

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

FEBRUARY 22, 2005

PRESENT:

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

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

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

05-168 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Weber ordered that the agenda for the February 22, 2005 meeting be approved with the following change: **Delete** Item 12B, consideration of proposals regarding the sale of water rights.

05-169 PUBLIC COMMENTS

Joan Cooper, Reno resident, commented on the potholes on Twin Lakes Drive and requested the County send someone to repair the street immediately. She presented a map of the area, which was placed on file with the Clerk.

Jerome Sutneider, Reno resident, did not wish to speak. Chairman Weber read his request for the County to repair Twin Lakes Drive.

Al Hesson, area citizen, said he was not in agreement with the Commissioners telling citizens not to speak anymore, and he made no apologies for the comments he had made at the meetings.

Gary Schmidt, Washoe County resident, presented and read a statement concerning the review of his job as a member on the Board of Equalization, which was placed on file with the Clerk. He noted the review would occur on March 8, 2005.

Sam Dehne, Reno resident, explained what the law dictated about public comment. He declared the Airport Authority had stopped televising their meetings due to cost, and he voiced his displeasure with their decision.

COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS

Commissioner Galloway requested staff look into the Twin Lakes Drive issue and report back to him and the Board. He explained options were presented to the Board concerning public comment; however, no new policies had been adopted. He suggested a matrix be prepared for the Board to examine the possible variations and combinations on the subject.

Commissioner Sferrazza announced he would not be present for the March 8, 2005 meeting, as he would be at the National Association of Counties meeting in Washington D.C. He asked to participate in Gary Schmidt's hearing via telephone.

Commissioner Larkin reported on a meeting with Storey County Commissioner Greg Hess, and he suggested scheduling a joint meeting with the Storey County Commission.

Commissioner Humke said he observed the replay of the Truckee Meadows Water Authority (TMWA) Board meeting of February 16, 2005. He commended the Sun Valley General Improvement District for hiring experts with past ties to the Public Utilities Commission because they were the persons who made sense out of the situation. He stated, due to solid input from the Board and those experts, the TMWA Board voted to cut the rate increase in half. Commissioner Humke encouraged citizens to acquire that tape and to view the proceedings.

Chairman Weber commented on the graffiti in the community. She suggested Washoe County, the Cities of Reno and Sparks, the Nevada Department of Transportation, the Washoe County School District, and the University of Nevada, Reno meet to work on a solution that would benefit the community.

County Manager Katy Singlaub said she had spoken with Sheriff Dennis Balaam recently, and he was requesting additional resources in his budget to deal with graffiti. Ms. Singlaub confirmed she would follow-up with the Sheriff and present Chairman Weber's idea to him.

Melanie Foster, Legal Counsel, asked if any of the Commissioners would be available on February 28, 2005 and March 1, 2005, as Magistrate Cook was requiring there be a Commissioner present for settlement conferences in two civil rights actions on those days. Commissioner Humke confirmed he would be in attendance.

05-170

**RECOGNITION – PROGRAM AND PARK EXCELLENCE
AWARDS - NEVADA RECREATION AND PARK SOCIETY –
REGIONAL PARKS AND OPEN SPACE**

Doug Doolittle, Regional Parks and Open Space Assistant Director, explained the awards were in recognition of the efforts of the United States Forest Service (USFS), the Nevada Department of Transportation, and the Tahoe Rim Trail Association, who brought together their resources and provided the Mt. Rose Summit Welcome Center and Trailhead. He said the area offered a parking lot and turnout for people to enjoy the trails that lead from the Center. Mr. Doolittle added the award from the Nevada Recreation and Park Society was one given annually to parks that excel in different fields of design for facilities.

Chairman Weber read the Park Excellence Award and presented it to Steve Hale, representative of the USFS, for participation with the Mt. Rose Summit Welcome Center and Trailhead on behalf of the Nevada Recreation and Park Society.

Mr. Hale commented on the quality partnership between the County and the USFS and said the Center would be a popular place in the years ahead.

Commissioner Galloway remarked on his presence at the opening of the facility and said it was a great coalition effort. He noted the Mt. Rose Summit Welcome Center and Trailhead offered access to the Tahoe Rim Trail and additional facilities.

Upon recommendation of Jennifer Budge, Park Planner, through Karen Mullen, Regional Parks and Open Space Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that the recognition from the Nevada Recreation and Park Society to Regional Parks and Open Space for Program and Park Excellence Awards be acknowledged.

05-171

**AUTHORIZE PAYMENT – REGIONAL EMERGENCY MEDICAL
SERVICES AUTHORITY – MANAGEMENT SERVICES**

Upon recommendation of Susan Parker, 911 Emergency Response Advisory Committee Chair, and Gregg Lubbe, 911 Emergency Response Advisory Committee Vice-Chair, through John Slaughter, Management Services Director, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that the payment from the Enhanced 911 Fund to Regional Emergency Medical Services Authority (REMSA), concerning reimbursement for lease-purchase of the Plant Vesta 911 Telephone Answering System from Nevada Bell, in the amount of \$4,293.09 per month be authorized.

**05-172 FINANCIAL REPORT – GOVERNMENTAL FUNDS – ENDED
DECEMBER 31, 2004 – FINANCE**

Upon recommendation of Kathy Garcia, Comptroller, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that the Financial Report (unaudited) for Washoe County Governmental Funds for the six months ended December 31, 2004, which was placed on file with the Clerk, be accepted. It was noted the report was for information only regarding the County's financial activity for the first six months of the fiscal year.

**05-173 CASH DONATION - BUDGET AMENDMENT - FY 2004/05 –
HEALTH EDUCATION AND PROMOTION PROGRAM -
HEALTH**

Commissioner Galloway recognized the donation from Anthem Blue Cross and Blue Shield of Denver, Colorado.

Jennifer Stoll-Hadayia, Public Health Program Manager, stated Anthem Blue Cross and Blue Shield regretted they could not appear at the meeting to accept the recognition. She explained the donation to the Tobacco Prevention and Control Program would double the reach of the ECHO smoking cessation advertising campaign, which would run for four weeks beginning in late February. She noted the intent of the campaign was to reach up to 90 percent of the residents of Washoe County.

Upon recommendation of Pamela Fine, Health Analyst, through Eileen Coulombe, Administrative Health Officer, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that the cash donation of \$25,000 from Anthem Blue Cross and Blue Shield of Denver, Colorado, in support of the ECHO smoking cessation advertising campaign, be accepted with the gratitude of the Board. It was further ordered that the following amendments totaling \$25,000 in both revenue and expense to the District Health Department Fiscal Year 2004/05 Health Education and Promotion program budget, in donation internal order No. 20264, be approved. It was also ordered that the Finance Department be directed to make the following budget adjustments:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE
2002- 20264 -484000	Donation Revenue	\$ 25,000
2002- 20264 -710546	Advertising	\$ 25,000
	Total	\$ 25,000

05-174 PURCHASE REQUISITION – BIODIESEL PROGRAM - HEALTH

Upon recommendation of Pamela Fine, Health Analyst, through Eileen Coulombe, Administrative Health Officer, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that

purchase requisition No. 3x2468 issued to the Board of Regents of the University and Community College System of Nevada, Office of Sponsored Projects, in support of the Biodiesel Program funded by a grant from the Nevada Department of Motor Vehicles for the period of July 1, 2004 through June 30, 2005, in the amount of \$100,000 be approved.

05-175 CHANGE ORDER – NEVADA THERMAL SERVICES, LLC – PUBLIC WORKS

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that a change order to Nevada Thermal Services, LLC, concerning treatment and disposal of fuel oil contaminated soils at the Mills B. Lane Justice Center in the amount of \$31,237.50, be approved and the Contract Administrator be authorized to execute the same.

05-176 AWARD OF BID – HISTORIC COURTROOM REMODEL - PUBLIC WORKS

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that the bid for historic seating for the Washoe County Historic Courtroom Remodel for the Public Works Department be awarded to The Kleinman Group, in the amount of \$25,960.80. It was further ordered that the Public Works Director be authorized to execute the same.

05-177 LEASE AGREEMENT – 1020 ISENBERG, LLC – SPARKS JUSTICE COURT – PUBLIC WORKS

Upon recommendation of Mike Turner, Facility Management Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried, it was ordered that a 36-month lease agreement between Washoe County and 1020 Isenberg, LLC, concerning continued occupancy of the Sparks Justice Court for the term of March 1, 2005 through February 28, 2008, be approved and Chairman Weber be authorized to execute the same.

05-178 ACCEPT LISTED FACILITIES – UTILITY SERVICES DIVISION – WATER RESOURCES

Upon recommendation of Jerry McKnight, Finance and Operations Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that the following developer-built water, sewer, and reclaimed facilities dedicated to Washoe County be accepted:

<u>Water Facilities</u>	<u>DWR No.</u>	<u>Value</u>
1. 150 Aguilar Court – Spring Creek East	1000352	\$ 1,217.98
2. Cimarron East Secondary Access Road	1000089	\$ 111,075.44
3. Curti Ranch 2 Unit 3	1000060	\$ 194,967.26
4. Curti Ranch 2 Unit 4	1000062	\$ 82,831.46
5. Curti Ranch 2 Unit 5	1000061	\$ 254,703.56
6. Damonte Ranch Village 11A	1000343	\$ 273,117.90
7. Damonte Ranch Village 14B	1000090	\$ 148,829.58
8. Damonte Ranch Village 15A	1000051	\$ 287,294.03
9. Damonte Ranch Village 15B	1000058	\$ 228,908.07
10. Damonte Ranch Village 16B	1000034	\$ 119,976.32
11. Damonte Ranch Village 17A	1000052	\$ 323,600.59
12. Damonte Ranch Village 18A	1000033	\$ 191,268.12
13. Dave's Design Center	1000263	\$ 5,170.39
14. Double Diamond Professional Center-Bldg.16	1000487	\$ 1,217.98
15. Eagle Canyon II Unit 5	1000023	\$ 266,256.77
16. Fed Ex Ground	1000286	\$ 185,785.26
17. Foothills – Countryside – Hubble Dr. Phase II	1000246	\$ 11,726.74
18. Foothills – Wingfield Springs Village 1	1000086	\$ 210,378.67
19. Highlands At Cimarron East Phase 4	1000140	\$ 187,219.34
20. Inventors Place	1000277	\$ 18,086.95
21. Jackson Food Store – Shell #33	1000154	\$ 36,280.47
22. Landmark Development Building	1000226	\$ 24,682.36
23. Lazy 5 Park – Phase 2	1000394	\$ 1,217.98
24. Magnolia Commons	1000197	\$ 52,782.26
25. Myers Water Main Extension	10003731	\$ 27,127.58
26. Palisades South Condos	1000366	\$ 71,784.59
27. Rock Blvd Center – Quizno's	1000308	\$ 2,435.96
28. Sierra Gold	1000226	\$ 2,435.96
29. S. Meadows Business Park Office Bldg – DEA	1000254	\$ 1,217.98
30. Spanish Springs Professional Center Phase I	1000042	\$ 22,094.37
31. St James Village Unit 1C	1000347	\$ 1,217.98
32. St James Village Unit 1F	1000251	\$ 44,351.30
33. Summit Christian Church Phase 1B	1000385	\$ 33,666.87
34. Western Skies Waterline Extension	1000325	\$ 40,473.96

WATER TOTAL

\$3,465,402.03

<u>Sewer Facilities</u>	<u>DWR No.</u>	<u>Value</u>
1. 136 Waterford Court	1000476	\$ 1,063.87
2. Bishop Manogue High School	1000029	\$ 37,816.48
3. Eagle Canyon II Unit 5	1000023	\$ 331,250.17
4. Inventors Place	1000277	\$ 36,926.83
5. Jackson Food Store – Shell #33	1000154	\$ 1,063.87
6. Kohl's Department Store	1000175	\$ 2,251.74

7. Kyle Court	1000293	\$ 21,651.77
8. South Valleys Library	66673291	\$ 10,133.76
9. Southwest Vistas Unit 7	66673364	\$ 279,517.05
10. Spanish Springs Fire Station	66498501	\$ 1,063.87
11. St James Village Unit 1F	1000251	\$ 49,531.96
12. Sylvester Road Improvements	1000185	\$ 6,961.06
13. Walgreen Store #02662	1000127	\$ 1,063.87
14. Whites Creek Interceptor Sewer Relocate	1000223	\$ 265,170.80
15. Woodland Village 12	1000300	\$ 380,520.02

SEWER TOTAL **\$1,425,987.12**

<u>Reclaimed Water Facilities</u>	<u>DWR No.</u>	<u>Value</u>
1. Dave's Design Center	1000263	\$ 1,217.98
2. Magnolia Commons	1000197	\$ 1,217.98
3. Sierra Gold	1000164	\$ 1,217.98
4. S. Meadows Business Park Office Bldg – DEA	1000254	\$ 1,217.98

RECLAIMED TOTAL **\$ 4,871.92**

TOTAL VALUE **\$4,896,261.07**

05-179 **AGREEMENT – AQUA HYDROGEOLOGIC CONSULTING, LLC**
- LEMMON VALLEY HYDROGRAPHIC BASIN STUDY
GROUND WATER FLOW MODEL – WATER RESOURCES

Upon recommendation of Randy Van Hoozer, Senior Hydrogeologist, and Jeanne Ruefer, Water Resources Planning Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried, it was ordered that an agreement between Washoe County and Aqua Hydrogeologic Consulting, LLC, concerning Consulting Engineering Services to assist in completing the Lemmon Valley Hydrographic Basin Study Ground Water Flow Model, in the amount of \$22,900 be approved and Chairman Weber be authorized to execute the same.

