

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

NOVEMBER 8, 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:

05-1154 AGENDA

Gary Schmidt, Washoe County resident, stated he was opposed to the nature of the consent agenda and the Commissioners voting on items in a block. He stressed it was a violation of the Open Meeting Law to give only three minutes to the public to speak on items that had been moved into the consent agenda or to a block vote.

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Larkin, which motion duly carried with Commissioner Sferrazza absent, Chairman Weber ordered that the agenda for the November 8, 2005 meeting be approved with the following change: **Delete** Item 14C, renewal of lease agreement with the City of Reno for use of a portion of Rancho San Rafael Regional Park.

***2:20 p.m.** Commissioner Sferrazza arrived at the meeting.

05-1155 RESOLUTION – SUPPORT FOR NEVADA DISCOVERY MUSEUM

Commissioner Humke read the resolution and acknowledged Chris Riche from the Nevada Discovery Museum.

Mr. Riche thanked the Commissioners for their support and the work they do on behalf of Washoe County. He acknowledged the County departments that were working to make the museum a reality and a success.

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

RESOLUTION

WHEREAS, Northern Nevada is of the size, and has the need, for a full featured children's hands-on discovery museum; and

WHEREAS, The Nevada Discovery Museum has identified a nearly ideal building and location to serve our region; and

WHEREAS, The Nevada Discovery Museum will help prepare our children for the future while helping families experience the joy of learning together today; and

WHEREAS, The Nevada Discovery Museum will provide benefits across a broad range of community organizations, including schools, businesses and other non-profits; and

WHEREAS, The Nevada Discovery Museum will further enhance our region's attractiveness as a tourist destination and place for families to relocate to; and

WHEREAS, The Nevada Discovery Museum will be both accessible by, and appealing to, a broad range of ethnic, economic and social groups; now, therefore, be it

RESOLVED, That the Board of Washoe County Commissioners supports the establishment of The Nevada Discovery Museum and urges all residents to come together to help create this valuable community resource for our region.

**05-1156 PROCLAMATION – NATIONAL FAMILY CAREGIVERS
MONTH – NOVEMBER 2005**

Commissioner Sferrazza read the proclamation and presented it to Marietta Bobba, Senior Services Director.

Chairman Weber remarked the families that provided caregiving were important to the community and to the individuals who received that care.

Ms. Bobba thanked the Commissioners for joining Senior Services in acknowledging the amount of caregiving done in the community. She explained caregiving made the difference in a person's quality of life and offered a choice in terms living arrangements. She said there were over 7,000 grandparents raising grandchildren in Washoe County, and she thanked them.

Commissioner Humke commented on the number of grandparents assisting the courts and the Social Services Department by raising their grandchildren, and he acknowledged their action was taking a burden off the foster care and the Social Services systems.

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

PROCLAMATION

WHEREAS, Family caregivers provide more than 80% of all homecare services, and

WHEREAS, Collectively it is believed that these individuals contribute some \$257 billion annually to the nation's health care system by providing services and products significantly reducing costs to Medicare, Medicaid, and private payers, and

WHEREAS, Caregivers are making a huge contribution in both time and resources, an

WHEREAS, Two-thirds of all caregivers are employed, both full-time or part-time, and

WHEREAS, Caregivers provide quality loving care despite substantial stresses and burdens as a consequence of care giving duties, and

WHEREAS, Those who provide any form of care for another person seldom identify themselves as a caregiver, and

WHEREAS, There is always a need for information about available community services for caregivers and for those who need care; now, therefore, be it

PROCLAIMED, That the Washoe County Board of County Commission does hereby proclaim November 2005 as NATIONAL FAMILY CAREGIVERS MONTH and urges all Washoe County citizens to join community efforts in recognizing and helping those who care for others.

