

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

FEBRUARY 15, 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:

05-136 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the agenda for the February 15, 2005 meeting be approved with the following changes: **Delete** Item 7E, resolution declaring Washoe County's intent to transfer a portion of Davis Creek Park Road, and Item 9, appearance by Lori Williams of the Truckee Meadows Water Authority.

05-137 PUBLIC COMMENTS

Al Hesson, Reno resident, remarked on past wars and stated those who voted for President George W. Bush should prepare their offspring to fight his wars.

Kent Witt, area resident, presented information to the Board regarding a disposition of the Old Virginia Road Fire Station, which was placed on file with the Clerk.

Sam Dehne, local resident, introduced himself and talked about his participation in local government. He acknowledged the new clock on the wall.

Gary Schmidt, Washoe County resident, commented on the public records law adopted by the County and the City of Reno. He presented a letter he would be sending to the Attorney General of the State of Nevada concerning violations of the Open

Meeting Law by the Board at their February 15, 2005 retreat, which was placed on file with the Clerk.

COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS

Commissioner Galloway disclosed he had previously met with Kent Witt and received the same information that was presented today, which was passed on to the County Manager. He asked staff to bring additional information to the Fire Board and the members of the Fire Advisory Board concerning the selling or transferring of the property owned by Mr. Witt.

Commissioner Sferrazza indicated Mr. Witt's property had been discussed at the Fire Board level, and the major concern was the property had to be sold by public sale. He said it would not be a problem to put a condition on it that would allow the Truckee Meadows Fire Protection District to lease it back for a period of time. He noted there was debate about the ability to deny access to that property in the future. Commissioner Sferrazza suggested a possible joint meeting with the City of Fernley, Lyon County, and Washoe County to discuss moving the Lyon County boundary line north into Washoe County. He said he would not be in attendance on March 8, 2005; however, he desired to participate in the discussion on the hearing of the alleged misconduct of a Board of Equalization member. Commissioner Sferrazza stated when the Constitution of the United States of America was discussed at the Constitutional Convention it was not a public meeting.

County Manager Katy Singlaub confirmed she would be meeting with the Lyon County Board Chairman on February 18, 2005, and the item concerning the boundary line adjustment would be on a future agenda. She said staff wanted to compile all of the information and present it to the Board. Ms. Singlaub noted, when the item was heard, the Board could direct staff to set up a joint meeting if desired.

Chairman Weber requested a discussion about Mr. Witt's comments and asked him to address the Board at a future date.

05-138 INTRODUCTION OF NEW WASHOE COUNTY EMPLOYEES

Chairman Weber invited approximately 18 new Washoe County employees to come forward and introduce themselves to the Board. The Board members welcomed the new employees.

05-139 MINUTES

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that the minutes of the regular meeting of January 18, 2005 be approved.

05-140 SEXUAL ASSAULT PAYMENT

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care and follow-up medical or psychological treatment for 48 sexual assault victims in an amount totaling \$8,102.33 as set forth in a memorandum from Kim Schweickert, Program Assistant, District Attorney's Office, dated January 31, 2005.

05-141 INCREASE CHANGE FUND - JUVENILE SERVICES

Upon recommendation of Bill Berrum, Treasurer, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that a request from the Department of Juvenile Services to increase their change fund from \$150 to \$300 to accommodate an increase in the amount of cash needed on hand to make change for clients in the Juvenile Traffic Court division be approved and Chairman Weber be authorized to execute the following resolution:

**RESOLUTION - INCREASE CHANGE FUND FROM \$150 TO \$300
FOR THE WASHOE COUNTY DEPARTMENT OF JUVENILE SERVICES**

WHEREAS, The Board of County Commissioners of Washoe County, pursuant to NRS 354.609, has the authority to create and fund change and petty cash fund accounts; and

WHEREAS, The Washoe County Department of Juvenile Services has requested an increase in their change fund from \$150.00 to \$300.00 to assist in the administration of that office; now, therefore, be it

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

1. That, pursuant to the provisions of NRS 354.609, the County Treasurer and the County Comptroller are hereby authorized and directed to take all necessary steps to establish and account for a \$150.00 increase in the change fund (for a total of \$300) for the Washoe County Department of Juvenile Services.
2. That the above additional \$150.00 will be transferred from the Washoe County Treasurer's Commercial Bank Account.
3. That said change fund be used exclusively for transactions related to the Washoe County Department of Juvenile Services.

4. That the Director of the Washoe County Department of Juvenile Services shall henceforth be held accountable for the change fund authorized by this resolution.
5. That the County Clerk is directed to distribute copies of this Resolution to the Washoe County Treasurer, Comptroller, Internal Auditor, Department of Juvenile Services and the Nevada Department of Taxation.

05-142 AWARD OF BID – RAINBIRD IRRIGATION SYSTEM FOR THE WILBUR D. MAY ARBORETUM – BID NO. 2469-05 – REGIONAL PARKS AND OPEN SPACE DEPARTMENT

This was the time to consider award of the bid for a new Rainbird irrigation system for the Regional Parks and Open Space Department for the Wilbur D. May Arboretum. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on December 16, 2004. Proof was made that due and legal Notice had been given.

Although only a single bid was received from R Supply Company, Inc. for the irrigation system, R Supply is the Rainbird authorized agent for this geographical area.

Upon recommendation of Charlene Collins, Buyer, through John Balentine, Purchasing and Contracts Administrator, and 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 Bid No. 2469-05 for a new Rainbird irrigation system at the Wilbur D. May Arboretum be awarded to R Supply Company, Inc. in the net amount of \$32,058.96. It was further ordered that Washoe County's right to procure additional Rainbird irrigation system components from the successful bidder through December 31, 2005 be affirmed provided there is no increase in pricing.

05-143 AWARD OF BID – NEAX 2400 IPX TELEPHONE SYSTEM – BID NO. 2471-05 – SPARKS JUSTICE COURT

This was the time to consider award of bid for a new NEAX 2400 IPX Telephone System for the Sparks Justice Court. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on December 29, 2004. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

NEC Unified Solutions, Inc.
VoicePlus

Upon recommendation of Charlene Collins, Buyer, through John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that Bid No. 2471-05 for a new NEAX 2400 IPX Telephone System for the Sparks Justice Court be awarded to Unified Solutions, Inc. in the net amount of \$42,315.11. It was further ordered that a new Voicemail System in the net amount of \$13,644.04 be awarded to VoicePlus. It was also ordered that the Purchasing and Contracts Administrator be authorized to execute the necessary agreements.

**05-144 RESOLUTION – GAMING ESTABLISHMENTS MORATORIUM –
COMMUNITY DEVELOPMENT**

County Manager Katy Singlaub commented this was pursuant to Board direction, and it was noted this would be initiated today.