05-180 **AGREEMENT – ECO:LOGIC, LLC – NORTH VALLEYS**
WASTEWATER EFFLUENT DISPOSAL EVALUATION –
PHASE 2 – WATER RESOURCES

Upon recommendation of Jim Smitherman, Water Resources Program Manager, and Jeanne Ruefer, Water Resources Planning Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried, it was ordered that an agreement between Washoe County and ECO:LOGIC, LLC, concerning Consulting Engineering Services for the North Valleys Wastewater Effluent Disposal Evaluation –

Phase 2, in the amount of \$61,580 to be paid from the Regional Water Management Fund be approved and Chairman Weber be authorized to execute the same.

**05-181 INTERLOCAL AGREEMENT – TRUCKEE MEADOWS WATER
AUTHORITY – PILOT COMMERCIAL AND RESIDENTIAL
IRRIGATION AUDIT PROGRAM – WATER RESOURCES**

Upon recommendation of Jim Smitherman, Water Resources Program Manager, and Jeanne Ruefer, Water Resources Planning Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried, it was ordered that an interlocal agreement between Washoe County and Truckee Meadows Water Authority, concerning a Pilot Commercial and Residential Irrigation Audit Program in 2005, in the not to exceed amount of \$52,000 to be paid from the Regional Water Management Fund be approved and Chairman Weber be authorized to execute the same.

**05-182 SPARKS CENTENNIAL – FINANCIAL SUPPORT –
COMMUNITY RELATIONS**

Commissioner Larkin introduced John Mitchell, Treasurer of the Sparks Centennial Commission, and Amy Harvey, County Clerk and Sparks Centennial Commissioner. Commissioner Larkin noted he also served as a Sparks Centennial Commissioner.

Mr. Mitchell expressed it was a privilege to come before the Board and ask for support of the Centennial Commission as it leads to the celebration of the 100th Anniversary of the founding of the City of Sparks. He described the beginnings of the City of Sparks, the growth that had taken place, and the businesses and recreational facilities in the community. Mr. Mitchell requested the Board join in supporting the celebration with their sponsorship.

Commissioner Sferrazza said he had received the Centennial Celebration Calendar of Events, but there were no times and dates listed for several events. Ms. Harvey explained the Centennial Commission was continuing to work on the schedule, and she confirmed the Commission would present the times and dates for the events as soon as they were set. Commissioner Sferrazza noted the 100th Birthday Ceremony on March 15, 2005 would conflict with the County Commission meeting, and he asked if the meeting could be delayed to allow the Commissioners to attend. He inquired if the Board contributed to the Reno Centennial Celebration.

Commissioner Larkin further explained the dates and times for events, as outlined on the Centennial Celebration Calendar of Events, which was placed on file with the Clerk. He clarified Washoe County had not been asked nor had they donated any funds to the Sparks Centennial at the present time. County Manager Katy Singlaub concurred.

Mr. Mitchell described the contribution and sponsorship levels, which were placed on file with the Clerk. He confirmed donors would be recognized with a plaque that would be placed on the icon at the Sparks Marina beginning at the \$10,000 level of sponsorship.

Commissioner Larkin said he would commit all of his Commissioner District funds to the Sparks Centennial Commission. He added the Centennial Commission was asking the Board to consider participation and sponsorship levels.

The Commissioners made the following commitments from their Commissioner District funds:

- \$10,000 from Commissioner Larkin
- \$ 5,000 from Commissioner Weber
- \$ 2,000 from Commissioner Humke
- \$ 1,000 from Commissioner Sferrazza
- \$ 1,000 from Commissioner Galloway

In response to Commissioners Humke and Sferrazza, Ms. Singlaub stated the Board was not asked to contribute to the Reno Centennial Celebration, and the Board did not make a contribution.

Commissioner Larkin stated the Board could designate that the funds be used specifically for the icon. Commissioner Galloway pointed out another item would need to come to the Board for approval of the funds, and he said the designation could be made at that time.

Kathy Carter, Community Relations Director, clarified staff would return to the Board at the March 8, 2005 meeting with two resolutions. She explained one resolution would relate to the authorization of the expenditure of the funds, and the second resolution would concern congratulating the City of Sparks on their birthday.

Commissioner Galloway explained the funds that were being committed were funds that could only be used with the approval of the full Board, and they were taxpayers' funds.

Chairman Weber thanked Mr. Mitchell and Ms. Harvey for their presentation and attendance at the meeting.

**05-183 RESOLUTION – SPANISH SPRINGS FLOODPLAIN FACILITY –
EMINENT DOMAIN PROCEEDINGS – WATER RESOURCES**

Commissioner Larkin explained staff had been in contact with the landowner and had worked diligently on this item. He said it was time to move forward on this important project for the Spanish Springs area.

Upon recommendation of Jeanne Ruefer, Water Resources Planning Manager, and John Rhodes, Deputy District Attorney, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Larkin, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Weber be authorized to execute the same:

RESOLUTION – Authorizing proceedings for acquisition, by eminent domain, of a portion of APN 089-460-03 for a flood control channel for the Spanish Springs Floodplain Detention Facility.

IT IS HEREBY RESOLVED, by the Board of County Commissioners of Washoe County, pursuant to Chapter 37, Nevada Revised Statutes:

1. The acquisition of the real property hereinafter described is in the best interest of the general public.
2. The construction of the proposed flood control channel, by securing the real property described in item 3 below, is compatible with the greatest public good and the least private injury.
3. The Washoe County Department of Water Resources, in conjunction with the Washoe County District Attorney's Office is hereby authorized to commence and prosecute, in a court of competent jurisdiction, condemnation proceedings to enable Washoe County to acquire the flood control channel upon, over, across and through all of that real property situated in Washoe County, Nevada, being more particularly described in Exhibit "A" attached hereto.
4. The Washoe County District Attorney's Office is hereby authorized to apply to the court in accordance with the provisions of N.R.S. 37.100 for an order permitting the Washoe County Department of Water Resources to occupy and use the real property as may be necessary for the construction of a flood control channel prior to entry of judgment.

**05-184 RESOLUTION – GENERAL OBLIGATION (LIMITED TAX)
WATER BONDS – LONGLEY LANE WATER TREATMENT
FACILITY – WATER RESOURCES**

County Manager Katy Singlaub noted the project, the Longley Lane Water Treatment Facility, would be fully funded by connection fees and user charges. She said the facility was needed to supplement water resources in the Longley Lane area.

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

RESOLUTION NO. 05-184

A RESOLUTION OF INTENT, PROPOSING THE ISSUANCE OF, AND AUTHORIZING THE PUBLICATION OF NOTICES RELATING TO GENERAL OBLIGATION (LIMITED TAX) WATER BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) SERIES 2005 IN THE MAXIMUM PRINCIPAL AMOUNT OF \$15,000,000 FOR THE PURPOSE OF FINANCING LONGLEY LANE WATER TREATMENT FACILITY; PROVIDING THE MANNER, FORM AND CONTENTS OF THE NOTICES THEREOF; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, Washoe County in the State of Nevada (the "County" and the "State", respectively) is a county duly organized and created under the provisions of Nevada Revised Statutes ("NRS") Section 243.340; and

WHEREAS, the County now owns and operates a municipal sanitary sewer system (the "Sewer System") and municipal water system (the "Water System"; collectively, the "Utility System"); and

WHEREAS, the Board of County Commissioners of the County (the "Board") has determined and hereby declares that the public interest, health and welfare necessitates acquiring, constructing, improving and equipping a water project within the County, including, but not limited to facilities pertaining to the Water System as provided in NRS 244A.056 for the collection, transportation, treatment, purification and distribution of water (the "Project"); and

WHEREAS, pursuant to NRS 244A.011 through 244A.065, inclusive, and pursuant to chapter 350 of NRS and all laws amendatory thereof which includes the Local Government Securities Laws, being 350.500 through 350.720, NRS, and all laws amendatory thereof, the County is authorized to borrow money and to issue general obligation bonds of the County for the purpose of defraying wholly or in part the cost of the Project; and

WHEREAS, the Board proposes to issue up to \$15,000,000 of general obligation bonds of the County (the "Bonds") for the Project; and

WHEREAS, such Bonds will be additionally secured by a pledge of net revenues of the Utility System of which the Project is a part (the "Pledged Revenues"); and

WHEREAS, based on the revenue study, which was placed on file with the Clerk, prepared with the assistance of the County's staff, the Board has determined and does hereby determine that the "Pledged Revenues" will at least equal the amount required in each year for the payment of interest and principal on the Bonds.

WHEREAS, the Board proposes to incur this general obligation without an election unless a petition signed by the requisite number of registered voters of the County who together with any corporate petitioners represent the requisite assessed value of the taxable property of the County is presented to the Board requiring the Board to submit to the qualified electors of the County for their approval or disapproval the following proposal:

**GENERAL OBLIGATION WATER BOND
ADDITIONALLY SECURED BY PLEDGED
REVENUES PROPOSAL:**

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

(the "Proposal"); and

WHEREAS, pursuant to NRS 350.011 to 350.0165, inclusive, the Board has submitted the Proposal to the Debt Management Commission of Washoe County (the "Commission"); and

WHEREAS, the Commission has heretofore approved the Proposal; and

WHEREAS, subsection 3 of NRS 350.020 in effect provides that if the payment of a general obligation of the County is additionally secured by a pledge of the net revenues of a project to be financed by its issue, and the governing body (i.e., the Board) determines that the pledged revenues will at least equal the amount required in each year for the payment of interest and principal, the County may incur the general obligation without an election, unless a petition requesting an election signed by 5% of the registered voters in the County is presented to the Board within 90 days after the publication of a notice of the adoption of this resolution of intent; and

WHEREAS, Subsection 3 of NRS 350.020 also requires that a public hearing be held before the Bonds are issued.

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

Section 1. This resolution shall be known as and may be cited by the short title "Resolution of Intent to Issue 2005 Water Bonds" (this "Resolution").

Section 2. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the Board and the officers of the Board directed:

- (a) Toward the Project to be financed by the Bonds; and
- (b) Toward the issuance of the Bonds to defray, in part, the cost thereof, be, and the same hereby is, ratified, approved and confirmed.

Section 3. The County and the officers of the County be, and they hereby are, authorized and directed to publish a notice of the adoption of the resolution of intent relating to the Board's proposal to issue the Bonds in a newspaper of general circulation in the County, at least once, such notice to be published in substantially the form, which was placed on file with the Clerk.

Section 4. The County Clerk is authorized and directed to publish once, at least 10 days before the date of the public hearing described in the following notice, in a newspaper of general circulation in the County a notice of public hearing, at least as large as 5 inches high by 4 inches wide, in substantially the form, which was placed on file with the Clerk.

Section 5. A public hearing on the Bonds is hereby ordered to be held before the Board at the time, date and place specified in the notice set forth in Section 4 hereof, or as otherwise specified by the Director of Finance of the County.

Section 6. The Bonds, in the event no petition is filed during the period allowed by NRS 350.020(3), shall be authorized by an ordinance or ordinances to be effective after the expiration of the above specified period of publication.

Section 7. The authority to issue the Bonds designated in the Proposal set forth in the notice shall be deemed and considered a continuing authority to issue and deliver the Bonds designated in such Proposal at one time or from time to time, in one series or in more than one series, all as ordered by the Board. Neither the partial exercise of the authority so conferred nor the lapse of time shall be considered as exhausting or limiting the full authority so conferred.

Section 8. The officers of the Board be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 9. All resolutions, or parts thereof, in conflict with the provisions of this resolution, are hereby repealed to the extent only of such inconsistency. This repealer shall not be constructed to revive any resolution, or part thereof, heretofore repealed.

Section 10. If any section, paragraph, clause or other provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this resolution.

Section 11. This resolution shall become effective and be in force immediately upon its adoption.

**05-185 PURCHASE – DELL/EMC CO-BRANDED STORAGE AREA
NETWORKING HARDWARE AND SOFTWARE –
PURCHASING/INFORMATION TECHNOLOGY**

County Manager Katy Singlaub stated the County was using Dell for the project because the County had previously bid the contract and awarded it to Dell. She said the County was receiving a substantial discount on the project.

Commissioner Larkin inquired about case hardening, and Matt Beckstedt, Information Technology Director, confirmed the project would include case hardening of the equipment.

Upon recommendation of John Young, Assistant Buyer, through John Balentine, Purchasing and Contracts Administrator, Mr. Beckstedt, and Kraig Smith,

Information Technology Manager, on motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried, Chairman Weber ordered that the purchase of Dell/EMC co-branded Storage Area Networking (SAN) hardware and software, for the purpose of building a back-up to the County's existing SAN environment, at a cost of \$150,000 be authorized.