05-1157 PUBLIC COMMENTS

Chairman Weber stated the Open Meeting Law did not require a public body to tolerate comments that were willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational, or amounting to personal attacks. She said Section 8.05 of the Nevada Open Meeting Law manual states, "The Chair of a public body may, without the vote of the public body, declare a recess to remove a person who was disrupting the meeting." Chairman Weber clarified the first

ten people to speak under public comment would have three minutes, and those that followed would have one minute.

Roy Adams, Spanish Springs resident, presented "A Petition Against Casinos in Spanish Springs Valley." He recognized there were 5,025 signatures against casino development in Spanish Springs. He asked the Commissioners to approach the City of Sparks, work with them to address the issue, and become involved and part of the solution.

Shirley Bertschinger, Sparks resident, appealed on behalf of the citizens of Spanish Springs for the Commission to place an item on their agenda to discuss the necessary steps to put the issue of neighborhood casinos on a County wide ballot. She stated this was a regional problem, and she asked the Commissioners to take a stand on the issue for their constituents.

Al Hesson, Reno resident, talked about the war in Iraq, read articles about deaths during the war, and spoke against President Bush. He discussed free speech and the First Amendment and questioned why Chairman Weber and this body felt the First Amendment should not apply to them. He said the only member who stood up to Chairman Weber on this issue was Commissioner Sferrazza who was a lawyer. Mr. Hesson stated fellow lawyer Commissioner Humke sits there deaf, dumb and mute on free speech, as he apparently slept through all of his classes on constitutional law or perhaps he purchased his law degree by mail order. Chairman Weber spoke to Mr. Hesson and gave him one warning for a personal attack. Mr. Hesson continued and stated Chairman Weber and Commissioners Galloway and Larkin sit there deaf and dumb relative to free speech. Chairman Weber said that was personal attack number two, and she called for a recess, during which Mr. Hesson was removed from the meeting.

2:37 p.m. The Board recessed.

2:42 p.m. The Board reconvened with all members present.

Onie Cooper, area resident, gave recognition to Commissioner Sferrazza for working to place on the ballot an item concerning the Iraq war. He spoke against the leadership of Richard Gammick, District Attorney. He said he was not good for the community.

Jack Haynes, Washoe County resident, stated the number one need in Washoe County was to provide a multi-activity area that would be indoor, family friendly, secure, open all hours, available in all types of weather, and 100 percent disaster proof. He named benefits that would bring to the community.

Tom Noblett, Sun Valley resident, gave details about a recent meeting with County inspectors who worked with the County Code.

Guy Felton, Reno resident, presented and quoted a recent article from the *Reno News and Review*. He stated democracy meant the people were sovereign and politicians were hired help. He said Americans had clear rights to maintain control over their hired help, and he gave reasons why that was difficult to do.

Vickie Haynes, Sparks resident, remarked citizens should demand that the government provide them protection by keeping the National Guard on homeland soil. She declared all states had the right to form a militia for self-protection. She invited all residents to attend a parade for veterans on November 12, 2005.

Chairman Weber informed the following speakers that they would be the last two citizens allowed three minutes to speak under public comment.

Mary Cooper, Reno resident, said she was appalled with the removal of citizens from the Commission meetings. She voiced her support for the right to free speech, and she stated it disturbed her that some Commissioners wanted to censure public comments. She thanked Commissioner Sferrazza for standing up for the people in the community who came to the meetings to speak.

Justin Potter, Reno resident, said he was in attendance on behalf of Harvey Whittemore and the Peppermill Hotel and Casino, who would jointly build the proposed Lazy 8 Ranch Casino Resort in Sparks. He talked about the timeline and costs of the project, and the amenities and benefits of the resort. Mr. Potter commented on the opposition from residents and discussed the petition that was presented to the Board.

Lorraine Burke, area resident, asked if she could speak for three minutes, and Chairman Weber informed her she would have one minute. Commissioner Sferrazza asked if Ms. Burke could be allowed three minutes to speak. Chairman Weber said she had explained the rules ahead of time, and Ms. Burke would have one minute.