On motion by Commissioner Humke, 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:

**A RESOLUTION PLACING A MORATORIUM ON THE
ACCEPTANCE, PROCESSING AND APPROVAL OF APPLICATIONS FOR
BUSINESS LICENSES AND APPLICATIONS FOR THOSE REGULATORY
ZONES AND THOSE USES AND ACTIVITIES IN WHICH GAMING
LICENSES ARE INVOLVED INCLUDING UNLIMITED GAMING LICENSES
AND "SERIAL" OR CO-LOCATED LIMITED GAMING LICENSES**

WHEREAS, recent applications to establish "neighborhood" casinos in Reno and Sparks have raised concerns that have been addressed by the Reno and Sparks Councils and the Washoe Board of County Commissioners; and

WHEREAS, the concerns of the community have led to a need to evaluate current regulations regarding gaming facilities in the Truckee Meadows; and

WHEREAS, the acceptance of applications for development permits for new "serial" limited or unlimited gaming facilities as regulated in Chapter 110, Article 302 and defined in Chapter 110, Article 304 of the Washoe County Code and business licenses for same could adversely affect the review and possible amendment of the current regulations and area plans governing the establishment and location of gaming facilities; and

WHEREAS, it has been past policy for the Board of Washoe County Commissioners to adopt moratoria on selected applications regulated by Chapter 110 of the County Code when developing and considering possible amendments to the regulations; and

WHEREAS, the Washoe County Board of County Commissioners adopted a moratorium on the acceptance, processing and approval of applications for new gaming facilities at the October 22, 2004 joint meeting; and

WHEREAS, the Washoe County Board of County Commissioners moved at the joint meeting of January 31, 2005 to expand and extend said moratorium for an additional period ending not sooner than June 6, 2005; and

WHEREAS, the Washoe County Board of County Commissioners wishes to conduct a review of local regulations for gaming facilities in conjunction with Reno and Sparks to establish consistent regulations and sound planning principles; and

WHEREAS, the circumstances that prompted the Washoe County Board of County Commissioners to adopt a moratorium in October 2004 still exist,

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Washoe County that it is appropriate to adopt a moratorium for the acceptance, processing and approval of development applications for new unlimited gaming facilities and co-located or adjacent limited gaming facilities sharing common facilities or space, and business licenses for same, in order to provide adequate and unbiased review of possible amendments to Washoe County Code, Chapter 110 and other applicable code provisions; and

BE IT FURTHER RESOLVED by the Board of County Commissioners of Washoe County that a moratorium for a period of one hundred (130) days retroactive to January 31, 2005 shall be placed on the acceptance, processing or approval of development applications for new gaming facilities or applications for regulatory zones changes to allow such facilities, or business licenses for same; and

BE IT FURTHER RESOLVED by the Board of County Commissioners of Washoe County that said moratorium on the acceptance, processing or approval of development applications for said gaming facilities and business licenses for same is to be effective for all properties located within the unincorporated portion of Washoe County.

**05-145 RESOLUTION – REQUEST TO BASE A HELITANKER IN
NORTHERN NEVADA – COMMISSIONER GALLOWAY**

On motion by Commissioner Humke, 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

WHEREAS, the Fire Management Officer for the Humboldt-Toiyabe National Forest has requested that the U.S. Forest Service base a specifically outfitted

Sikorsky Skycrane Helicopter, known as a “Helitanker” in the immediate area of Northern Nevada; and

WHEREAS, the North Lake Tahoe Fire District supports this proposal as an effective means of fire suppression; and

WHEREAS, the Helitanker is capable of sucking 2,500 gallons of water from a shallow pond or stream in less than a minute – a water cargo that can quickly be used to douse a wildfire; and

WHEREAS, keeping small fires small is a key to avoiding catastrophic fires in the Lake Tahoe Basin and the Helitanker would be an effective tool in reaching the often steep terrain firefighters encounter in the Lake Basin area; and

WHEREAS, avoidance of catastrophic fires is a top priority for the Northern Nevada region especially in light of last summer’s devastating fires; and

WHEREAS, it is the responsibility of federal, state, and local governments to do everything feasibly possible to assist firefighting agencies in their efforts;

NOW, THEREFORE, be it resolved that the Washoe County Board of Commissioners urges the U.S. Forest Service to approve the request of the Humboldt-Toiyabe National Forest Fire Management Officer to base a specially outfitted Sikorsky Skycrane Helicopter, known as a Helitanker, in the immediate area of Lake Tahoe. The Commission also urges Washoe County’s United States Senate and Congressional delegations to support the U.S. Forest Services’ funding request for the Helitanker.

05-146 CORRECTION OF CLERICAL AND FACTUAL ERRORS ON TAX ROLL – ASSESSOR

Upon recommendation of Susan Goodlet, Principal Account Clerk, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following Roll Change Requests, correcting factual errors on tax bills, and the Order directing the County Treasurer to correct the errors be approved and Chairman Weber be authorized to execute the same:

PROPERTY OWNER	PARCEL #	AMOUNT	ROLL
David A. Joseph TR	001-122-09	[-\$80.66]	2004 Secured
Oscar L. & Penelope R. Sanders	001-311-02	[-\$429.43]	2004 Secured
John Malkon TR	003-443-01	[-\$1,182.39]	2005 Secured
James Hoyt	007-132-07	[-\$14,681.26]	2005 Secured
William W. & Joyce L. Immers, TR	007-132-08	[-6,636.27]	2005 Secured
Reno Development Ltd.	007-263-15	[-\$946.02]	2004 Secured
Dallas A. & Lorraine M. Dodge, TR	008-011-23	[-\$2,481.89]	2005 Secured
Catherine G. Cavaletto, ETTR	008-085-10	[-\$101.33]	2005 Secured