**05-186 RESOLUTION – SPECIAL ASSESSMENT DISTRICT NO. 35
(RHODES ROAD) - SPECIAL ASSESSMENT DISTRICT
NO. 36 (EVERGREEN HILLS DRIVE) – PUBLIC WORKS**

Upon recommendation of David Price, County Engineer, through Tom Gadd, Public Works Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Weber be authorized to execute the same:

Resolution No. 05-186

A RESOLUTION CONCERNING WASHOE COUNTY, NEVADA SPECIAL ASSESSMENT DISTRICT NO. 35 (RHODES ROAD) AND WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 36 (EVERGREEN HILLS DRIVE) IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$534,235; ESTABLISHING THE RATE OF INTEREST PAYABLE ON DEFERRED INSTALLMENTS OF ASSESSMENTS IN THE DISTRICT; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN BY THE COUNTY CONCERNING THE DISTRICT; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, Washoe County, Nevada (the "County") is organized and operating pursuant to the provisions of Chapter 517, Statutes of Nevada 1983, as amended, and the general laws of the State of Nevada; and

WHEREAS, the Board of County Commissioners of the County (the "Board") has heretofore, pursuant to the requisite preliminary proceedings, including ordinances, heretofore passed and adopted (the "Districts Nos. 35 and 36 Ordinances"), created Washoe County, Nevada, Special Assessment District No. 35 (Rhodes Road) and Washoe County, Nevada, Special Assessment District No. 36 (Evergreen Hills Drive) ("Districts Nos. 35 and 36" or the "Districts") and ordered the acquisition of a street project as defined in NRS 271.225 and a water project as defined in NRS 271.250 for Districts Nos. 35 and 36 (the "Projects") and determined to defray a portion of the entire cost and expense of the Projects by special assessments, according to benefits, against the benefited lots, tracts and parcels of land in the Districts; and

WHEREAS, the Board has by ordinances (the "Assessment Ordinances") heretofore passed and adopted levied assessments against the assessable lots, tracts and parcels of land benefited by the Projects; and

WHEREAS, the Assessment Ordinances provided that said unpaid assessments shall be payable in installments of principal and interest, with interest in all cases on the unpaid and deferred installments of principal from the effective date of the Assessment Ordinances at rate or rates which shall not exceed by more than one percent (1%) the highest rate of interest on the Bonds(as hereinafter defined) (the effective rate on which shall not exceed by more than three percent (3%) the "Index of Twenty Bonds" most recently published in The Bond Buyer before the negotiated offer for the sale of the Bonds was accepted); and

WHEREAS, the Board adopted an ordinance (the "Bond Ordinance") authorizing the issuance and sale of the Washoe County, Nevada, Districts Nos. 35 and 36 Local Improvement Bonds, Series 2005 ("Bonds") at the interest rate and other terms set forth in the Certificate of the Finance Director (as defined therein), and the highest interest rate on the Bonds, as authorized and provided by such ordinance and Certificate, is 3.80% per annum; and

WHEREAS, the Assessment Ordinances provided that the Board may by ordinance or resolution adjust the 2% delinquency penalty and 3% prepayment penalty provided therein.

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

Section 1. All actions, proceedings, matters and things heretofore taken, had and done by the County and the officers of the County (not inconsistent with the provisions of this resolution) concerning the District including, but not limited to, the improvement and acquisition of the Project, the performing of all prerequisites to the levying of special assessments, the fixing of the assessment lien against the property in the District, and the issuance and sale of the Bonds for the District, are ratified, approved and confirmed.

Section 2. The Board has determined and does hereby determine that the interest rate on the unpaid and deferred installments of assessments for the District shall be 4.80% per annum from the effective date of the Assessment Ordinance for the District.

Section 3. The County Clerk is hereby directed to deliver to the County Treasurer of the County a notice that such unpaid and deferred installments of assessments for the District shall bear interest at such rate. The County Treasurer hereby is authorized, empowered and directed, and it shall be his or her duty, to receive, collect and enforce the payment of all assessments made and levied for the Project, the installments thereof, all interest thereon at such rate, and the penalties accrued, at the time and in the manner

specified in the Assessment Ordinance, and to cause such moneys to be deposited into the Bond Fund created by the Bond Ordinance (except as otherwise provided in the Bond Ordinance).

Section 4. Section 5 of the Assessment Ordinances provides that the Board may by resolution adjust the 3% prepayment penalty. The Board hereby determines to adjust the prepayment provision to provide that the owner of any property assessed and not in default as to any installment or payment may (at the option of such owner) at any time prior to the next succeeding assessment interest payment date, pay the whole installment amount or any portion of unpaid principal together with interest accruing thereon to the next assessment interest payment date, without penalty.

Section 5. The officers of the County are directed to take all action necessary to effectuate the provisions of this resolution.

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

Section 7. If any section, paragraph, clause or provision of this resolution shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

Section 8. This resolution shall be in full force and effect from and after its adoption.

**05-187 RATE REDUCTION – GREAT BASIN OUTDOOR SCHOOL –
CAMP WE-CH-ME – REGIONAL PARKS AND
OPEN SPACE**

Commissioner Sferrazza asked if the Board had allowed for discounts in other cases assuming there was no one willing to pay the full price.

Gregg Finkler, Parks Operations Superintendent, clarified there was discussion of allowing a discounted rate to the Great Basin Outdoor School if another party did not reserve the dates under consideration, but no action had been taken.

Commissioner Galloway inquired if there were applications for the dates in question, and Mr. Finkler confirmed the dates requested by the Great Basin Outdoor School were available at the present time.

In response to Commissioner Galloway, Mr. Finkler explained the period of time in debate was six weeks in May and June. He added it would be difficult to confirm scheduling because this was the first full season of operation for the camp and

outside advertising had not occurred. He said there could be interest in June, but not in May.

Commissioner Galloway requested, if the proposal was accepted, that records be kept on anyone who would have used the dates at the full rate if they were available and the size of the groups.

Commissioner Humke asked if the County was making money on the rates contained in the fee schedule. Mr. Finkler explained the camp needed to book at least 60 nights to break even based on current expense projections with the \$500 minimum for an overnight stay. He said the camp was currently half booked without the Great Basin Outdoor School. Commissioner Humke commented the problem was the situation represented a subsidy to another governmental agency.

Commissioner Galloway inquired if the discount rate would be guaranteed if it were offered. Mr. Finkler stated he would ask that the guarantee be put in place should the Commission vote to approve the 50 percent rate reduction.

Commissioner Sferrazza said he did not know why the \$500 minimum overnight fee would have to be decreased because the schools would fill up the camp. He stated he would be open to a reduction for the children and adults, but not the kitchen use. He added the minimum guarantees should be kept in force. Commissioner Sferrazza noted he would not want to guarantee the rate until one month before the date in order to leave dates open for parties who would pay the full rate. He supported filling up a period of time when the camp would generally not be rented.

Mr. Finkler said he agreed with Commissioner Sferrazza regarding the minimum overnight fee, but to hold out the discount to within 30 days could be difficult for the schools and for Great Basin. He commented school buses needed to be booked to secure transportation and advanced reservation commitments from the schools and the children would be necessary.

Commissioner Larkin asked if staff would be inclined to a 25 percent reduction for overnight lodge use. Mr. Finkler remarked staff would not be in favor of an across the board discount of 25 percent because it would set a precedent for other user groups. He said staff placed the admissions at an equitable rate for all user groups, and staff desired not to give discounted admissions prior to being in operation for a full season. He added staff would be favorable to looking at requests on a case-by-case basis. Mr. Finkler explained a discount could be considered if a school or portion of a school demonstrated a need that could be validated.

Mike Masterpool, Great Basin Outdoor School Manager, confirmed the Great Basin Outdoor School was a non-profit education program working with area school districts to provide an outdoor education experience for their students. He mentioned that the school districts of Washoe, Carson, Douglas, and Storey counties participated in the program. Mr. Masterpool clarified the school was not subsidized by

the school districts, and it was a fee-based program. He stated the school was seeking a reduction in the fee during a period that schools were in session; it was mid-week; and it would not conflict with the prime revenue generating time for the use of Camp WeChMe by other private sector interests. He requested the cost of the camp be adjusted to a reasonable amount that was similar to the price the schools currently paid at other camps.

In response to Commissioner Humke, Mr. Masterpool explained the total cost of the program was \$175 per individual for four days and three nights; and the cost included transportation, staffing, food, lodging, and the program. He added \$175 represented 60 percent of the actual cost of bringing a child to camp, and the other 40 percent was raised through grants, donations, and scholarships.

Carole Worthen, Echo Loder Elementary School Principal, acknowledged it was important to give at-risk children all the experiences possible; however, these same students could not afford the price of camp. She stated students begin in the summer to raise money to go to camp, and the fund raising continues until the day they leave for camp. She explained it would not be possible to change plans at the last minute because arrangements were made well in advance. She said \$14,000 had been raised through grants and donors, and Washoe County did not supplement or support any part of the process.

Lance Glodowski, Echo Loder Elementary School teacher, commented the outdoor education classes through the Great Basin Outdoor School were phenomenal for students. He described the classes and how they benefit the children. Mr. Glodowski stressed the goal was to obtain access to Camp WeChMe for environmental education that provided for the goals of building a future core of caring citizens and to allow students the opportunity to enjoy an atmosphere beyond the two-block radius in which they live.

Sue Jacox, Great Basin Outdoor School Board President, remarked she helped start the school because hands-on learning was an excellent tool for kids. She named various schools Great Basin dealt with that were lower income schools. Ms. Jacox added Great Basin attempted to raise money to reduce the fees for the lower income schools, and they had been able to charge less in the past for these schools.

In response to Commissioner Sferrazza's questions, Ms. Jacox explained the camp was mainly for 10-12 year olds. She said students from all over the area attended the camp, and money would be an issue for any school. Ms. Jacox named schools that used the program and their locations. She noted it was up to the 5th and 6th grade teachers to decide if they wanted to bring their kids to camp.

Commissioner Galloway asked if the school received consortium funds. Ms. Jacox stated the school had never received consortium funds. In terms of the schedule, Ms. Jacox confirmed Great Basin could book two weeks in the spring at this point in time.

Commissioner Humke suggested the Board follow the staff recommendation because granting a discount would create a precedent leading to other people coming before the Board with their proposals. He said the Board's obligation would be to look to other avenues to assist the organization with fund raising. Commissioner Humke mentioned the Reno and Sparks Rotaries, and the Cities of Reno and Sparks as possible sources of funding. He acknowledged he would be willing to use some Commissioner District funds under the following conditions: such monies would be means tested as to the youth and his or her parents; monies would be used at Camp WeChMe by the Great Basin Outdoor School for these children; and the funds would be used toward hotel costs rather than food costs.

Commissioner Galloway made a motion to grant a rate reduction to Great Basin Outdoor School for the use of Camp WeChMe on a two-week trial basis in the spring with a \$500 minimum per night guaranteed from the day the space was booked. He further directed that staff report to the Board any interference of scheduling from other groups. Commissioner Sferrazza seconded the motion.

Commissioner Humke reaffirmed his offer to use \$2,000 of his Commissioner District funds to assist students in his District, as well as his offer of assistance with fund raising efforts. Commissioner Sferrazza stated he would be willing to provide Commissioner District funds to students from schools in his District.

Melanie Foster, Legal Counsel, clarified staff would bring a resolution before the Board for the donation.

On call for the question, the motion passed on a 5-0 vote.

**05-188 PROCESS TO APPOINT SUCCESSOR – PUBLIC DEFENDER –
MANAGER'S OFFICE**

County Manager Katy Singlaub commented that Richard Gammick, District Attorney, was not able to attend the meeting today; however, he requested his support of the proposal from Mike Specchio, Public Defender, for an in-house appointment, be noted.

John Berkich, Assistant County Manager, announced that Mr. Specchio would be retiring in April 2005, and he complimented Mr. Specchio on his work and his Department. He said the Board was left with the task of selecting Mr. Specchio's successor. Mr. Berkich reviewed the agenda memorandum dated February 9, 2005 concerning options on the process and the level of Board involvement.

Mr. Berkich commented on the option to consider only current employees of the Department. He noted Mr. Gammick and several judges in the District and Justice Courts supported this approach. He pointed out the position required a Nevada Bar license. Mr. Berkich discussed different ways the Board could decide to be involved in the selection process.

In response to Commissioner Galloway, Mr. Berkich confirmed in-house candidates could be considered if the Board decided it should be a statewide process. He referenced the memorandum submitted by Mr. Specchio that outlined the reasons for Mr. Specchio's support of selecting an in-house candidate, which was placed on file with the Clerk.

Commissioner Sferrazza reviewed the process the Board followed in hiring the Registrar of Voters. Ms. Singlaub added there was a panel that screened those applicants and the Board received the finalists. She said the idea was not to have all the applicants screened by the Board in this case, but only some of the finalists.

Commissioner Sferrazza stated he had concerns about the screening of applicants by a panel made up of judges and the District Attorney. He explained one of the reasons the Board hired the Public Defender was to keep conflicts out of situations. He did not believe the District Attorney or the judges should decide who the Public Defender would be. Commissioner Sferrazza declared he did not favor delegating the selection to a third party or a group of people who would have potential conflicts in the selection process.

Mr. Specchio explained the working relationship between the District Attorney and Public Defender was important, and the District Attorney's input into the process would be vital and should be considered.

Commissioner Larkin asked Mr. Specchio if problems would arise within the Public Defender's Office if internal recruitment occurred. Mr. Specchio replied he had laid ground rules with his staff before he made his announcement, and he believed there would be no problems with internal recruitment. He explained to his staff that whoever was selected would gain the position based on their own merits.

Commissioner Larkin commented he supported a panel selecting and interviewing top candidates, but he was apprehensive about a strictly internal approach and/or a statewide search that could be time consuming. He favored a mix of internal and local recruiting. Commissioner Larkin acknowledged he respected the Public Defender's position concerning in-house recruitment.

Commissioner Humke said he preferred a statewide approach to fill the Public Defender position. In terms of the Board's involvement in the selection process, Commissioner Humke stated he would agree with a modification of options 1 and 2. He suggested the screening panel should include the Chief Judge of the District Court, the District Attorney, and three Commissioners.

Commissioner Galloway said he liked the idea of two or three Board members serving on the screening panel, especially if the panel worked with a scoring system. He acknowledged he was supportive of the process Commissioner Humke

outlined, and he believed a statewide search would not produce an overwhelming number of applicants.

Commissioner Sferrazza thanked Mr. Specchio for his County service. He said his inclination would be to advertise statewide with a preference for local and in-house candidates. He voiced his support for maximum Board involvement, but said he could be open to Commissioner Humke's proposal.

Melanie Foster, Legal Counsel, pointed out the meetings would have to comply with the Open Meeting Law regardless of the number of Commissioners on the panel, and it would be an open process.

Commissioner Sferrazza suggested all Commissioners who were willing could serve on the screening panel, along with the District Attorney and the Chief Judge.