Ms. Burke spoke about undergrounding power lines and said spreading the cost over the rate base was the understanding when the Tracy to Silverlake project was routed. She said the outcome would have been different had the mitigation costs been accessible to specific political sub-divisions.

Vallea Rose, Spanish Springs resident, stated citizens asked for a Town Hall meeting concerning the proliferation of gaming into the neighborhoods. She declared citizens did not want the casinos in their neighborhoods.

Juanita Cox, Sparks resident, commented on free speech and the First Amendment rights of citizens. She stated she was appalled by the conditions the Commission was trying to place on the citizens. Ms. Cox said she resented the Board's treatment of the disabled at the last Board meeting when a citizen was kicked out of the Chambers for not staying on point. She said she reviewed the tapes, and she believed the Board violated that citizen's rights.

Katherine Snedigar, Washoe County resident, confirmed she made a formal complaint at an October Citizen Advisory Board meeting concerning an application of Kimberly Haywood. She stated Ms. Haywood lied on her application; and she questioned why Commissioner Larkin and Bob Webb, Community Development Planning Manager, approved Ms. Haywood.

Request to speak cards from residents Patricia Axelrod, Anita Brossard, Gary Drake, and Brendan Trainor were presented. They were not in attendance at the meeting; and Chairman Weber directed Amy Harvey, County Clerk, to enter the cards into the record.

COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS

Commissioner Sferrazza said he supported the Chairman's action with respect to citizen Al Hesson after his public comment time had expired; however, he disagreed that the Board had the right to stop a person from criticizing the Commission. He stated that was what the First Amendment was all about, and he declared citizens could criticize the Commissioners as individuals or as a whole. Commissioner Sferrazza stated he was in favor of having the same time limit for all people who came forward to speak during public comment, and he asked for that to be placed on an agenda for discussion and action.

Chairman Weber warned the audience that unwarranted comments would not be tolerated, and they could lead to the removal of persons from the meeting. She confirmed she had been consistent with the management of public comment since she was appointed Chairman. She said there had been no change; she informed the public of the rule at each meeting; and the process was delineated on the Commission agendas. Chairman Weber emphasized what she read at the beginning of the meetings did not violate the First Amendment because it was from the Open Meeting Law manual and mandated by the Legislature. She stated something would have to be figured out if Commissioner Sferrazza did not want to live by those rules.

Melanie Foster, Legal Counsel, confirmed the Chairman had applied the rule consistently at each meeting. She said it was within Commissioner Sferrazza's purview to ask that the rule be re-examined. She explained the case law consistently said that public meetings of this type were not unlimited public forums, as compared to the sidewalk in front of this building. Ms. Foster stated an individual of the public had the right to express any opinion in whatever fashion they desired on that sidewalk. She stressed this meeting was not the same type of forum because it was a limited public forum. The Board had the ability to impose content and neutral rules regarding time and behavior, as long as those rules were not enforced unevenly based upon the content of the speech being expressed. She emphasized that was the difference between what someone could do in a public park versus standing at this podium. Ms. Foster noted that was the rationale behind the rules that had been imposed; and that was the rationale behind the Attorney General's expression in that opinion, which was the material the Chairman read

at the beginning of each meeting. She pointed out the Legislature said that a public body did not have to tolerate behavior that was disruptive to its meetings.

Chairman Weber and Commissioner Sferrazza discussed further the differences of their views on the management of public comment and the Open Meeting Law.

Commissioner Galloway commented on the neighborhood casino issues and stated the Board joined other entities in taking a position in opposition to neighborhood casinos in the past. He stressed the Cities of Reno and Sparks (Cities) wanted to hear from citizens about the issues that impacted them. He said he would like an invitation from the City of Sparks to express an opinion on that particular issue. Commissioner Galloway remarked he was open to a public opinion ballot question on neighborhood casinos; however, he would not request an agenda item at this time because an advisory question could not be put on the ballot until November 2006.