Leon & Molly R. Lyon	008-185-33	[-\$393.51]	2005 Secured
Catherine G. Cavaletto, ETTR	008-185-35	[-\$343.23]	2005 Secured
William A. & Susan L. Richards	009-061-06	[-\$145.54]	2004 Secured
Gordon & Victoria Aloiau	011-242-21	[-\$11.75]	2004 Secured
DDR Oliver McMillan Reno LLC	011-440-01	[-\$23,164.31]	2005 Secured
Marta Grimani	013-163-16	[-\$1.28]	2005 Secured
Garth M. Lambrecht	014-011-17	[-\$117.05]	2001 Secured
Garth M. Lambrecht	014-011-17	[-\$119.93]	2002 Secured
Garth M. Lambrecht	014-011-17	[-\$119.12]	2003 Secured
Garth M. Lambrecht	014-011-17	[-\$120.47]	2004 Secured
Robert O. & Susan B. Johnson TR	018-161-71	[-\$161.74]	2004 Secured
Gary L. & Connie A. Johnson, TR	021-042-21	[-\$316.61]	2004 Supp Impr Only
William W. White	026-181-18	[-\$151.00]	2004 Secured
Kenneth L. C. & Murial W. Dorking TR	026-592-05	[-\$59.58]	2004 Supp Impr Only
Stephen W. & Brenda J. Archibald	030-204-08	[-\$333.60]	2004 Supp Impr Only
John & Janet Halderman	038-492-04	[-\$175.94]	2004 Secured
David C. Coulson, et al	047-062-05	[-\$704.10]	2004 Secured
Douglas D. & Paula D. Heinrichs	047-087-02	[-\$293.68]	2004 Secured
Robert J. & Kathleen M. Butler	051-083-05	[-\$197.88]	2004 Secured
Moss Properties, LLC, et al.	090-030-19	[-\$4,889.89]	2002 Secured
Moss Properties, LLC, et al.	090-030-19	[-\$4,966.94]	2003 Secured
Moss Properties, LLC, et al.	090-030-19	[-\$4,983.33]	2004 Secured
George A. Binney TR	123-097-01	[-\$298.28]	2004 Supp Impr Only
Clark & Janel Holt	125-181-02	[-\$108.74]	2003 Secured
Clark & Janel Holt	125-181-02	[-\$108.51]	2004 Secured
Alexander C. & Diana J. Krueger, TR	125-373-11	[-\$317.18]	2004 Secured
Bobby B. Anthony et al, TR	152-181-03	[-\$776.42]	2004 Secured
Ryten Properties, LLC	516-020-30	[-\$1,153.32]	2003 Secured
Ryten Properties, LLC	516-020-30	[-\$1,394.34]	2004 Secured
Evan F. & Christine Pritchett	522-052-07	[-\$667.17]	2003 Secured
Evan F. & Christine Pritchett	522-052-07	[-\$675.45]	2004 Secured
Ramon P. Galvante	550-452-09	[-\$505.58]	2004 Secured

**05-147 MEMORANDUM OF UNDERSTANDING (MOU) – SALARIES
FOR JUSTICES OF THE PEACE - RENO AND SPARKS
TOWNSHIPS**

Sam Dehne, Reno resident, spoke in favor of the pay raises for the Justices of the Peace.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, with Commissioners Sferrazza and Humke abstaining, it was ordered that the minimum compensation for the Justices of the Peace for the Townships of Reno and Sparks be established at \$111,280 in accordance with N.R.S. 4.040, effective July 13, 2004 and that a five percent salary adjustment effective on January 1, 2005, and an additional five percent salary increase effective January 1, 2006, be approved. It was further ordered that the following Memorandum of Understanding between Washoe County and the Justices of the Peace of the Reno and Sparks Townships, concerning various methods to set the salaries for the Justices, be approved and Chairman Weber be authorized to execute the same:

**RESOLUTION – MEMORANDUM OF UNDERSTANDING
BETWEEN WASHOE COUNTY AND THE JUSTICES OF THE PEACE OF THE
CITIES OF RENO AND SPARKS**

WHEREAS, historically Washoe County has used various methods to set the salaries of the Justices in the Reno and Sparks Townships; and

WHEREAS, both the County and the Justices now seek to adopt a process for consideration of future salary adjustments for the Justices of the Peace in the Reno and Sparks Townships; and

WHEREAS, The Nevada Revised Statutes Chapter 4.040, requires that the Board of County Commissioners (Board) set the minimum compensation of Justices in July of any year in which an election of the Justices is held;

NOW, THEREFORE, in consideration of the aforesaid premises, the parties mutually agree as follows:

1. Beginning in 2006, and in each even-numbered year thereafter, the National Center for State Courts (NCSC) will conduct a study of the Justices' salaries and prepare a recommendation for the Board to use as a good tool in the decision-making process.
2. The parties agree that County staff, together with representatives of the two courts, will meet with the NCSC to develop the prospective methodology to be used for future studies.
3. Upon receipt of the recommendation, and at a regular meeting of the Board not later than July 31st of that year, the Board will set the minimum compensation for the Justices, as mandated by law, giving due consideration to the recommendation from the NCSC for adjusting the salaries of the Justices pursuant to NRS Chapter 4.040. Any salary increases will be subject to a finding by the Board of available funding.

4. The parties acknowledge that the process undertaken by the NCSC pursuant to paragraph 2, is to be used prospectively by the Board as a guide for its decision-making and to replace methods used in the past to adjust salaries.
5. This memorandum of understanding will remain in effect until rescinded by either party.

05-148 AWARD OF BID – TOLL ROAD PEDESTRIAN IMPROVEMENTS PROJECT – ENGINEERING

This was the time to consider the award of the bid and Alternates 1 and 2 for the “Toll Road Pedestrian Improvements Project” for the Engineering Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on January 5 and 12, 2005. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

Advanced Asphalt
A & K Earthmovers
Granite Construction
Gradex
Petersen Construction
SNC
TW/RTC

Upon recommendation of David Price, County Engineer, through Tom Gadd, Public Works Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that the base bid and Alternates 1 and 2 for the “Toll Road Pedestrian Improvements Project” be awarded to the lowest, responsive, responsible bidder, Gradex Construction, in the amount of \$203,786.20, and Chairman Weber be authorized to execute the contract documents upon presentation.

05-149 AWARD OF BID – BID NO. 2466-05 – FOOD MANAGEMENT SERVICES – SENIOR SERVICES

This was the time to consider the award of the bid for Food Management Services for Senior Services. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on December 8, 2004. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

Compass Group USA, Inc.
Valley Services, Inc.

Upon recommendation of Charlene Collins, Buyer, through John Balentine, Purchasing and Contracts Administrator, and Marietta Bobba, Director of Senior Services, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Weber ordered that Bid No. 2466-05 for Food Management Services be awarded to Compass Group USA Inc. in the annual amount of \$847,356. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute a one-year agreement commencing approximately April 1, 2005 through March 31, 2006, with two one-year renewal options at the discretion of the County.

05-150 DELINQUENCY/UNCOLLECTIBLE PERSONAL PROPERTY
TAX LIST – COMPTROLLER

County Manager Katy Singlaub explained the Internal Collections Division of the County pursued the collection of accounts. Melanie Foster, Legal Counsel, confirmed the County did not have the ability to sell bills to a collection agency. She said lists could be maintained and collection efforts continued as long as the accounts had not gone into bankruptcy.