Commissioner Humke asked Mr. Specchio if he would assist the selection group with structured interview questions, and Mr. Specchio agreed.

Chairman Weber suggested three Commissioners with two alternates to serve on the screening panel, and Commissioner Galloway concurred.

Commissioner Galloway inquired about the job description, and Ms. Singlaub replied Human Resources could draft a possible job description and announcement for the Board to review.

Commissioner Humke suggested the applications be open to Nevada Law license holders with criminal defense and Public Defender experience.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that staff return to the Board with a specific proposal involving advertising statewide in the State of Nevada for a Nevada Law license holder with criminal defense and Nevada Public Defender experience. It was further ordered that a selection panel be established to narrow the selections to a rational number of candidates to present to the Board. It was also ordered that the selection panel include the Chief Judge of the Second Judicial District Court of the State of Nevada; the District Attorney of Washoe County; and three members of the Washoe County Board of County Commissioners. It was noted Mr. Specchio would assist the selection panel with structured interview questions.

4:10 p.m. The Board recessed.

4:35 p.m. The Board reconvened with Commissioner Sferrazza temporarily absent.

4:37 p.m. Commissioner Sferrazza returned during the following item.

**TRUCKEE MEADOWS WATER AUTHORITY BOARD –
ALTERNATIVES FOR SEVENTH MEMBER**

Chairman Weber asked for clarification regarding the vote made by the Commission at the December 14, 2004 meeting concerning the 7th Truckee Meadows Water Authority (TMWA) Board Member.

Michelle Poché, Assistant County Manager, explained the Commission stated in the motion that the 7th TMWA Board Member would be rotated beginning with Washoe County; the member would serve a two-year term; and the appointees would be elected officials from the County Commission, followed by the Sparks City Council, followed the Reno City Council. After the Commission took that action, the TMWA Board heard the item on the following day and supported the nomination of Reno Mayor Bob Cashell to fill the 7th member position. She said based on that action, TMWA staff initiated formal communication with the County to request the Board of County Commissioners respond to TMWA's nomination of Mayor Cashell.

Ms. Poché reviewed the agenda memorandum dated February 10, 2005 and presented options the Commission could take in relation to the item.

Commissioner Galloway commented the Commission should reaffirm the decision made on December 14, 2004. He recalled the discussion deemed that the 7th seat should have been a permanent member from Washoe County; but as a compromise, the Board offered a rotation with Washoe County having the first term. He stated the nomination should be opposed because it was inconsistent with the motion put forward by the Commission.

Commissioner Sferrazza noted the position of the TMWA Board was that Washoe County had taken preemptive action. He indicated Mayor Cashell and Councilmember Sferrazza had previously given up their seats, and those seats were filled by non-elected officials. He added the City of Reno had two elected officials of the four on the TMWA Board, and he could support the nomination of Mayor Cashell.

Commissioner Humke inquired of the positions of the Cities of Reno and Sparks on this subject. He commented on discussions concerning TMWA and whether the entity should be under the Public Utilities Commission (PUC). He stated the TMWA Board should be composed of 100 percent elected persons because of the magnitude of the decisions made by the Board regarding monies paid by citizens for water service, larger fees for developers, and hook-up fees.

Ms. Poché clarified TMWA's staff had approached the County and the Cities of Reno and Sparks in terms of asking for positions on Mayor Cashell as a nominee. She stated the City of Reno had voted in support of the nomination.

Chairman Weber acknowledged it was essential that Washoe County have the opportunity to appoint someone to the TMWA Board. She supported the position

being filled on a rotating basis with Washoe County having the first opportunity and using that to appoint a professional person to the 7th seat.

Commissioner Galloway stated it was unfortunate the Commission was asked to rule on the nomination of a person because that was not the issue. He expressed he was not opposing the person, but he was opposing the nomination because Washoe County was under represented; and the nomination did not rectify the problem. Commissioner Galloway affirmed the real issue was who controlled the appointments on the TMWA Board. He noted the nomination of Mayor Cashell would give the City of Reno five seats, with two non-elected officials and three elected officials.

Commissioner Larkin inquired if the 7th seat was specified by TMWA by-laws to be an elected official from Washoe County, Reno, or Sparks. Ms. Poché confirmed that to be true. Commissioner Larkin stated a professional person could not be appointed as the 7th seat unless the by-laws were changed, and that matter was not before the Commission. Ms. Poché concurred. Commissioner Larkin asked if the issue of the rotation of the appointment every two years was currently before the Commission or had that been solved. Ms. Poché explained the proposal the Commission voted on in December 2004 was to rotate the position; however, the current item concerned Mayor Cashell serving as the 7th member with no mention of rotation. Commissioner Larkin remarked this was a regional issue of significance that should be addressed. He said he could support the City of Reno taking the first rotation as long as it was a rotation and not a commitment of the 7th seat being designated to one jurisdiction.

Commissioner Sferrazza commented on the guidelines for the nomination. He said he preferred to change the agreement and noted Washoe County had minimal representation on the TMWA Board. Commissioner Sferrazza remarked the Interlocal Agreement provided that one governmental entity would be appointed to oversee TMWA if the PUC took over TMWA.

Ms. Poché clarified the language in the Cooperative Agreement read that the 7th member was the at-large director who shall be an elected official from the governing body of a member (the County or the Cities of Reno or Sparks) nominated by the appointed directors (TMWA Board) and approved by the governing body of each of the members (Board of County Commissioners and the City Councils of Reno and Sparks). Ms. Poché added the Cooperative Agreement said each director shall hold office from the first meeting of their appointment until a successor was selected; however, it points out that a director who was not an elected official and the at-large director shall be appointed for a term of two years. She stated there was no guarantee of rotation.

Commissioner Galloway commented if the State Legislature decided to regulate TMWA, they would have to change the State law; and they could provide that the transfer of TMWA to one of the entities would be invalid. He said the Commission should not support the nomination because the action did not provide for the rotation requested by the Commission in the statement of December 14, 2004.

Chairman Weber commented the Commission had hoped the decisions made on December 14, 2004 would have been incorporated into TMWA's decision-making.

Commissioner Sferrazza made a motion to support the nomination of Mayor Cashell as the seventh member on the TMWA Board on the condition that it rotates to Washoe County for the next term. Commissioner Larkin seconded the motion.

Melanie Foster, Legal Counsel, advised the language of the agreement was clear that there was no requirement for the TMWA Board to accept the idea of a rotation; and, if the TMWA Board did not follow the rotation requested by the County, it would be difficult to enforce that in the future.

Commissioner Sferrazza made an amended motion to support the nomination of Mayor Cashell as the 7th member on the TMWA Board on the condition that an amendment to the Interlocal Agreement be made to allow for the rotation of the 7th member, with the rotation beginning with the City of Reno and moving to Washoe County. Commissioner Larkin accepted the amendment to the motion.

Commissioner Galloway expressed Washoe County had been under represented all this time, and it was inappropriate to begin with a Reno elected official.

Commissioner Humke said he agreed with Commissioner Galloway's opposition to the motion. He stated in the unincorporated areas of Washoe County most people were not subscribers to the TMWA water service, but they were taxpayers and taxpayer money went into the Washoe County share of the purchase of the utility.

Chairman Weber stated Washoe County was under represented in whom they could appoint to the TMWA Board, and she could not support the motion.

On call for the question, the motion failed with Commissioners Larkin and Sferrazza voting "yes," and Commissioners Galloway, Humke, and Weber voting "no."

Commissioner Galloway made a motion to not support the nomination of Mayor Cashell as the 7th member on the TMWA Board because the nomination, without any change in the agreement to provide for rotating the appointment of the 7th member by the individual bodies, did not reflect the position of Washoe County, which was stated on December 14, 2004. Commissioner Humke seconded the motion.

Commissioner Galloway modified the motion to state that Washoe County would have the first rotation followed by either the City of Reno or the City of Sparks. Commissioner Humke supported the modification.

Chairman Weber requested the motion be amended to ask the TMWA Board to amend the rules to allow for a professional person to fill the 7th member seat.

Ms. Foster noted the by-laws required that a member of the governing bodies must fill the 7th seat, and the staff report reflected the action of the Commission in December 2004 was that the appointee be an elected member.

Commissioner Galloway stressed the importance of rotating the appointment, and Commissioner Humke said he felt strongly that an elected official should fill the position. Commissioner Galloway confirmed he would make no further changes to the motion.

Commissioner Sferrazza stated he would take this matter to the TMWA Board and argue for support of the County's position.

On call for the question, the motion passed on a 5-0 vote.

05-190 **CHANGES TO COUNTY CODE – NUISANCES IN
UNINCORPORATED COUNTY – MANAGER'S OFFICE**

Michelle Poché, Assistant County Manager, reviewed the potential options to address nuisances, as outlined in the agenda memorandum dated February 7, 2005.

Claudia Van Lydegraf, Cold Springs resident, commented the people of Cold Springs did not want government to encroach on their way of life. She added when new people moved into the area, they wanted to make the area fit their way of life; and that approach did not work in Cold Springs.

John Burnett, Cold Springs resident, acknowledged staff should be allowed to update the County Code. He explained the County Code did not reflect State law definitions in regard to nuisances or junk cars. He added the Cities of Reno and Sparks had definitive codes on prohibitions for junk cars and nuisances. Mr. Burnett stated there should be protection for homeowners and their properties.

Norman Rosenberg, Incline Village resident, encouraged the Board to support the work of staff to update the County Code. He asked for a nuisance ordinance specifically for the Incline Village area and said enforcement would make a difference.

Nancy Jackson, Golden Valley resident, requested the word "braying" be removed from NRS 55.125 because a donkey was livestock and a donkey had the right to bray. She pointed out NRS 40.140 exempted livestock from the local ordinances of noise and nuisances. She asked the Board to address the issue of livestock and said Washoe County was zoned for livestock.

Elizabeth Howe, Reno resident, stated County staff should work with property owners and homeowners associations in different areas of the County to determine the needs of each area.

Commissioner Galloway spoke about different areas of the County having nuisances that only apply to that area, such as the impact of the snow ordinance on Incline Village because of limited off road parking. He asked if a Citizen Advisory Board (CAB) adopted area-specific nuisances that were then adopted into the area plan, could it state they only apply to that area.

Melanie Foster, Legal Counsel, said different standards could be adopted if there was a good reason. She said the differences could be based on population or land use, such as a braying donkey not being a nuisance in an appropriately zoned area. She said Blaine Cartlidge from the District Attorney's Office was working with Michelle Poché, Assistant County Manager, to provide the needed flexibility.

Commissioner Larkin said the effort to address nuisances was the culmination of six-month's work, which was just the beginning of the necessary dialog. He suggested staff be given specific direction to look at the expanded County Code option to define nuisances and to establish area specific nuisance regulations. He said consideration should be given to establishing a board that deals with ordinance violations to provide a rapid response to what is usually an administrative rather than criminal issue. Commissioner Larkin said he felt the goal was to gain compliance with criminal sanctions being the final resort.

Chairman Weber commented that the rural character and lifestyle should be considered. In response to Chairman Weber, Ms. Poché said staff was working on the braying donkey issue.

Commissioner Humke said he wanted to legally preserve unincorporated neighborhood differences based on what the people wanted, even if it was different from another neighborhood. He said he felt the County should treat off-road vehicle noise carefully; and, based on past experiences, he felt any board would be better as an appellat body.

Commissioner Sferrazza said he supported removing braying donkeys from the nuisance list, and he was surprised storing garbage in an Incline Village condo was not considered a nuisance. He said he favored having a nuisance apply to inside as well as outside, especially when it constitutes a health hazard or has noxious odors going from one condo to another. Commissioner Sferrazza stated, even though there may not be any thrift stores in unincorporated areas, the Salvation Army is requesting an ordinance against dropping off items at a thrift store after closing. He said this should also be true for other peoples' property, and it should be enforced. Commissioner Sferrazza requested staff inform Alex King, Salvation Army, that he needs to contact the City of Reno to get an ordinance adopted. He said he supported number nine, because it addressed his concerns about health hazards, and he supported having different standards for different areas.

Commissioner Galloway said he supported having enforcement officers handle nuisance violations outside of their own department, but hiring more people

should be part of the budget process. He said the Board had already revised the off-road vehicle ordinance, and it should be given time to work. Commissioner Galloway said amplified music should be dealt with while staying away from construction noise. He stated the Incline Village CAB did not want to impose the bear ordinance because it would create a great deal of civil activity and could lead to disputes of inequity. He said he would like to hold off on items 5, 6, and 7, but 7 he would like to know how much County time item 7 would take and its cost. He said he favored item 8, and the Board could go further on item 9.

Commissioner Weber said she knew the County could not enforce conditions, covenants, and restrictions (CC&R's), and asked if staff be directed to look into educating people on how to get through the process of enforcing them. Melanie Foster, Legal Counsel, said educational sessions are already available like the session the Law Library is conducting this week.

On motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried, Chairman Weber ordered that staff be directed to develop an outline for what a nuisance is, develop area specific nuisances, and develop a recommendation on the feasibility of forming a nuisance board using item 8, Expand County Codes to define nuisances and/or to establish "area specific" nuisance regulations as the umbrella item including the Commissioners' wishes and comments. It was further ordered that staff report back to the Board within 30 days.

05-191 SPECIAL USE PERMIT CASE SW04-028 – TRACY TO SILVERLAKE TRANSMISSION LINE – APPEAL CASE NO.'S AX05-001, AX05-002, AX05-003 – COMMUNITY DEVELOPMENT

5:30 p.m. This was the time set in a Notice of Public Hearing mailed on February 11, 2005 to affected property owners on Appeal Case Numbers AX05-001, AX05-002, and AX05-003 to consider the appeal of Special Use Permit No. SW04-028 (Tracy to Silverlake Transmission Line) that imposed a condition of approval for the transmission line to be placed underground along three sections of the route. Two of the underground sections are located in the Spanish Springs Area Plan and one section is located in the North Valleys Area Plan.