Commissioner Humke stated some citizens from his District had commented on the restrictive interpretation of the Open Meeting Law that they had received from the District Attorney. He explained to them there was one rule, and the Nevada Attorney General made that rule. He announced there would be an Open Meeting Law class for the Chairmen of the Citizen Advisory Boards (CAB's) and CAB members on November 22, 2005. He noted there was a new Attorney General for the State of Nevada, and he encouraged him to become immersed in the Open Meeting Law and other issues. Commissioner Humke invited him to attend Washoe County governmental meetings.

Commissioner Larkin requested an update on the status of the gaming climate survey that was initiated, as well as a status report on the joint governments' review of gaming in the region. He asked for an update on the moratorium the County put into motion and for information only on a non-restricted gaming issue for the 2006 ballot. He invited citizens to attend the Sparks Hometown Parade.

Chairman Weber commented on a recent meeting concerning the reconstruction of the V&T (Virginia and Truckee) Railway. She reported the committee would be asking for a funding commitment from Washoe County of \$25,000 a year for five years to help support the reconstruction of the railway. She stated Carson City had moved forward on a sales tax to support the railway. Chairman Weber said they would also be seeking funding from Lyon and Douglas Counties. She remarked economic benefit would be gained when the railway became operational. She requested discussion about code enforcement and said she would inform citizen Tom Noblett when the item was placed on a Commission agenda.

In response to County Manager Katy Singlaub, Chairman Weber said she believed there had already been a designation of monies for the reconstruction of the V&T Railway, and Washoe County was waiting for a letter from the V&T regarding those monies. Ms. Singlaub stated she would check into the matter.

Commissioner Sferrazza stated he disagreed with the definitions of a public forum from the Attorney General and the District Attorney. He said once there was a public forum, it was opened and people have the right to criticize their government officials. He acknowledged his view differed with the majority of the Board on that issue, and he would make that clear at every meeting.

Commissioner Galloway said he respected Chairman Weber's prerogative to make the rule concerning public comment time limits, and he welcomed the item for discussion. Commissioner Sferrazza agreed the Chairman was within her rights to set the time for public comment until the Board discussed the issue.

Chairman Weber asked for an agenda item in 2006 concerning consolidation of law enforcement.

Ms. Singlaub asked the Board to keep Mondays open from 9:00 a.m. to 11:00 a.m. when Commission meetings were to be held the next day. She said it was a convenient time to have discussion on workshop type items.

05-1158 MINUTES

On motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the minutes of the regular meeting of September 26, 2005 be approved.

**05-1159 RATIFICATION OF AMENDMENTS – COLLECTIVE
BARGAINING AGREEMENT – SHERIFF'S SUPERVISORY
DEPUTIES' ASSOCIATION - LABOR RELATIONS**

Commissioner Sferrazza commended the Labor Relations Manager and the Deputy Sheriff's Association for reaching a reasonable agreement. He said it would be good for Washoe County because it locked in wages for the next several years, and it would benefit the general public and the deputies.

Upon recommendation of Steve Watson, Labor Relations Manager, through Katy Singlaub, County Manager, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that the agreement between Washoe County and the Washoe County Sheriff's Supervisory Deputies' Association, concerning ratifying the Amendments to the Collective Bargaining Agreement for July 1, 2005 through June 30, 2008, be approved and Chairman Weber be authorized to execute the agreement upon receipt.

**05-1160 DONATION – 2005 HAULMARK UTILITY TRAILER –
SHERIFF'S HASTY TEAM - SHERIFF**

Commissioner Galloway thanked the Washoe County Sheriff's Hasty Team for donating a trailer to the Sheriff's Office Search and Rescue Program valued at

\$7,000. He stated it was commendable that this team cared enough about what they did to help pay for some of their own equipment.

Upon recommendation of Sergeant Russ Pedersen, Search and Rescue, through Dennis Balaam, Sheriff, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the donation of the 2005 Haulmark Utility Trailer from the Washoe County Sheriff's Hasty Team, to be used by the Washoe County Sheriff's Office Search and Rescue program for use as a dive trailer during rescues/incidents and valued at \$7,000, be accepted with the gratitude of the Board.