Commissioner Galloway asked if there were any other options after County staff had pursued collections on the accounts. He inquired if there was a way to free market validate that the accounts had no worth. Bill Berrum, Treasurer, explained a 30-year veteran of the Internal Revenue Service was on staff in Collections, along with a second staff person. He confirmed they do everything possible to collect on accounts. He remarked the amount of \$46,796.49 was over a seven-year period, and staff was attempting to clean out the inventory. Mr. Berrum noted the reasons for not collecting, and he commented on the cost of recovery. He said he would rather not spend the money going after a few dollars and continue to be aggressive on current collections. He acknowledged there was no authorization legally to sell certificates or liens.

Commissioner Sferrazza stated he would support keeping a separate list in a file; however, he did not favor writing off the items. He said by writing off the items the message would be sent that the County was no longer attempting to collect the bills. He added if the accounts were 10 to 20 years old it would not be vital to write them off.

In response to Chairman Weber, Ms. Foster verified a list could be retained. She said at some point the County could not legally pursue the collecting of some of the bills. She said Statute would expire, and there would be nothing legally the County could do even if some assets were located.

Ms. Singlaub pointed out this was an accounting transaction that the external auditors advised the County to complete. She explained that to say the account was uncollectible and was written off means it would not be carried year after year on the books of the County as an uncollected asset. She noted there was an administrative cost to continuing to pursue the accounts, and the Treasurer's Office intended to collect every dollar due to the County.

Commissioner Sferrazza declared the County could take action within the statute of limitations against every default except those that were in bankruptcy. He said the County could file legal action in one mass complaint and sue to gain judgments against the account holders. He noted judgments could be kept for 10 years and refiled every 10 years indefinitely.

Ms. Singlaub verified the County could continue to pursue those accounts within the statute of limitations even though they had been written off.

Commissioner Galloway said he would support having an independent review as to whether or not the accounts could be pursued and to look into the mass lawsuit suggestion. He confirmed he would approve the write off. He inquired how the Treasurer could say it was seven years worth of items when it was done every year.

Mr. Berrum explained that the process by statute was done twice a year, and usually the current or last year was being written off. He added some accounts had not been pursued due to staff shortage; however, the current staff had been aggressive in getting the inventory down to this point.

Upon recommendation of Kathy Garcia, Comptroller, through John Sherman, Finance Director, on motion by Commissioner Larkin, seconded by Chairman Weber, which motion duly carried with Commissioner Sferrazza voting "no," it was ordered that the deletion of the identified accounts, names and amounts from the personal property tax rolls for the fiscal years indicated, as set forth in the agenda memorandum dated January 20, 2005 and placed on file with the Clerk, be approved and the Treasurer's Office be authorized to proceed according to NRS 361.725.

05-151 BILL NO. 1443 – AMENDING WCC CHAPTER 100 – UNIFORM BUILDING CODES

Katy Singlaub, County Manager, acknowledged Jess Traver, Building and Safety Director, and building officials in the region that came together to create a consistent building code for everyone in the County.

Dwight Perkins, Regional Manager for the International Association of Plumbing and Mechanical Officials, thanked Mr. Traver, his staff, and the Cities of Reno and Sparks for their work on the Ordinance. He said the Ordinance would bring all three departments in line with each other, and it would provide contractors the same guidelines

to follow as they work in the County. Mr. Perkins asked the Board to move the Ordinance forward at the proper time.

Bob Lopes, Plumbers and Pipe Fitters Local 350, spoke in favor of the Ordinance and stated it would benefit workers in the community, as it would create a level playing field for the contractors. He asked for the Board's support of the Ordinance.

Sam Dehne, local resident, voiced his support for the Ordinance.

Commissioner Galloway commented this Ordinance would eliminate confusion on the jobsite for people moving from one jurisdiction to another because the codes would be standardized for the Cities and the County. He said he was glad to see this moving forward, and Commissioner Sferrazza echoed Commissioner Galloway's support of the Ordinance.

Bill No. 1443 entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REPEALING PROVISIONS RELATING TO BUILDINGS AND CONSTRUCTION AND ADDING UNIFORM CODES WITH CERTAIN CHANGES, ADDITIONS AND DELETIONS, RELATING TO BUILDINGS AND CONSTRUCTION,**" was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

**05-152 CONTRACT - DUNCAN ASSOCIATIONS/DYETT AND BHATIA –
ASSESSMENT OF DEVELOPMENT CODE – COMMUNITY
DEVELOPMENT**

County Manager Katy Singlaub said the proposer supplied an example of what could be a result at the end of the contract. She explained a revamping of the Development Code occurred approximately once every 10 to 12 years, and this assessment was being done to identify specific changes needed in the Development Code. The assessment would provide a structure and an organization to the Code that would make it user friendly and prepare it to be searchable in an electronic version. Ms. Singlaub acknowledged the consulting contract would not be an actual writing of the Code; however, it would establish the framework for staff to rewrite the Code in an expeditious manner.

Commissioner Sferrazza said he was satisfied with the materials received, and he would support the contract.

Commissioner Humke noted inquiries were raised at the Caucus meeting on February 14, 2005 concerning the concept of smart growth, and there was an inference that supporting the contract would mean buying into smart growth. He added he was not in favor of the smart growth concept.

Mike Harper, Planning Manager, recognized the Board would not be supporting smart growth in approving the contract. He explained staff had asked the consultants to present concepts, and the Board would be providing direction and making

decisions on the concepts. He stated under no circumstances was the Board committing to any type of smart growth process at this point in time. Mr. Harper clarified the idea was for the Board to give staff direction at three choice points during the process; and, if the Board desired, they could appoint one or two Board members to a steering committee that would be established.

Commissioner Galloway said he did not think smart growth came in a complete package, as different approaches had their advantages and disadvantages. He requested, when the choice points were reached, the Board take each concept and examine where the concept had worked elsewhere.

Mr. Harper stated the materials provided gave an idea of the concepts that were brought forward and how they would be provided. He added the elected body would make the choices on the concepts.

Commissioner Humke said the Board requested a continuance on this item previously, and he was satisfied with the work staff had completed. He noted staff had shown why this was needed, how it would be carried out, and what roles the Board and staff would have throughout the process.

Chairman Weber acknowledged public comment cards from Marge Frandsen and Vallea Rose who were in support of the contract.

Upon recommendation of Mr. Harper, through Adrian Freund, Community Development Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that the contract between Washoe County and Duncan Associates/Dyett and Bhatia, concerning the assessment of the Washoe County Development Code, in the amount of \$102,140 be approved and Chairman Weber be authorized to execute the same.

05-153 PROPOSALS – SALE OF WATER RIGHTS – REGIONAL PARKS AND OPEN SPACE

Karen Mullen, Regional Parks and Open Space Director, reviewed the agenda memorandum dated February 15, 2005 that addressed questions and concerns raised by the Commissioners at the Caucus meeting on February 14, 2005. She summarized the Instructions to Bidders sheet, which was placed on file with the Clerk.