In response to Chairman Weber, Melanie Foster, Legal Counsel, said one public hearing could be conducted for all three appeals.

Trevor Lloyd, Community Development Planner, said the Board is being asked to consider three appeals of the Planning Commission's decision on Special Use Permit Case SW04-028, Tracy to Silverlake transmission line, which runs approximately 35 miles. He said the three appellants are Sierra Pacific Power Company (SPPco), Red Rock Estates Property Owner's Association (RREPOA), and James Stewart, who owns six parcels within Red Rock Estates. He said his staff report summarizes the three positions of the appellants, and graphics 1 through 5 show the segments to be located underground. He said the Board was being asked to decide if under-grounding the lines

should be required; and, if so, where. Mr. Lloyd identified four options, and he stated staff does not recommend the fourth option. In response to Commissioner Galloway, he said the Board could partially uphold an appeal and could add conditions.

Commissioner Sferrazza said he would like a presentation from staff, which would provide an independent view, addressing the necessity of the line and the planned use of the power.

Mr. Lloyd said the line was to provide power for the growth in Spanish Springs and the North Valleys. He stated it also created an electrical loop that would provide redundancy and reliability for the overall power network. He said this project went through an Environmental Impact Statement (EIS) scoping committee and had been in the works for approximately two years.

Bill Bennett, SPPco land use consultant, said SPPco was appealing general condition 6 of Special Use Permit SW04-028. He stated SPPco had incorporated the guidelines encouraged by the Regional Utility Corridor Report in the design of this project. He said the preferred route avoids sensitive areas and existing residences to the greatest extent possible. He stated SPPco was requesting general condition 6 be eliminated and Special Use Permit SW04-028 be granted.

Mr. Bennett said existing distribution lines would be buried to maintain a streamlined four-line transmission configuration on new wood poles in populated areas that were view sensitive. He said under-grounding would be considered in populated areas congested with secondary overhead yard lines on a case-by-case basis even though it was normally the responsibility of the homeowners. Mr. Bennett said replacing the current transmission spans would reduce the number of poles by approximately 20 percent, and he spoke about the proposed route and the benefits of the transmission pole configuration. He said the North Valley's Area Plan stated a preference for burying the lines, not a mandate; and he stated the plan to place the distribution underground holds to the intent of the North Valley's Area Plan by reducing the number of poles and the facilities placed on the poles. He further discussed the design, protecting views for future development, and other visual issues. Mr. Bennett said the RREPOA overstated that esthetics was the overriding goal of the plan.

Mr. Bennett spoke about the costs involved in burying the line at \$2.3 million per mile versus running it overhead at \$275,000 per mile, which would be a severe economic hardship for SPPco; and he asserted underground lines are less reliable. He said the cost to bury 11 miles of transmission line was \$23 million, and the total project cost for 35 miles of overhead transmission line was \$10 million. He said the incremental carrying cost to all Northern Nevada customers for the 11 miles was \$80 million over a 37-year recovery period. He spoke about Washoe County staff stating a significant number of customers would pay a higher rate to have the lines buried; and he said 500 letters or calls would represent two-tenths of one percent of 286,623 customers in 13 counties that would have to bear the costs. He addressed the future impact of condition 6 and said the preferred route was found to have minor impacts.

Laura Granier, Lionel Sawyer and Collins representing the RREPOA, said unless there was a condition to under-ground the transmission line through the residential areas, especially those surrounding or in the Red Rock Estates, the necessary findings under the Washoe County Development Code could not be made. She said the application approved by the Planning Commission was not in tune with the area plan and there was significant detrimental impact on 14 parcels. Ms. Granier stated the CC&R's require under-grounding of all utilities. She said SPPco's claim of economic hardship appeared manufactured, and reflected an inadequate evaluation of alternate routes. She spoke about the EIS and RREPOA's comments made during that process and during the Planning Commission discussion and deliberation. She said the RREPOA questioned the need for the transmission line because it appeared to be a conclusion based on the applicant's speculation; and she said the RREPOA requested the transmission line be under-grounded along Red Rock and American Flat Roads at a minimum.

Louis Test, attorney representing James Stewart, discussed the photos showing the impact of the transmission line, which were placed on file with the Clerk. He stated the Commission had to make a finding that the power lines would not have a significant detrimental impact on the surrounding property owners. He said Mr. Stewart believed this would have both a short and long term impact; and, if it cost a little more not to have a transmission line running through residential neighborhoods, he felt steps should be taken now to help preserve the quality of life in the North Valleys. He said Mr. Stewart requested that the recommendation to place the transmission line underground where it impacts residential neighborhoods be adopted.

Chairman Weber opened public hearing.

Elizabeth Howe, Silver Lake Property Owner's Association President, said she was speaking for the Association's Board. She spoke in favor of SPPco putting the transmission line overhead in the Silver Knolls area, specifically going south on Red Rock Road and east on the south part of Osage Road. She said, in return for putting the transmission line overhead, the distribution lines would be put underground, including telephone and cable, with the homeowner's consent. She said there would also be 10 to 20 percent less poles, which would mean a cleaner, neater looking area.

The following residents spoke in opposition of the overhead transmission line and in favor of under-grounding: Dan Herman, Lois Avery representing the Spanish Springs Citizen Advisory Board (CAB), Robert Reader, Jeannie Fow, Lori Burke, Gary Marcosa, Rick Stuehler, Billy Mooneyham, Howard and Pan Lambert, James Rodrigues and wife, Lisa Hill, Greg Prough, Melissa Lindell representing Barker Coleman Community, and Dean Dorsey who asked, if it was necessary to bury a train, why couldn't a few wires be buried.

Pierre Hascheff, representing Broken Hill Inc. and Martin Marietta, said his clients supported under-grounding. He said the EIS does not provide for mitigating the impacts; it only chooses the route; and it is the Special Use Permit that requires impact mitigation.

Commissioner Sferrazza read the comments from the following residents supporting under-grounding the transmission line: Mindy Barrett, Lynda Johnson, Dulce Murphy, Diana Beggs, Henry Leonard, Brian Metzenheim, A. Laurie Wuljorst, Victoria Plectincer, Suzie Prough, and Rick Vezane.

Commissioner Galloway read comments from the following residents favoring under-grounding the transmission line: John Edwards, Les Flynn, Gerald Shepherd, Wanda and Ronald Simpson, and Ralph and Ken Theiss.

Commissioner Larkin read comments and e-mails from the following residents supporting under-grounding the transmission line: Gary Hamby, Tim Johnson, Cliff Bilyeu, Kazie Nitahara, Joseph Yatsko, Gary Lehrer representing the Pebble Creek Homeowners, John Williams, and Sandra Theiss.

Commissioner Larkin read an e-mail from resident, Dr. Clinton Case, that stated a go-slow approach should be taken by the Commission to verify the calculation of the magnetic and electric field strengths. He said he had received a number of e-mails and other correspondence, which he placed on file with the Clerk.

Commissioner Humke read comments from the following residents favoring under-grounding the transmission line: Celia Ranson, Letitia Vezane, John Vezane, Tammie Hagen, Karen Knobel, Dave and Cindi Cooley, and Linda Shane. He said Juli Parker had submitted a petition with 269 signatures that were in favor of under-grounding the transmission line.

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

Commissioner Sferrazza disclosed he had met with representatives of SPPco, several area residents, and had toured the proposed route. He said he wanted to compare the cost of the proposed route to under-grounding along the existing route. He also wanted to know why new developments do not pay a proportionate share of the costs, how much of the cost was borne by the SPPco ratepayers, and if there was a need for a new line in the North Valleys, except for growth. Mr. Lloyd said all alternative routes were exhausted, and he believed the line was to accommodate future growth, if water was available. Mr. Bennett said the proposed route and the Calle de la Plata alternate were the least expensive choices. He said there were no contracts with developers or landowners to pay for the project, and costs would be passed through to the ratepayers. Bill Roullier, SPPco Land Operations Manager, said the cost for the existing corridor was approximately \$20 million, roughly double the cost of the proposed route, but less than under-grounding the proposed route. He said the alternative did not meet project needs.

In response to Commissioner Galloway, Mr. Bennett said, in the neighborhoods where there was congestion, there would be a 10 to 20 percent reduction in poles from the current distribution lines and the poles that accommodate the yard lines

to an overhead transmission line. He said current distribution poles were every 150 feet, but the transmission line poles would be every 300 feet. In response to Commissioner Galloway saying the commitment to under-grounding distribution was too vague, Mr. Bennett said under-grounding the yard lines was worked out with the homeowners on a case-by-case basis and would include paying for an underground box. He said where a couple of spans were necessary to reach a residence they would be looked at on a case-by-case basis. He stated the distribution lines on Red Rock Road would be buried, including the intermediary poles that have connections with transformers to houses or those supporting existing poles, if the transmission line was put overhead.

Commissioner Galloway asked why SPPco could not borrow the money for under-grounding, have the ratepayers pay interest until there were hookups, and then recover the money from the hookup charges. Mr. Bennett said SPPco's interest was expensive right now, and that cost would eventually have to be passed on to ratepayers.

In response to Commissioner Humke, Mr. Bennett said he misspoke at the January Planning Commission meeting, and the amortization was 37 years. He also advised SPPco has not yet gone to the Public Utilities Commission (PUC) about the transmission line.

Commissioner Humke requested, in the future, staff prepare graphics with different color lines representing separate appeals. He disclosed he took SPPco's computer tour of the area.

In response to Commissioner Larkin, Mr. Lloyd said his recommendation on where to start the under-grounding was based on a site visit and where residential neighborhoods were or could be located. He said distribution lines for new development in the County and the City of Sparks must be underground, but he did not know the standard for transmission lines in the City of Sparks.

Commissioner Larkin disclosed he took the tour with SPPco, airport representatives, and landowners. In response to Commissioner Larkin, Mr. Bennett said the existing corridor alternative did not meet the redundancy requirements because it did not allow the loop back reliability to the Spanish Springs area that the Silverlake sub-connection provided.

Commissioner Weber disclosed she lives near and fought against the Alturas power line, and she took the SPPco tour twice. In response to Commissioner Weber, Mr. Bennett said transition structures were required everywhere there was a conversion from overhead to underground or vice versa and they could not be placed underground.

In response to Commissioner Sferrazza, Mr. Bennett said transition poles are 55 feet tall. In response to Commissioner Sferrazza, Ms. Burke said she would suggest using a pad mounted transition structure because they are far less intrusive in an urban environment. She said \$1 million a mile was added for using the existing structure

because of SPPco's assertion of the necessity of taking other power lines out of service to add new lines. She said the figures for putting the line underground were speculative and highly inflated.

In response to Commissioner Galloway, Mr. Lloyd stated the PUC would decide how the under-grounding would be paid for if the appeal by SPPco were rejected; and, it was his understanding, they would charge all ratepayers throughout the region. Mr. Bennett said system improvements are submitted to the PUC for recovery, the PUC decides if the investment was prudent; and, if it was, it is added to the rates. He said there was no mechanism to add it to connection fees for new development. Commissioner Galloway asked what the connection fees were for if they were not used for capital improvements. Mr. Bennett said a connection fee was the amount of facility it took to get power to a customer, not including transmission. He said the general customer base pays for transmission, substations, and other distribution facilities that are in the rate base.

Commissioner Galloway asked why SPPco expects condition 6 to be removed without offering a condition indicating what would be done with under-grounding the distribution lines. Mr. Lloyd said there was a note in the staff report on page 4 about amending condition 6 to say all distribution lines aligned along the transmission line route within the segments identified in condition 6 should be placed underground. Commissioner Galloway said there was no specificity, and Mr. Lloyd said the applicants would follow as closely as possible the alignment of the existing distribution lines.

In response to Commissioner Larkin, Mr. Lloyd and Mr. Bennett discussed various aspects of the route.

In response to Commissioner Weber, Ms. Foster said each appeal could be deliberated separately.

Commissioner Sferrazza thanked SPPco for being responsive to his requests for information. In response to Commissioner Sferrazza, Mr. Roullier said, if service to a large development was requested by a developer, a large portion of those costs would be paid for by that development. He said this project was not specific to any one development and served a large portion of the community, so it would be paid for by general rates. He stated the costs supplied to the Board were very comparable to this project.

In response to Commissioner Galloway, Mr. Lloyd said the newly approved Spanish Springs Area Plan stated any new distribution must be underground. Commissioner Galloway asked, if the staff recommendation was approved and the distribution remained the way it was, did the Board have the ability to require the distribution to be under-grounded.

Ms. Foster stated, if the Board adopted the staff recommendation of the Planning Commission action, it would not be unreasonable that under-grounding occurs

where the distribution lines run parallel and are on the same path. She said she did not feel the Board could require under-grounding of other facilities as part of the Special Use Permit. Commissioner Galloway said his choice would be to under-ground the transmission line, or to trade off the overhead line to get rid of distribution lines in some cases.

Commissioner Humke inquired about the estimated cost of the RREPOA and the James Stewart appeals. Mr. Lloyd said the estimate was about two miles at \$2.3 million a mile for a total of \$4.6 million. In response to Commissioner Humke, Mr. Lloyd said the Planning Commission's decision on under-grounding was based in large part on their site visits, and they approved the project based on staff's recommendation. He said a large part of the property was not currently developed and was zoned rural, which also played into the mix. He said the property averaged 20-25 acres for both appeals.

Mr. Test stated some of the areas being discussed currently have no lines, so the idea of eliminating poles was not relevant to those areas because the poles and lines were new. He said some of Mr. Stewart's lots were less than 10 acres because of dedications to the County, with one lot being approximately 1.5 acres.

