties that required noticing and out of those received there were three for the proposed request, two for but with a lower density, and six against.

Chairman Shaw opened the public hearing by calling on anyone wishing to speak concerning Comprehensive Plan Amendment Case No. CP04-008.

Peter Ross, Pleasant Valley resident, said he still opposed the lowered density. He said the main issue, which was explained by Madelyn Shipman, Legal Counsel, at the last homeowner's association meeting was the zoning change was required because of a sphere of influence issue with the City of Reno. He said he wanted County lands to remain under County control, and he asked the Board to approve the zoning change. Teresa Ross, Pleasant Valley resident, agreed, but would like to have some concerns addressed including Highway 395 traffic, water, density, schools, and wildlife and open space.

Roy King, Stephanie Racy McIntyre, and John Owens, local residents, supported approval of the amendment, and stated they would rather the property remain part of Washoe County.

Chairman Shaw read the Request to Speak card from Cheryl and John Pricco, which asked, if the amendment passed, could their parcel be included in the rezoning since it is in the midst of these parcels.

John Frankovich, St. James representative, said sufficient density was needed to support the costs involved in residential development, but the developer had no objection to lowering the maximum allowable density to 995 units. He said they would also commit to the neighbors to the north to have an adequate buffer from the development. Commissioner Galloway said the best security for neighboring residents was to have the residential development in place. He asked, if this were approved, would there be any assurances from the owner that there would not be any voluntary annexation to the City. Mr. Frankovich said the owner prefers the property remain in the County.

Commissioner Humke said this was an instance where a continuance helped. He thanked Madelyn Shipman, Legal Counsel, for ensuring the people involved understood the situation. He said a letter from Sandy Kellames mentioned traffic impacts, and Commissioner Humke went on to discuss those impacts.

Don Kitts, Pleasant Valley/Steamboat Valley Homeowner's Association, thanked the Commissioners for the time and effort they put into these hearings.

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

Commissioner Sferrazza thanked Mr. Frankovich and the neighbors for working things out, and the property owner for reducing the units from 1,090 to 995.

Having made the following findings, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Comprehensive Plan Amendment Case Number CP04-008 be approved with a maximum development potential of 995 dwelling units:

1. The proposed amendments to the South Valleys Area Plan are in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan.
2. The proposed amendments to the South Valleys Area Plan will provide for land uses compatible with existing and planned adjacent land uses and will not adversely impact the public health, safety or welfare.
3. The proposed amendments to the South Valleys Area Plan responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable use of land.
4. The proposed amendment to the South Valleys Area Plan will not adversely affect the implementation of the policies and action programs of the Conservation Element, the Population Element and/or the Housing Element of the Washoe County Comprehensive Plan.
5. The proposed amendment to the South Valleys Area Plan will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
6. The proposed amendment to the South Valleys Area Plan is the first amendment to the Plan in 2004, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.
7. The Washoe County Board of County Commission public hearing, prior to action on the proposed amendment to the South Valleys Area Plan, and the related changes to the maps of the plan, has been properly noticed in a newspaper of general circulation in the County as prescribed under NRS 266.210(1).
8. That the Washoe County Board of County Commissioners gave reasoned consideration to the information transmitted from the Washoe County

Planning Commission and to the information received during the public hearing.

It was further ordered that the Resolution Adopting the South Valleys Area Plan, after a finding of conformance with the Regional Plan by the Truckee Meadows Regional Planning Agency, be approved and Chairman Shaw be authorized to execute the same.

**REPORTS/UPDATES FROM COUNTY COMMISSION MEMBERS**

Commissioner Galloway said the Tahoe Regional Planning Agency was having two marathon meetings Wednesday and Thursday nights from 6:00 to 9:00 p.m.

Chairman Shaw said tomorrow is Good Neighbor Day, and he would be at the Sparks Florist location in Sparks handing out roses. The requirement for getting the bouquet is giving 11 away and keeping one.

\* \* \* \* \*

There being no further business to come before the Board, the meeting adjourned at 5:02 p.m. to a closed session for the purpose of discussing negotiations with employee organizations.

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

**ATTEST:**

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

*Minutes Prepared by  
Jan Frazzetta, Deputy County Clerk  
Stacy Gonzales, Deputy County Clerk*