Commissioner Sferrazza stated he did not support the five percent ruling, as mentioned in the Instructions to Bidders, and he wanted the minimum increment to prevent any deterrent to public bidding. He said he favored reserving sufficient water for the Washoe County School District (School District) in case they needed it; however, he did not support that for the University of Nevada, Reno (University).

Ms. Mullen acknowledged the five percent was set by State statute, and she presented a copy of the statute to the Commissioners.

In response to Chairman Weber, Ms. Mullen explained the item concerning the proceeds of the sale would be on the March 8, 2005 agenda. She said the Board previously made commitments for a portion of the proceeds to go to the completion of the project at the North Valley's Sports Complex, and the other amount to the golf course. She stated the Board had directed staff to meet with the Golf Council and the North Valley's Sports Complex citizens group to seek a resolution on the remainder of the water rights, which staff completed. Ms. Mullen verified within that agenda item the Board would be reviewing their recommendations. She added the recommendation from the Parks Commission was to pay off the debt service for the treated water line, and then split the proceeds 50/50. Ms. Mullen noted the agenda item would be heard prior to the sale.

Commissioner Sferrazza requested staff present a history at the March 8, 2005 meeting of how the water rights were acquired, who paid for them, and how much was paid.

Commissioner Humke inquired if dealing with treated or effluent water was pursuant to the School District only. Ms. Mullen clarified the School District needed approximately 100-acre feet for a high school site; and one of the solutions staff looked at was to provide them a site near the treated water line, so they could hook up to treated water, which would take care of approximately 75-acre feet. She explained that would leave the School District about 25-acre feet for potable water, and they had an additional need for 5-acre feet of potable water for an elementary school site.

Ms. Mullen reviewed the five proposals entitled the Sale of Sierra Sage Water Rights 194.03 acre-feet, which was placed on file with the Clerk.

Robert Lichtenstein, University of Nevada, Reno, voiced his support for the County to sell all 194.03 acre-feet to the University. He stated that would be positive for the County because it would provide a predictable return on the investment of the water rights. He said it would benefit the School District through the gift of 50-acre feet of water. Mr. Lichtenstein affirmed it would benefit the University because it would allow for the sale of an 80-acre parcel at a handsome price to the University, which would not be achieved without sufficient water rights for development. He confirmed the University intended to sell the property to a developer, and the University funds for the acquisition of all the water rights would be through the sale to the private developer.

Melissa Lindell, Matrix Engineering/Barker Coleman, commented on her support of Proposals No. 1 or No. 5. She said her company needed all the water to continue their development operations in the Stead area.

Gregory Peek, ERGS, Inc./Lemmon Valley Land Company, stated the request of the School District was based on the need for a future high school in 2009, and that was inaccurate. He questioned where they would get the students if there was no water to build houses. Mr. Peek affirmed developers needed the water to build affordable

housing, and he asked the Board to be fair and not put the government in a position of competing unfairly with private industry.

Dale Sanderson, Washoe County School District, expressed his support for Proposal No. 4. He stated it had potential, and the School District desired time to examine the complex proposal and others that came forward. Mr. Sanderson explained the School District had been criticized in the past for not being proactive in the acquisition of sites and water rights. He said they had been proactive on this matter and encouraged the Board to accept Proposal No. 4.

Mark Johnson, Lemmon Valley homeowner, inquired if people had to own property in the Valley in order to bid for the water rights. Melanie Foster, Legal Counsel, responded that it was not a requirement; however, it would be important for the buyers to know what they could or could not do with the water rights. Ms. Mullen agreed and pointed out that it was a limited use area for the water rights. Mr. Johnson requested the five percent ruling be changed.

Ted Erkan, Reynen and Bardis, confirmed his company was the developer that was purchasing the property from the University, and he said his company desired to start building in that area to offer a different, affordable project. He added the University created jobs, and he noted there would be a break point at a public bid.

George Georgeson, CSA, Inc. Engineers, suggested giving or selling the School District the 30-acre feet, and the remaining water rights could be sold to everyone interested in purchasing them. He said the purpose would be for everyone to gain a portion of what they needed.

Commissioner Humke inquired of the intended use for the University property, and Mr. Erkan confirmed it would be residential use.

Commissioner Sferrazza asked if the University went through a public bid process to sell the property, and Mr. Lichtenstein replied the University sold the property pursuant to a public sale under the same statute the County followed.

In response to Commissioner Sferrazza's questions, Ms. Mullen explained the County could sell 89 acre-feet at the auction and reserve the rest to sell at a new appraised value after the public sale. She verified the City of Reno owned the treated effluent water and said the City would have to enter into an agreement with the County regarding the cost for the treated water.

Ms. Mullen further explained the ground water was appropriated from the State Engineer's Office years ago when the golf course was built. She confirmed the County did not pay any dollar value for that; however, the County did pay \$3-million out of the golf course fund, a portion of which was used to bring the treated water line down to the North Valleys Sports Complex and to the Sierra Sage Golf Course. She noted this was an item the County desired to pay off.

Commissioner Galloway voiced his concerns about the location of a new high school and reserving all the water for a high school that may not be built. He said he was disinclined to commit all the water, and he was reluctant to reserve all the water for the School District. He offered a reserve of 5-acre feet for a year. Commissioner Galloway suggested holding out 25-acre feet for appreciation or unknown uses and selling the remaining acre-feet at public auction. He encouraged the School District to examine sites that could use the reclaimed water; and he advised the School District not to pioneer a school that would attract growth to new areas, which would challenge service levels.

In response to Commissioner Larkin, Ms. Mullen explained the same discussion did not occur on January 14, 2003 concerning the sale of 103.97 acre-feet because neither the School District nor the University were involved. She said the parties recently became aware of the water and came forward during this sale. She verified all 300 acre-feet were not sold because the development community needed to resolve issues with the Truckee Meadows Water Authority as to whether or not they could get service with these particular water rights. Ms. Mullen confirmed the issues were resolved, and the developers were comfortable that they could now access and utilize the water.

Commissioner Larkin disclosed he participated in private discussions with both developers present at the meeting, and he received their input on several issues related to the sale of the water rights. He stated the Board would set public policy because there were competing interests, and he said the free enterprise system was the way to resolve that. He recognized selling the entire amount of water rights to the University would be a benefit for the public agency; however, it would be a loss to the development community because free enterprise was the way to build strong competitive forces. Commissioner Larkin acknowledged he would support reserving some of the water rights.