In response to Commissioners Larkin and Weber, Mr. Bennett displayed photos showing what was currently in place and a simulation of SPPco's proposed project. He said SPPco would pay the cost of burying the phone, cable, and existing lines that follow the same alignment, a number of lines crossing Red Rock Road, and service drops to individual houses if requested by the homeowner.

Commissioner Weber said the offer to bury the distribution lines sounds great until the transition pole was considered, and Mr. Bennett replied the transition pole for distribution lines was virtually indistinguishable from a regular distribution line pole. He said SPPco also proposed burying the distribution line that runs along La Mancha where the transmission line was overhead, even though the alignment was not the same, because the view from the houses was through the distribution line.

In response to Commissioner Sferrazza, Ms. Granier said her client believed no under-grounding was required on the existing corridor route because it had been there a long time. She said, contrary to the suggestion it was not a viable alternative, she believed it was based on her understanding of the analysis of the EIS.

In response to Commissioner Sferrazza, Mr. Bennett said pad mounted transitions were older technology, which involved three poles instead of one and resembled a small substation. He said this technology would not be one SPPco would propose. Commissioner Sferrazza said the \$300,000 cost of overhead transmission would be subtracted from the \$2.3 million, but the cost of distribution lines would have to be added. Mr. Bennett said the cost of under-grounding the distribution lines was roughly \$500,000 or a quarter of under-grounding the transmission line. Commissioner Sferrazza said \$800,000 would be subtracted from the \$2.3 million per mile cost for \$1.5 million,

and Mr. Bennett said that would be a fair statement. He further discussed the costs and reliability factor of the proposed route and the existing corridor alternative.

In response to Commissioner Galloway, Ms. Burke said her information on pad-mounted transitions came from someone who had just completed work in California using pad technology where it was viewed as a very viable alternative when the view shed was important because it was easy to hide a small substation.

Commissioner Galloway said he had identified some areas, such as near the airport or across a highway, where the lines needed to be underground. He said if the other area were under-grounded, there would be no impact to the scenic, so he could not make them bury the distribution because they had not done any harm. Ms. Burke said it set a precedent and belied people's investment that had already been made in under-grounding because of requirements in their CC&R's. Commissioner Galloway said that was about new distribution, and there was all kinds of ugly stuff already out there. Ms. Burke said new development was going to go through, and the large high-voltage transmission line undermined the ability of people to get the value they should out of under-grounding. She said people could under-ground the distribution lines much cheaper themselves as part of assessment districts or as part of a fund set up by the County. She said as time goes on and the density developed, the money that was already there could be used for under-grounding distribution. She said there would never be another opportunity to under-ground the transmission line.

In response to Commissioner Larkin, Mr. Roullier said he was not aware of any alternatives to the glaring steel pole. Mr. Bennett said SPPco's staff engineer was not aware of the pad-mounted facility that Ms. Burke mentioned, and he said SPPco was proposing the transition structure that was the right choice for this application.

Commissioner Larkin said, if staff's recommendation was accepted for Spanish Springs, there would be transition poles at the southwest corner of APN 76-380-02, APN 530-491-04, APN 89-160-52, and the west side of APN 89-160-03. He said, if the transmission line were under-grounded, there would be no opportunity to condition the special use permit for under-grounding the distribution. Ms. Foster said the appellant should be asked if they would be willing to under-ground the distribution.

Commissioner Larkin asked how many more 120 KV lines are anticipated in the next 20 years. Mr. Bennett said there is no master plan beyond 2013, and the only 120 KV lines in that plan are for south of I-80, which are not near residential areas.

In response to Chairman Weber, Mr. Bennett said phase 1, Tracy power plant to the Sugarloaf substation, needed to be constructed by 2006 and phase 2, Sugarloaf substation to the Silverlake substation, by 2009; but load growth would drive the phase 2 date. He said the cost to bury the transmission line was \$20 million with the carrying costs over 37 years bringing the amount to \$80 million. Mr. Bennett said the power was needed for local infrastructure, new and existing. Mr. Lloyd said, according to the Regional Utility Corridor report, anything greater than a 60 KV line was a utility

corridor; but there was a condition stating the line would remain a 120 KV line and nothing greater.

In response to Chairman Weber, Mr. Roullier said there was no intent to connect to Alturas in the foreseeable future. He said they have asked Regional to not declare this a utility corridor, but that has not yet been decided.

In response to Commissioner Sferrazza, Mr. Lloyd said he estimated the Red Rock Estates appeal had approximately 2 miles of under-grounding and Mr. Stewart had approximately 1.5 miles.

Commissioner Larkin proposed addressing Spanish Springs separately from the North Valleys area, and he spoke about his experience with this issue over the last year and a half. He said he agreed with the EIS that the need for power for the Spanish Springs area was critical because only one line served the area. He said from the homeowner's standpoint the issue was not need, but aesthetics; and from SPPco's standpoint the issue was providing redundancy and the ability to repair the line. He said under-grounding was needed along Calle de la Plata because it affected 50 households. He traced the route shown in graphic 1 through graphic 2 indicating where he felt under-grounding was needed and appropriate, including areas where he wanted a clearer justification for going underground.

Commissioner Galloway stated, when an area that had an aboveground line was developed, the developer could agree to extend the line and work with SPPco to put those lines underground. He indicated on graphics 1 and 2 where he considered the absolute minimum under-grounding should be done. He said he felt the choices were sending the message that under-grounding was necessary in some locations; or, to be fair to everyone, do a lot more under-grounding at the price of burying the distribution lines. He said if the Board goes whole hog, the fund would be lucky to cover doing the scenic corridors.

Commissioner Sferrazza said he does not like splitting the discussion and would like to discuss everything at once. He said, if the Board accepted SPPco's appeal, their proposal would cost \$300,000 for the overhead transmission line and \$500,000 for under-grounding the distribution lines for a per mile cost of \$1.5 million. He said he favors doing both, which was not possible. He said the public had indicated they would rather leave the distribution lines up and have the transmission line buried. He said he favored burying the transmission line in both Spanish Springs and the North Valleys, especially where there were no current distribution lines.

Chairman Weber said she believed burying the distribution lines with the phone and cable would clean up the poles. She said the homeowners on Osage Road would probably welcome the opportunity to have their distribution lines under-grounded, and the overhead transmission line poles would be spaced out more. Chairman Weber said it should also be considered what the transmission line would look like if it were under-grounded. She felt everyone would like to underground it all, but there was an

economic situation that needed to be considered as well as the aesthetic; and she did not believe it would be appropriate to ask everyone to pay for under-grounding everything. She said from Osage Road to Red Rock Road the transmission line should be overhead and everywhere else all the lines should be below. Chairman Weber said, even though she would like to under-ground everything, she favored doing the minimum.

Commissioner Galloway asked if there was support for doing the absolute minimum that he had indicated on the route shown on graphic 2. He said the Board could place conditions everywhere else to implement SPPco's commitment to under-ground the existing distribution and all new distribution out of the three stations. He said this did not alter the cost of the project so much that SPPco would not be willing to keep those commitments.

Commissioner Sferrazza said there was a right and a wrong way. He said, even though he personally would have to pay more, the Alturas line previously impacted him; and, in that case, homeowners received different treatment depending on where they lived. He said he would like to treat everyone equally; and, from this point forward, set a precedent and require under-grounding new transmission and distribution lines.

Commissioner Galloway said the minimum denied the second and third appeals and partially sustained the first appeal with additional conditions, which put as conditions the things SPPco had volunteered to do. He said there would be one additional condition stating the transition poles would be approved by County staff as to type and exact location subject to the requirement they meet the utility's needs and be in accordance with current technology. Commissioner Galloway said the maximum denied SPPco's appeal and granted the other two appeals with the one exception that was proposed by Commissioner Larkin.

In response to Chairman Weber, Ms. Foster said a decision must be made on each appeal. She said, with the analysis of the SPPco appeal, the Board has the ability to impose those conditions. She stated the Board must be sure that all of the findings required by law could be made and that there was substantial evidence in the record made tonight to support those findings.

In response to Commissioner Galloway, Commissioner Larkin said he considered the minimum to be totally along Calle de la Plata to the northwest corner of APN 76-380-02. Commissioner Galloway asked where would it stop if that was done, and said that would mean there would be no under-grounding of the distribution lines in that area.

Commissioner Humke said, based on Commissioner Larkin's very rational approach and his consulting with property owners, he would follow Commissioner Larkin's lead. Commissioner Sferrazza said he favored Commissioner Larkin's position.

In response to questions on how to proceed, Ms. Foster said the Board could make a determination on how much under-grounding would be required. She said

condition 6 would be changed and a new condition imposed. Ms. Foster stated the appeals would have to be voted on separately. Katy Singlaub, County Manager, said procedurally, if the Board wanted any portion of the transmission line under-grounded, the SPPco appeal would be rejected. She said the Board would then modify what under-grounding would be required, which would be a subsequent action on the first appeal; and finally the Board could decide on the other two appeals.

There was additional discussion on what to do for Osage and Red Rock Roads including asking for a show of hands from those individuals in the audience if they were okay with under-grounding the distribution lines and above-grounding the transmission line.

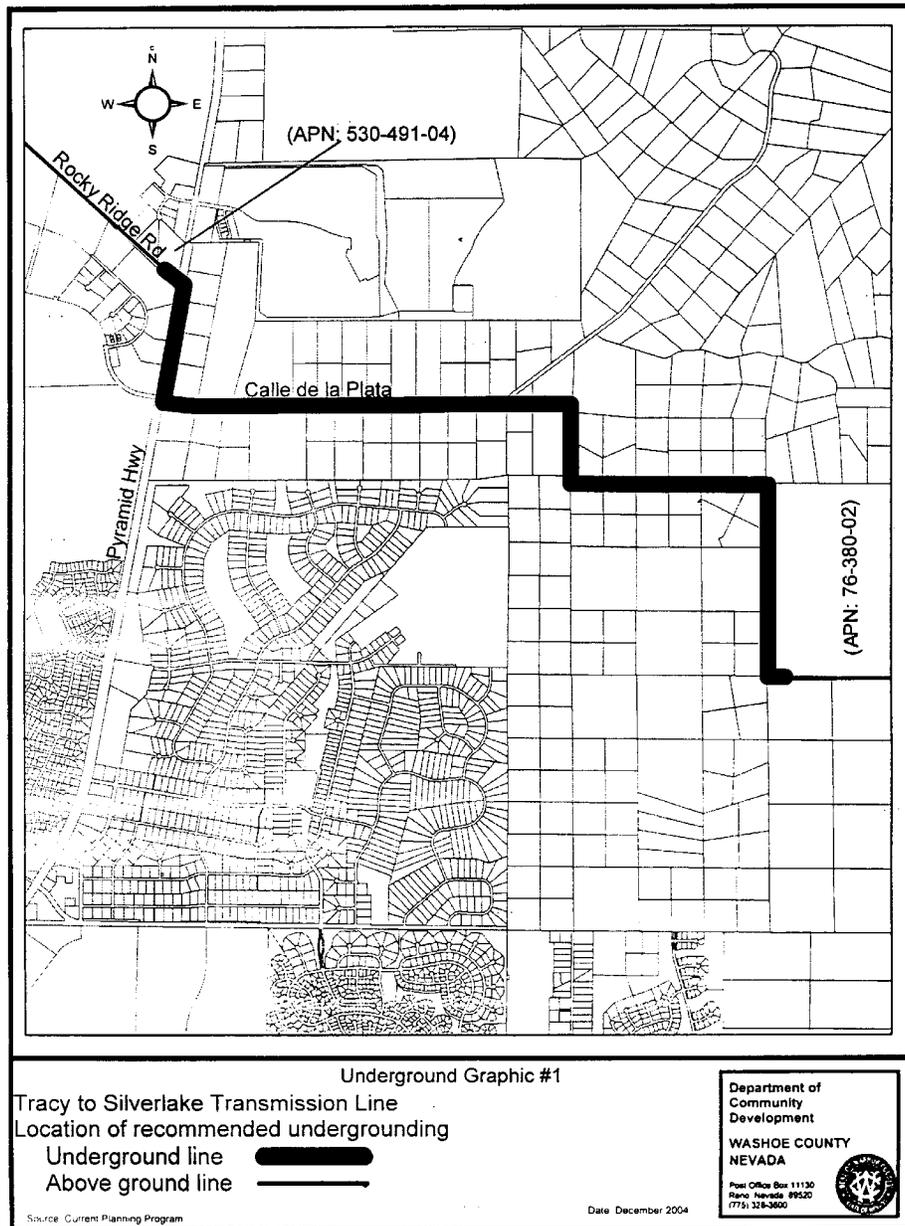
Having made the following findings, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Weber ordered that the Sierra Pacific Power Company Appeal Case Number AX05-001 be denied and the Planning Commission's approval of Special Use Permit SW04-028 be upheld subject to the conditions outlined at the end of this item with amendments to condition 6 as to what would be under-grounded in the following motion:

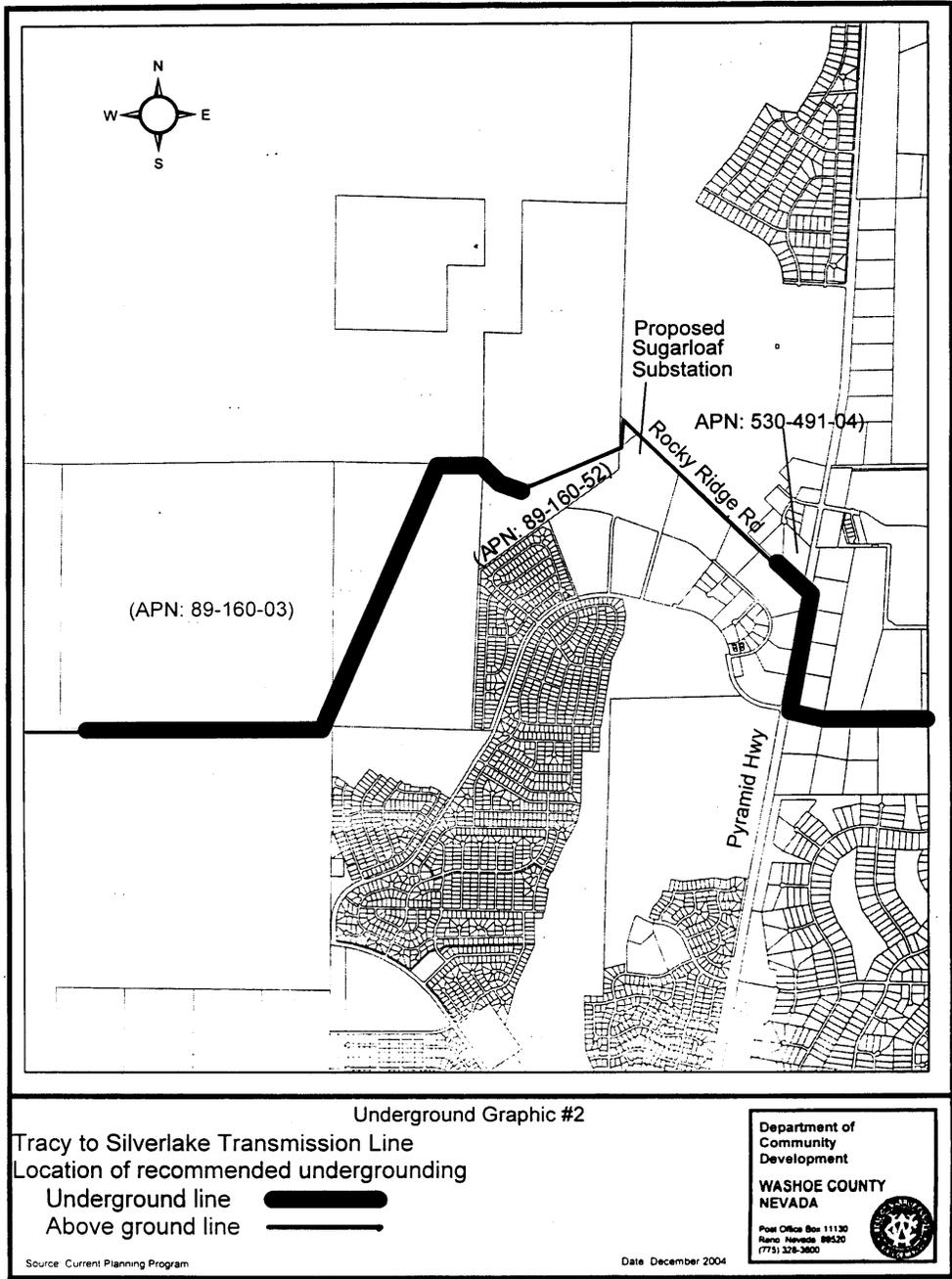
FINDINGS:

1. Consistency. That the proposed transmission line is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the East Truckee Canyon, Spanish Springs and North Valleys Area Plans;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site of the transmission route is physically suitable for the type of development and for the intensity of the development;
4. Issuance Not Detrimental. That issuance of the permit as recommended by staff with under-grounding of the transmission line where identified, will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
5. 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.

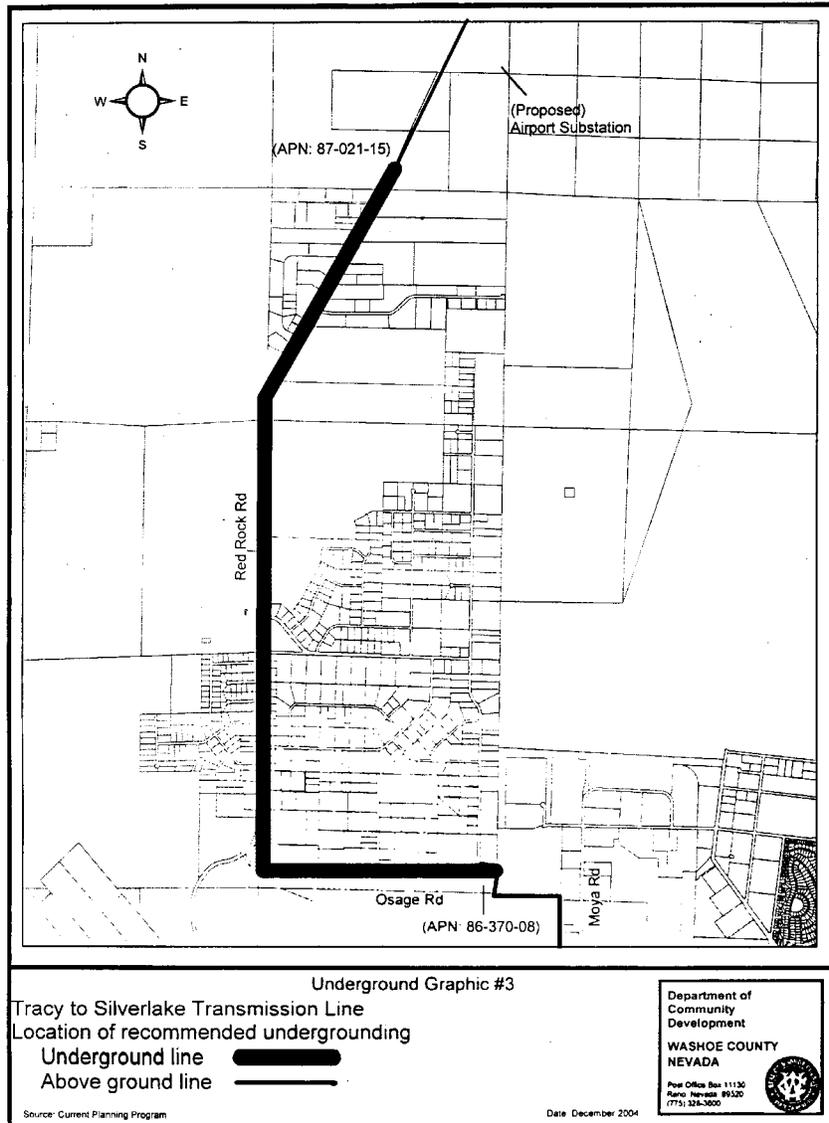
On motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza voting “no,” it was ordered that the Planning Commission’s approval of Special Use Permit SW04-028 be upheld subject to the following amendments to condition 6 as to what would be under-grounded:

1. Under-grounding starts just south of the northwest corner of APN 76-380-02 after negotiation with the current landowner, proceeding along the same route as recommended by staff as depicted on graphic 1, and ending at the southeast corner of APN 89-160-03 as depicted on graphic 2, including the overhead and below ground as depicted on that graphic.





2. It then proceeds as depicted on graphic 3 to APN 86-370-08 where the line showing the under-grounding starting would actually be overhead, above-grounding would continue westerly along Osage Road and would turn and go north on Red Rock Road to the fire station where the under-grounding would start and continue north as depicted in graphic 3 in exchange for SPPco's commitment to under-grounding the distribution lines.



Having made the following findings, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that Appeal Case Number AX-05-002, filed by the Red Rock Estates against Special Use Permit SW04-028, be upheld:

FINDINGS:

1. Consistency. That the proposed transmission line is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the East Truckee Canyon, Spanish Springs and North Valleys Area Plans;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site of the transmission route is physically suitable for the type of development and for the intensity of the development;
4. Issuance Not Detrimental. That issuance of the permit as recommended by staff with under-grounding of the transmission line where identified, will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
5. 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.

Having made the following findings, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that Appeal Case Number AX-05-003, filed by James Stewart against Special Use Permit SW04-028, be upheld:

FINDINGS:

1. Consistency. That the proposed transmission line is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the East Truckee Canyon, Spanish Springs and North Valleys Area Plans;

2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site of the transmission route is physically suitable for the type of development and for the intensity of the development;
4. Issuance Not Detrimental. That issuance of the permit as recommended by staff with under-grounding of the transmission line where identified, will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
5. 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.

**CONDITIONS FOR
SPECIAL USE PERMIT CASE NO. SW04-028
Tracy-Silverlake Transmission Line
(As recommended by Department of Community Development
and attached to Staff Report dated December 28, 2004)**

UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A BUILDING PERMIT. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

COMPLIANCE WITH THE CONDITIONS OF THIS SPECIAL USE PERMIT IS THE RESPONSIBILITY OF THE APPLICANT, ITS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE SPECIAL USE PERMIT MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

ANY OPERATIONS CONDITIONS ARE SUBJECT TO REVIEW BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT PRIOR TO THE RENEWAL OF A BUSINESS LICENSE EACH YEAR. FAILURE TO ADHERE TO THE CONDITIONS MAY RESULT IN WITHHOLDING RENEWAL OF THE BUSINESS LICENSE UNTIL CONDITIONS ARE COMPLIED WITH TO THE SATISFACTION OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD IT DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.

FOR THE PURPOSES OF CONDITIONS IMPOSED BY WASHOE COUNTY, "MAY" IS PERMISSIVE AND "SHALL" OR "MUST" IS MANDATORY.

GENERAL CONDITIONS

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Department of Community Development shall determine compliance with this condition.
2. The applicant shall obtain all necessary building permits for the first phase of the transmission line (Tracy to Sugarloaf Substation) within three years from the date of approval by Washoe County. The applicant shall obtain all necessary building permits for the second phase of the transmission line (Sugarloaf Substation to Silverlake Substation) within six years from the date of approval by Washoe County. The Department of Community Development shall determine compliance with this condition.
3. A copy of the Final Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits issued by Washoe County.
4. The applicant and any successors shall direct any potential purchaser/operator of the special use permit to meet with the Department of Community Development to review conditions of approval prior to the final sale of the special use permit. The subsequent purchaser/operator of the special use permit shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
5. A note shall be placed on all construction drawings and grading plan stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the

specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts, shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

6. See the second motion above for the amendments to condition 6 on where the transmission line would be under-grounded.

The Department of Community Development shall determine compliance with this condition.

7. Following construction of the transmission line, the established corridor shall be limited to the 120kV transmission line. No expansion and no new transmission lines shall be permitted within the corridor. The Department of Community Development shall determine compliance with this condition.

DRAINAGE AND GRADING

8. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices and shall include detailed plans for grading, site drainage, erosion control, slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be managed on-site and not allowed onto adjacent property.
9. For construction areas larger than 1 acre, the developer shall obtain from the Nevada Division of Environmental Protection a stormwater Discharge Permit or Waiver for construction and submit a copy to the Engineering Division prior to issuance of a grading permit.
10. The developer shall complete and submit the Construction Permit Submittal Checklist and pay the Construction Stormwater Inspection Fee prior to obtaining a grading permit. The County Engineer shall determine compliance with this condition.
11. The applicant shall indicate on the plans where exported materials will be taken and a grading permit shall be obtained for the import site.
12. The applicant shall provide documentation of access to the sites to the satisfaction of the County Engineer.
13. An approved occupancy permit(s) shall be obtained from the Nevada Department of Transportation (NDOT), for access to, from, or under roads and highways maintained by NDOT and a copy of said permit sent to the Engineering Division.

14. A detailed hydrology/hydraulic report prepared by a registered engineer shall be submitted to the Engineering Division for review and approval. The Report shall include the locations, points of entry and discharge, flow rates and flood limits of all 5- and 100- year storm flows impacting both the site and offsite areas and the methods for handling those flows. The report shall include all storm drain pipe and ditch sizing calculations and a discussion of and mitigation measures for any impacts on existing offsite drainage facilities and properties.
15. Any increase in storm water runoff resulting from the development and based upon the 5-year storm shall be detained on site to the satisfaction of the County Engineer.
16. Permanent cuts and fill slopes shall be limited to a maximum of 3:1 slopes. The Department of Community Development shall determine compliance with this condition.
17. A grading bond of \$1,200/acre of disturbed area shall be provided to the engineering division prior to any grading. The Engineering Division shall determine compliance with this condition.

HEALTH, WATER AND SEWER

18. The applicant shall identify all springs and water wells within 1,000 feet of any blasting zone. Only size limited blasting shall occur within 1,000 feet of the identified springs and water wells unless cleared by a qualified hydrogeologist.
19. The selected Right of Way will be surveyed before construction to delineate and map noxious weed infestation areas. Construction shall be prohibited within these zones unless the applicant applies an acceptable herbicide or employs conventional mechanisms of noxious weed removal. Additionally, the applicant shall ensure that the equipment and vehicles are regularly cleaned at designated air and water wash stations. The Bureau of Land Management and the Department of Community Development shall determine compliance with this condition.
20. Perch deterrents shall be required for all transmission towers within the Pah Rah sage grouse range to mitigate for potential raptor and raven predation on sage grouse. Also, within the Pah Rah sage grouse range, sage habitat shall be assessed during the periodic grazing allotment evaluations to determine sage grouse habitat, suitability for sage grouse and presence of sage grouse shall be recorded. The Bureau of Land Management and the Department of Community Development shall determine compliance with this condition.
21. The Right of Way shall be surveyed for the presence of pygmy rabbits prior to any vegetation clearing or ground disturbing activities. If pygmy rabbits the information shall be reported to the U.S. Fish and Wildlife Service for proper permitting. The Bureau of Land Management and the Department of Community Development shall determine compliance with this condition.