Commissioner Humke commented the University was seeking to function as a land developer, as the law permits them to acquire property. He said, when they disposed of the land, they would be a developer like everyone else. He did not see why the Board should give them the benefit of the law, which he thought was intended for a another public policy. Commissioner Humke stated the School District was using the law for the proper purpose. He commented the Vidler project was coming; and, when it arrived to deliver water to the North Valleys, the price of water would go down. He was not persuaded that it would be good policy to sell or reserve rights for the School District at this time. He voiced his support of selling all 194.03 acre-feet at public auction. Commissioner Humke disclosed he had met and discussed these issues with the Vidler representatives and both developers who were present at the meeting.

Chairman Weber disclosed she had lived in the North Valleys for 22 years and had been involved in all aspects discussed regarding the water rights. She supported selling the entire 194.03 acre-feet at public auction. Chairman Weber said she held no disrespect for the School District or the University system, and she stated the entities could participate in the bidding on the water rights.

Ms. Foster clarified the County had managed water rights sales under the procedure for the sale of real property, which was set forth in NRS 244.282 pertaining to counties. She said the use of the procedure was based upon the unique nature of water rights, due to the fact that they transfer by deed. She commented NRS 277.050 allowed the County to sell, exchange, or lease to another public agency without having to go through the bid process.

Commissioner Sferrazza commented both of the statutes deal with real property, and these rights were not pertinent to real property. He said they were water rights that were being sold separate from real property and not water rights restricted to particular parcels. He questioned why the statutes had to be applied.

Commissioner Sferrazza affirmed the University should not have any priority over anyone else. He said he found equity in favoring the position that the School District could wait for the Vilder project to buy water rights, or the School District could bid in the process along with others in the community. He did not support selling all of the water rights and suggested selling half and retaining half. Commissioner Sferrazza explained the water rights were a public asset, and a delay could favor the public in terms of increased value. He noted the public could enjoy the benefit of the new growth in the area, as well as the developers. He added, if the School District could show they needed the 30 acre-feet at a later date, the County could either sell it to them at a new appraised value or open it up for bid again; and they could participate in the bidding.

Commissioner Galloway said he would favor holding 30 acre-feet for appreciation, as there was no assurance that price would not increase over time.

Commissioner Humke explained in January of 2003 the Commission made the decision to place 300 acre-feet on the market, and at that time there were no publicly traded developers in that valley. He said currently there were seven developers; the demand was documented; at least one developer was interested in a low-end product that was important to the citizens; and he was not in support of withholding any of the acre-feet.

In response to Commissioner Larkin, Ms. Mullen explained staff had reserved 30 acre-feet to assure that the needs at the North Valleys Sports Complex and the golf course would be met. She said there had been discussions over the years concerning other building opportunities the County might have where the water rights could be used; however, she could not confirm any current plans.

Commissioner Larkin stated it was important to examine what the people of Washoe County would need in the future, and he said he was hesitant to place all the water rights out for public auction. He favored holding back 5 to 10 acre-feet. Chairman Weber stressed that the water rights could only be utilized in that basin, and she favored the sale of all the water rights.

Commissioner Sferrazza acknowledged he voted against the Board action in 2003 because it did not allow everyone to bid. He maintained it would not be reasonable to put out 100 percent of the water rights, and there was no incentive to sell the entire amount at the present time. He said there was basis to reserve an amount, and the County could hold back 100 acre-feet and release the balance a year from now or sooner if needed.

Commissioner Galloway confirmed he did support the Board action in 2003; however, he stressed that would not be the best course of action presently. He acknowledged holding back some of the water rights could benefit the public and keep options open for the County.

Commissioner Humke made a motion to place 174.03 acre-feet for sale at public auction and to reserve 20 acre-feet. Chairman Weber seconded the motion.

Commissioner Galloway established his bottom-line was to hold out 25 acre-feet. Commissioner Sferrazza stated he would like to hold out 50 acre-feet. He said that would allow an amount for the School District and 20 additional acre-feet if the County needed it for any purpose.

Commissioner Sferrazza commented the five percent rule applied to real property, and the District Attorney recognized that water rights were real property. Ms. Foster verified under Nevada Law water rights were treated as real property, appraised as real property, and transferred as real property; and that was the reason for the advice from the District Attorney's Office.

Commissioner Galloway acknowledged he would not support the motion because he wanted a higher amount of acre-feet held back. Commissioner Sferrazza said he supported the concept of the motion; however, he agreed with Commissioner Galloway. He voiced his support for the idea of a public bid and an open process that allowed participation for everyone.

Commissioner Humke stated the cost of water rights in that geographical area would go down when 8,000 acre-feet were placed on the market, and there was an obligation to maximize the dollars coming into Washoe County.

Commissioner Sferrazza remarked the earliest date for the 8,000 acre-feet coming into the area would be 2007, and that would give two years to maximize the value of those water rights.

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

It was further ordered that the following resolution for sale be approved and Chairman Weber be authorized to execute the same:

RESOLUTION

WHEREAS, Washoe County is the owner of 174.03 acre feet of water rights originating from the Sierra Sage Golf Course, 6355 Silver Lake Road, Stead, Nevada; under supplemental permits 66958 and 66959 as changed by applications 71195 and 71194 respectively, and

WHEREAS, pursuant to NRS 244.281 and NRS 244.282, the County has the power to sell the subject water rights at public auction; and

WHEREAS, the water rights to be sold have been appraised at fifteen thousand dollars (\$15,000) per acre foot, and

WHEREAS, sale of the water rights will be in the best interest of the County,

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

1. Washoe County declares its intent to place 174.03 acre feet of water rights originating from the Sierra Sage Golf Course, 6355 Silver Lake Road, Stead, Nevada; under supplemental permits 66958 and 66959 as changed by applications 71195 and 71194 respectively, for sale pursuant to the auction process found in NRS 244.282.
2. Pursuant to NRS 244.282(1)(b), the Board declares the following to be minimum terms for any offer for the purchase of one-acre foot of water rights:
 - a. The minimum price per acre-foot is fifteen thousand dollars (\$15,000), the appraisal value set forth above and the Board declares that it will not sell the property for less than the minimum price.
 - b. The purchaser agrees to execute an agreement for the purchase of the water rights substantially in the form of the Purchase Agreement, which was placed on file with the Clerk.
 - c. The purchaser acknowledges the water rights are under supplemental permits 66958 and 66959 as changed by applications 71195 and 71194 respectively, which were placed on file with the Clerk.

- d. The purchaser acknowledges that Washoe County will be selling the water rights at a minimum amount of one acre foot not to exceed 174.03 acre feet for the highest price per acre foot to be paid in cash. (cashiers check)
 - e. The purchaser must submit a written bid indicating the bid price per acre foot, indicating the total number of acre feet to the nearest one hundredth (example: 2.12 acre feet) and indicating the total purchase price.
 - f. No contingent bids will be accepted.
 - g. Bids must be submitted to the Washoe County Water Resource Department 4930 Energy Way, Reno, Nevada, Attention: Vahid Behmaram, no later than 9:00 a.m. on March 8, 2005.
3. A meeting of the Board will take place at the regular place of meeting in the Chambers of the Washoe County Administration Complex, Building A, 1001 East Ninth Street, Reno, Nevada at 5:30 p.m. on March 8, 2005 at which sealed bids will be received and considered.
 4. At the meeting, all sealed bids will be opened, examined and declared by the Board.
 5. Of the proposals submitted which conform to all terms and conditions specified in this resolution and which are made by responsible bidders, the bid which is the highest will be finally accepted, unless a higher oral bid is accepted or the Board rejects all bids.
 6. Before accepting any written bid, the Board shall call for oral bids. If upon the call for oral bidding, any responsible person offers to buy the property upon the terms and conditions set in this resolution, for a price exceeding by at least five percent (5%) the highest written bid, then the highest oral bid which is made by a responsible person will be finally accepted.
 7. The final acceptance by the Board may be at the meeting or any adjourned session of the same meeting held within the ten (10) days next following the meeting.
 8. The Board may, either at the meeting or at any adjourned session of the same meeting held within the 10 days next following, if it deems the action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from sale.

9. The Board authorizes and directs the chairman to execute a deed and deliver it upon performance and compliance by the purchaser with all terms and conditions of the purchase agreement, which are to be performed concurrently therewith.

6:25 p.m. The Board recessed.

6:42 p.m. The Board reconvened with Commissioner Sferrazza absent.

6:50 p.m. Commissioner Sferrazza returned during the following item.

05-154 TRUCKEE RIVER FLOOD MANAGEMENT PROJECT UPDATE

Paul Urban, Flood Control Manager, explained the Army Corps of Engineers were continuing on their work of describing the project alternatives and responding to their Independent Review Team comments. He said their next milestone was the alternative formulation briefing, which was anticipated in June of 2005. Mr. Urban noted at that time staff would expect some type of selection of a preferred project alternative.

Mr. Urban reviewed the staff report dated February 15, 2005 summarizing the work of the Steering Committee and the Executive Committee of the flood project.

Commissioner Galloway inquired about the rebuilding of bridges, and Mr. Urban said the subject was not in the staff report because the items listed were projects to be completed within the next two months. Mr. Urban confirmed he would place that item under the flood project elements that would be constructed early on, and Commissioner Galloway agreed.

In response to Commissioner Galloway's questions, Mr. Urban explained the situation concerning the parcels in the Edison Way Industrial Park. He verified 90 percent of the buildings would be needed for the project, and six to eight of the buildings were occupied.

Commissioner Sferrazza commented on the land acquisition and requested a detailed report as to what happened, when it happened, and when the parcels for the Early Land Acquisition were identified.

County Manager Katy Singlaub remarked the Board, the Steering Committee, and the Executive Committee adopted the list of the lands in 2003; and the Board's execution of those contracts occurred in 2004. She said the contracts were brought through several revisions; and it was the Board's determination to go with the non-profit agencies of Great Basin Land and Water and the Nevada Land Conservancy, as opposed to a real estate agent because both entities could buy and hold properties and not increase the price, as a real estate or for-profit person might.

Mr. Urban explained that dealing with the Land Conservancy allowed the County to give the seller potential tax credits, which had already made the difference between someone deciding to sell the land to the County or to another party.

Commissioner Sferrazza asked for a timeframe and details concerning what the agencies had done, what initial contact means, who they had talked to, and when. He said it was vital to check on their performance. Mr. Urban suggested Commissioner Sferrazza and the Conservancy representatives meet to develop a report that would satisfy the Commission. Mr. Urban said the County was consistently reminded by the land agencies to be careful about how much was said publicly in order to not jeopardize sales.

Commissioner Sferrazza inquired about the properties with buildings on them, and he asked if the County could buy a flood right instead of buying the whole building. Mr. Urban confirmed he would look into that and noted it was an option to discuss during negotiations.

In response to Commissioner Humke, Mr. Urban explained the desired project staffing was not a vote of the Commission. He said it was the Steering Committee making a recommendation to the Executive Committee on what they felt was needed, and no action had occurred at the present time. Mr. Urban clarified the Executive Committee was made up of the County Manager, the City Managers of Reno and Sparks, and the President of the University of Nevada, Reno; and the Steering Committee was made up of representatives from those four entities, and he gave the names of the members.

Ms. Singlaub further explained what was provided to the Board were the discussion documents that were reviewed and put together by the Steering Committee. She detailed the process that was currently being followed by the Executive Committee and the Steering Committee to move the flood project forward. She noted the Committees were pursuing a project director, a lobbyist who would lobby the Army Corps of Engineers in Washington D.C., a communications position, and an environmental impact statement/environmental position. She detailed the procedures for filling the positions, and the Board's involvement in the process. Ms. Singlaub noted discussions had occurred about who would supervise the project director, and it was concluded that if Washoe County became the sponsoring entity, the County must have the ability to supervise the project director. She added a dual reporting relationship for the project director was being drafted by the Executive Committee.

Ms. Singlaub outlined the flood management project decision-making structure and the role of the Board concerning recommendations that would come forward from the Executive Committee.

Commissioner Larkin inquired when the Board could expect a recommendation on the project director, and Ms. Singlaub said there would be a recommendation by the Joint Meeting on March 25, 2005.

Commissioner Sferrazza requested, if a contract person was hired, that they work full-time on the flood control project; and Ms. Singlaub concurred.

Commissioner Sferrazza asked about the lobbyist. Ms. Singlaub explained the current lobbyist for the County was a congressional lobbyist, and the project needed a lobbyist who was experienced with the Army Corps of Engineers to work inside the bureaucracy. She said the main issues with the flood control project were funding from Congress and the process going through the Army Corps of Engineers. She noted the County's current lobbyist does not have the expertise required, and she added a person had been identified and negotiations were in process for the lobbyist.

Commissioner Galloway said he was concerned about dual reporting for the project director. Ms. Singlaub clarified dual reporting would include a day-to-day supervision quality and a policy level quality. She said the Executive Committee proposal would be for the Joint Coordinating Committee to have the policy level quality.

Commissioner Sferrazza asked when Board members would be appointed to serve on the Joint Coordinating Committee and the Land Sub-Committee. Ms. Singlaub said the item could be on the March 15th or 22nd, 2005 agenda, and the Board requested the items be agendaized.

Ms. Singlaub thanked Mr. Urban for his dedication to the flood control project.