22. Sagebrush habitats potentially containing Webber's Ivesia shall be surveyed prior to surface disturbing activities and if present, the information shall be reported to the U.S. Fish and Wildlife Service for proper permitting. The Bureau of Land Management and the Department of Community Development shall determine compliance with this condition.
23. Prior to surface disturbing activities in open habitats in the Hungry Ridge area, a biologist shall survey the area for active owl burrows, and if active burrows are present, measures shall be implemented to avoid impacts. The Bureau of Land Management and the Department of Community Development shall determine compliance with this condition.
24. If guy wires cross over any designated access roads, they shall be marked or flagged or signs shall be posted indicating their presence. The Bureau of Land Management and the Department of Community Development shall determine compliance with this condition.
25. Airspace safety mitigation measures include marking the transmission lines with orange balls where they are not placed underground. The Bureau of Land Management and the Department of Community Development shall determine compliance with this condition.
26. The applicant shall cover all trucks hauling loose material or maintain two feet of freeboard. The Bureau of Land Management and the Department of Community Development shall determine compliance with this condition.
27. The applicant shall sweep adjacent paved streets with water sweepers after transporting soil. The Bureau of Land Management and the Department of Community Development shall determine compliance with this condition.
28. The applicant shall cover or apply soil stabilizers to exposed stockpiles. The Bureau of Land Management and the Department of Community Development shall determine compliance with this condition.
29. The applicant shall limit unnecessary or excessive construction equipment idling time. The Bureau of Land Management and the Department of Community Development shall determine compliance with this condition.
30. Access roads shall be designed to withstand OHV use without causing degradation to natural resources, such as soil erosion. The Bureau of Land Management and the Department of Community Development shall determine compliance with this condition.
31. The applicant shall recover data from or avoid archaeological sites within construction area and implement inadvertent discovery plan. The Bureau of Land Management and the Department of Community Development shall determine compliance with this condition.

32. The design of the V-ditches constructed for the substations will require having the bottom of the ditches lined with riprap rock. This will prevent any pools of water from forming due to erosion. Vector-Borne Diseases of the District Health Department and the Department of Community Development shall determine compliance with this condition.

LANDSCAPING AND DESIGN

33. Prior to any ground disturbing activity, the applicant shall submit a landscaping/architectural design plan to the Department of Community Development for review and approval by the Design Review Committee. Said plan shall address, but not be limited to: the type and color of building materials, landscaping material (if plant material: type, size at time of planting, maturation size at full growth, period of time between planting and full growth), landscaping location, and landscaping irrigation system for the two substation locations
34. A certification letter or series of letters by a landscape architect registered in the State of Nevada shall be submitted to the Department of Community Development. The letter(s) shall certify that all applicable landscaping provisions of Articles 408, 410 and 412 of the Development Code have been met. Any landscaping plans and the letter shall be wet-stamped. The letter shall indicate any provisions of the code that the Director of Community Development has waived.
34. All landscaping shall be maintained in accordance with the provisions found in Section 110.412.75, Maintenance. A three-year maintenance plan shall be submitted by a licensed landscape architect registered in the State of Nevada to the Department of Community Development, prior to a Certificate of Occupancy. The plan shall be wet-stamped.

9:40 p.m. The Board recessed.

10:08 p.m. The Board reconvened with all members present.

05-192 2005 FEDERAL LOBBYING PRIORITIES

Katy Singlaub, County Manager, said the Board had not previously adopted Federal-lobbying priorities; but, since Commissioner Sferrazza was going to Washington, D.C. with the National Association of Counties (NACO) Legislative Conference, it would be advantageous for the Board to provide the lobbyists and Commissioner Sferrazza with direction. She said the NACO agenda was supported by Washoe County, but there were other issues that the Board might want to consider. She stated, for the County's main priority, a U.S. Army Corps of Engineers lobbyist was retained to help make the Flood Control project happen with the Corps approval process and with the appropriation process through Congress. She said there was no funding for the project in the Federal budget, but lobbyist Marcus Faust, P.C., was successful in restoring funding in the proposed budget. She said it was hoped it would happen this year, but at issue were the cost benefit thresholds that had not yet been met by the project.

Ms. Singlaub said her recommendations for inclusion on the Federal Lobbying list were the Senior Center at Incline Village as an appropriation request, statewide demonstration project for mentally ill offender housing, 800 MHz upgraded-MD terminals, downtown bridges, and some public land acquisition requests.

In response to Commissioner Galloway, Ms. Singlaub said the construction of the senior center would be funded, and the County would partner with the Incline Village General Improvement District (IVGID) and others to operate the center. She said this level of service was not provided at Incline Village but was provided elsewhere. Commissioner Galloway said he wanted to make sure the population was best served by the County, and there were a number of services not provided at Incline Village because of the small population. He said he felt a stand-alone building might not be the best way to provide service, and Ms. Singlaub replied this might not be a stand-alone facility. She said the results of the Senior Needs Assessment survey were being compiled, and she said the Board could make this contingent on the results of the survey. Commissioner Galloway asked if it could be called Senior Facilities at Incline Village so it would not be identified as a stand-alone facility and for the results of the assessment before committing to anything. Commissioner Galloway stated the assessment addressed finding a permanent solution to the medical needs at Incline Village, and he said that could be combined with the Senior Needs Assessment because they might get an underserved area declared. Ms. Singlaub said the items were appropriation requests, and it was very difficult to get appropriations for operations. She said a medical eligibility would be pursued if deemed appropriate.

In response to Commissioner Sferrazza, Ms. Singlaub said specific bill numbers would be provided for those items the Board chooses to endorse. Commissioner Sferrazza asked about a demonstration grant or something to build a mass transit light rail system from downtown to the convention center. Ms. Singlaub said the project needed an estimated dollar value; and, if RTC had that estimate, the County could support it. She said she would check with RTC on the issue. Commissioner Galloway said, when he last spoke to RTC, getting a conventional federal grant required establishment of a certain level of riders.

In response to Commissioner Humke, Ms. Singlaub said MC-IJIS looked like it would be a statewide solution for an integrated database for criminal justice information, but was not yet ready for an appropriation.

Upon recommendation of John Slaughter, Management Services Director, through Ms. Singlaub, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that staff be directed to use their discretion in Washington to drop those issues that they were advised would not be workable and to make periodic reports to the Board.

05-193

**AGREEMENT – CONGRESSIONAL LOBBYING SERVICES –
MARCUS G. FAUST, P.C. – WATER RESOURCES**

In response to Commissioner Sferrazza, Katy Singlaub, County Manager, said Marcus Faust, P.C., worked primarily on all of the County's water issues, but had assisted on other items. She said the lobbying team had specific areas of responsibility, and Lionel Sawyer worked on the remainder of the issues.

In response to Commissioner Larkin, Steve Bradhurst, Water Resources Director, said the travel expenses for Mr. Faust were less than \$2,000 a year as most business was conducted by phone or e-mail; and he only made two trips to Reno a year. Commissioner Larkin requested, since one half of this expense was paid for with the 1/8-cent sales tax, the legitimate expense be clearly articulated to the County's cooperators and collaborators. Ms. Singlaub said the last time Mr. Faust was here he had a meeting with the Cities of Reno and Sparks and the County; and she said it could be arranged for Mr. Faust to meet with the Board, other elected officials, and the coordinating committee.

Mr. Bradhurst said the Army Corps needed \$3.5 million for the flood control project; that there was zero in the budget; and the County needed to get the money legislatively to keep the project alive.

Upon recommendation of Jerry McKnight, Finance and Customer Services Division Manager, through Mr. Bradhurst, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the agreement between Washoe County and Marcus G. Faust, P.C., concerning Congressional lobbying services in the amount of \$94,500 for a 12-month period plus related travel expenses, be approved and Chairman Weber be authorized to execute the same.

05-194

2002 REGIONAL PLAN SETTLEMENT UPDATE

Adrian Freund, Community Development Director, discussed previous actions. He said meetings have continued with the elected officials representing each jurisdiction to define a rational method of determining the area of land that would be included within a seven-year program of annexation and to make sure there was a level playing field. He discussed the points, as listed in the staff report, where agreement had been reached.

Mr. Freund said the County's representatives wanted to bring this item before the full Board to verify the direction being taken before the meeting scheduled for this Friday. He said staff also wanted the Board's direction as things move forward. He said there was a status briefing scheduled with Judge Hardesty following Friday's meeting, and there would be a meeting with the respective Legal Counsels to review the progress to make sure there were no underlying legal issues relating to the decisions already made.

Commissioner Galloway stated some examples of the relaxations should be provided to show they are not deal killers, along with examples of the definitions that were being worked on. He said the report to Judge Hardesty should state how many meetings had been held.

In response to Chairman Weber, Mr. Freund said some of the definitions still being worked on were infill, approved but not built development, concurrency, and capacity. He said the results of the last meeting had not been distributed because the Cities of Reno and Sparks had not responded.

Upon recommendation of Mr. Freund, through Michelle Poché, Assistant County Manager, on motion by Commissioner Galloway, seconded by Chairman Weber, which motion duly carried, it was ordered that the information and direction provided in the staff report be approved and incorporated into the staff report to Judge Hardesty, and that it be used as a guide for further mediation discussion.

**05-195 ORDINANCE NO. 1261 – BILL NO. 1440 – AMENDING RATE
AND CHARGES SCHEDULE – WATER SERVICE – APPROVE
BUSINESS IMPACT STATEMENT AND RESOLUTION**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* January 28 and February 4 and 11, 2005 to consider second reading and adoption of Bill No. 1440. 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.

In response to Commissioner Sferrazza, Steve Bradhurst, Water Resources Director, said growth would pay for the two water treatment plants with connection fees. He said the County was paying \$500,000 a year for wholesale water to the Truckee Meadows Water Authority; and, once the Longley Lane plant was operational, that money would go to help retire the debt on the plant.

On motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that Ordinance No. 1261, Bill No. 1440, entitled, "**AN ORDINANCE REVISING THE SCHEDULE OF RATES AND CHARGES FOR PROVISION OF WATER SERVICE BY WASHOE COUNTY WITHIN CERTAIN AREAS OF WASHOE COUNTY; REQUIRING THE DEPARTMENT OF WATER RESOURCES, UTILITY SERVICES DIVISION, TO SUBMIT BILLINGS TO ALL WATER USERS WITHIN THE CERTAIN AREAS, REQUIRING PAYMENT THEREOF; AND PROVIDING PROCEDURES FOR ITS ENFORCEMENT.**" be approved, adopted and published in accordance with NRS 244.100.

It was further ordered that the Business Impact Statement be approved and the County Clerk be directed to make the analysis available upon request. It was also ordered that the following Resolution be approved and the Chairman be authorized to execute the same:

RESOLUTION

A RESOLUTION ADOPTING AN ORDINANCE AMENDING THE WASHOE COUNTY SCHEDULE OF RATES AND CHARGES FOR WATER SERVICE WITHIN CERTAIN AREAS OF WASHOE COUNTY, PROVIDING PROCEDURES FOR ITS ENFORCEMENT, AND REPEALING ORDINANCE NO. 1189.

WHEREAS, the proposed Ordinance Amending the Washoe County Schedule of Rates and Charges for Water Service Within Certain Areas of Washoe County, and Providing Procedures for its Enforcement has been previously discussed and considered at public meetings by the Board of County Commissioners of Washoe County; and

WHEREAS, the proposed Ordinance Amending the Washoe County Schedule of Rates and Charges for Water Service Within Certain Areas of Washoe County was recommended for approval by the Director of the Department of Water Resources; and

WHEREAS, the proposed Ordinance Amending the Washoe County Schedule of Rates and Charges for Water Service Within Certain Areas of Washoe County was presented to the Board of County Commissioners of Washoe County in a first reading on January 18, 2005; and

WHEREAS, pursuant to NRS 318.199 the Board of County Commissioners may take action after the public hearing and approve a Resolution Adopting an Ordinance Amending the Washoe County Schedule of Rates and Charges for Water Service Within Certain Areas of Washoe County, and Providing Procedures for its Enforcement.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of County Commissioners of Washoe County, as follows:

1. The Ordinance Amending the Washoe County Schedule of Rates and Charges for Water Service Within Certain Areas of Washoe County, Providing Procedures for its Enforcement, and Repealing Ordinance No. 1189 is hereby approved and adopted, and;
2. The Board of County Commissioners finds that this Ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.

ORDINANCE NO. 1262 - BILL NO. 1441 - AMENDING SECTION 1. SECTION 5.229 – OFFICE OF THE COMMISSIONER OF CIVIL MARRIAGES - REVISING HOURS OF OPERATION

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on February 11, 2005 to consider second reading and adoption of Bill No. 1441. 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 Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that Ordinance No. 1262, Bill No. 1441, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REVISING PROVISIONS ESTABLISHING THE HOURS OF OPERATION FOR THE OFFICE OF THE COMMISSIONER OF CIVIL MARRIAGES; PROVIDING FOR THE OBSERVANCE OF HOLIDAYS AND FOR OPERATION OF THE OFFICE ON VALENTINE'S DAY; AND OTHER MATTERS PROPERLY RELATING THERETO,**" be approved, adopted and published in accordance with NRS 244.100.

REPORTS/UPDATES FROM COUNTY COMMISSIONERS

Commissioner Sferrazza requested he be called during the March 8, 2005 meeting during discussion of items 9, 10, and 11.

In response to Chairman Weber, Katy Singlaub, County Manager, said the Treasurer calls the quarterly Investment Committee meetings, and it would be a couple of months to the next meeting. She would remind the Treasurer to schedule it.

Commissioner Larkin reminded everyone that the Washoe County report to the Community would be presented here in the Chambers tomorrow at 4:00 p.m.

* * * * *

There being no further business to come before the Board, the meeting adjourned at 10:50 p.m.

BONNIE WEBER, Chairman
Washoe County Commission

ATTEST:

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

y Clerks