05-155 2002 REGIONAL PLAN SETTLEMENTS

Commissioner Sferrazza stated he and Chairman Weber met with Lori Williams, Executive Director of the Truckee Meadows Water Authority (TMWA), concerning the Verdi water service issue. He recommended the Board authorize Chairman Weber and himself to submit the issues concerning water service in the Verdi area to binding arbitration by an independent arbitrator selected by joint agreement of the parties. He clarified the parties included TMWA and Washoe County. Commissioner Sferrazza requested Chairman Weber, Ms. Williams, and himself be authorized to continue to meet; and Steve Bradhurst, Water Resources Director, the District Attorney, the attorney for TMWA, Mike Carrigan, as the Vice-Chairman and Acting Chairman of TMWA, and Dave Aiazzi, as the representative of the Verdi area and the councilperson and Board member of TMWA, be included. He said the purpose of the meetings would be to continue to frame the issues, the arbitration process, and to take this situation out of politics. Commissioner Sferrazza explained one topic of discussion was that Chairman Weber, Ms. Williams, and himself should report back to Judge James Hardesty informing him that progress was being made and to update him on this proposal. He said the arbitrator would decide the issue in terms of what was in the best interest of the ratepayers and customers.

In response to Commissioner Larkin, Melanie Foster, Legal Counsel, confirmed a motion could be accepted at this meeting under this agenda item because what was proposed was part of the Regional Plan litigation.

Chairman Weber commented the TMWA Board needed to approve the same motion at their February 16, 2005 meeting.

On motion by Commissioner Sferrazza, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Chairman Weber and Commissioner Sferrazza be authorized to submit the issues with respect to water service in the Verdi area to binding arbitration by an independent arbitrator to be selected by joint agreement of the parties. It was further ordered that Chairman Weber and Commissioner Sferrazza be authorized to continue to meet and confer with Mr. Bradhurst, the District Attorney, the TMWA attorney, Mr. Carrigan, Mr. Aiazzi, and Ms. Williams to develop and frame the process and bring it back for final Board approval.

REPORTS/UPDATES FROM COMMISSION MEMBERS

Commissioner Sferrazza requested coverage for the March 3, 2005 meeting of the Senior Advisory Board, and Commissioner Galloway confirmed he would be in attendance.

Commissioner Galloway asked for staff support in regard to applications submitted concerning Hunter Creek Canyon land and surrounding properties for development of homes and two other parcel map applications. He requested the initial analysis by staff identify whether the applicant was correct that current zoning covered the development. He said that was a key question raised at a recent West Truckee Meadows Citizen Advisory Board (CAB) meeting. Commissioner Galloway requested staff find out whether the current zoning and rules for density transfers would allow that development and whether there was any remainder of unused zoning. He requested staff from Community Development attend the next meeting of the West Truckee Meadows CAB to discuss the applications.

Commissioner Humke commented on the Town Hall meeting that was held on February 12, 2005 concerning property tax issues. He thanked Carol Vilardo for her presentation at the meeting.

Commissioner Larkin remarked on his attendance at the Regional Transportation Committee (RTC) retreat and said he had forwarded a request to the County Manager on the Federal Emergency Management Act (FEMA) that had been submitted concerning the snow event. He noted the conversation at the retreat centered on what RTC could do to support any of the entities with additional funding or assistance for any additional damage that might occur after the snow event. County Manager Katy Singlaub confirmed the Emergency Manager would be in attendance at the RTC Board meeting on February 18, 2005. She added RTC had participated in the FEMA reimbursement seminar sessions the Emergency Manager had organized for the region.

Chairman Weber announced that "Coffee with your Commissioner" would occur on February 19, 2005 from 9:00 a.m. – 10:00 a.m. at the North Valleys Regional Sports Complex. She reported on the February meetings of the Sun Valley and North Valleys CABs. She noted the North Valleys CAB held their first meeting on the area plan. Chairman Weber discussed the graffiti that had occurred at the North Valleys Sports Complex and the expense involved to remove it. She acknowledged different ways to fund the Silver Lake Volunteer Fire Department were being sought. She said she and Commissioner Galloway served as representatives on the annexation mediation, and there would be a report at the next meeting.

In response to Commissioner Sferrazza, Melanie Foster, Legal Counsel, explained he and Commissioner Larkin served in a dual capacity when the Board of County Commissioners and the Reno-Sparks Convention & Visitors Authority meet together.

COMMUNICATIONS AND REPORTS

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

COMMUNICATIONS:

- 05-156** A. Labor and Material confirmation of payment for the 2004/05 slurry seal of selected streets in Washoe County, Nevada, PWP-WA-2004-211.
- 05-157** B. Summary of all claims made against Washoe County for tortious conduct for the years 1993 through 2004.
- 05-158** C. Summary of all claims made against Truckee Meadows Fire Protection District for tortious conduct for the years 1993 through 1997.
- 05-159** D. Notice of Intent to Annex Land into the City of Sparks dated December 29, 2004 to annex 960 acres of land, generally located east of Desert Highlands Planned Development, east of the Vista Ridge Subdivision and south of Wingfield Springs, Washoe County, into the City of Sparks, and a copy of Bill No. 2435 introducing the proposed Ordinance. The public hearing on Bill No. 2435 was scheduled for the Council meeting held on January 10, 2005. (Copy of Documents sent to Community Development on January 6, 2005.)
- 05-160** E. Notice of Intent to Annex Land into the City of Sparks dated January 12, 2005 to annex approximately 9.12 acres of land owned by El Rancho, LLC, generally located south of El Rancho Drive,

between Sullivan Lane and Clear Acre Lane/Sun Valley Boulevard, Washoe County, into the City of Sparks, and a copy of Bill No. 2438 introducing the proposed Ordinance. The public hearing on Bill No. 2438 was scheduled for the Council meeting held on January 24, 2005. (Copy of Documents sent to Community Development on January 20, 2005.

REPORTS – ANNUAL FINANCIAL (Fiscal Year 2003-2004)

- 05-161 A. City of Sparks
- 05-162 B. Grand View Terrace General Improvement District
- 05-163 C. Regional Transportation Commission
- 05-164 D. Truckee Meadows Water Reclamation Facility

05-165 **REPORTS – MONTHLY (December 2004)**

- A. Clerk of the Court
- B. County Clerk's

05-166 **REPORTS – MONTHLY (January 2005)**

- A. Clerk of the Court

05-167 **REPORTS – QUARTERLY (December 2004)**

- A. Court Clerk
- B. County Clerk
- C. Gerlach General Improvement District
- D. Justice Court - Incline Village – Crystal Bay Township
- E. Justice Court – Sparks Township
- F. Justice Court – Verdi
- G. Sheriff – Civil Fees and Commissions

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There being no further business to come before the Board, the meeting adjourned at 7:35 p.m.

BONNIE WEBER, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Karen Jones, Deputy County Clerk
Lori Rowe, Deputy County Clerk*