05-1161 DONATION – INCLINE SUBSTATION – SHERIFF

Commissioner Galloway acknowledged the anonymous donor and thanked them for donating \$20,600 for the Incline Substation to assist with security and equipment needs.

Upon recommendation of Gregg Lubbe, Incline Substation Commander, through Dennis Balaam, Sheriff, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the donation in the amount of \$20,600 from an anonymous donor for the Incline Village Substation be accepted with the gratitude of the Board. It was further ordered that the Budget Division be directed to make the following budget adjustments:

| Increase Revenues | Amount |
|--|---------------|
| 20004-484000 (Incline Village Substation-Donation) | \$20,600 |
| Increase Expenditures | |
| 20004-711504 (Incline Village Substation-Equip<10,000) | \$20,600 |

05-1162 CONTRACT AMENDMENT - DESIGN SERVICES – DETENTION FACILITY EXPANSION – GANTHNER MELBY, LLC – PUBLIC WORKS

Upon recommendation of Roger Van Alyne, Deputy Public Works Director, through Tom Gadd, Public Works Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that an amendment to an existing contract for additional design services for the Detention Facility Expansion to Ganthner Melby LLC, in the amount of \$34,000, be approved. It was further ordered that the Public Works Director be authorized to execute the amendment and the necessary documents upon receipt.

05-1163 CHANGE ORDER – SECURITY FENCE AND ELECTRONIC - THOLL FENCE, INC. – PUBLIC WORKS

Upon recommendation of Roger Van Alyne, Deputy Public Works Director, through Tom Gadd, Public Works Director, on motion by Commissioner

Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that change order number two to Tholl Fence, Inc., concerning the Washoe County Security Fence and Electronics in the amount of \$11,500, be approved. It was further ordered that the Public Works Director be authorized to execute the necessary documents upon receipt.

05-1164 LEASE AGREEMENT – 601 W. MOANA LLC – PUBLIC WORKS

Upon recommendation of Mike Turner, Facility Management Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that a 60-month lease agreement between Washoe County and 601 W. Moana, LLC, concerning use by the District Health Department Supplemental Nutrition Program for Women, Infant, and Children (WIC) at an annual rental expense of \$69,638 commencing January 1, 2006, be approved and Chairman Weber be authorized to execute the same. It was noted relocation and connectivity are budgeted within the Public Works Facility Management Property Program [161510-710600].

**05-1165 AGREEMENT – RENO TECHNOLOGY CENTER I, LLC –
OPERATION OF MANAGER'S/WINNET DIVISION – PUBLIC
WORKS**

County Manager Katy Singlaub stated the Flood Management Fund paid the share of the lease for the Flood Project staff. She said there was no specific square footage allocation for the WINnet Division versus the Flood Management Project. She indicated there were four staff members in the Flood Management Project, and 17 people working in the WINnet Division. She stated the individuals share the conference space at the location.

Commissioner Humke explained he wanted the public to know that some of the funds from the one-eighth cent sales tax had to go toward administrative costs. He said he would support the item, but he would like to see a break down in dollars of the four employees versus the 17 employees. He asked for the costs for the conference room also. He stated he wanted to show the public what their one-eighth cent sales tax was going toward in terms of the administrative and lease costs.

Upon recommendation of Mike Turner, Facilities Management Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that a 36-month lease agreement between Washoe County and Reno Technology Center I, LLC, concerning the provision of uninterrupted operation of the Manager's Department WINnet Division and the Department of the Truckee River Flood Management Project at 9390 Gateway Drive, Reno, Nevada for the period of December 1, 2005 through November 30, 2008 at an annual lease cost of \$152,724, be approved and Chairman Weber be authorized to execute the same. It was noted the funds are available in the Public Works Facilities Management Property Program [161510-710600].

**05-1166 SALARY AND BENEFIT RECOMMENDATIONS –
CONFIDENTIAL CHIEF DEPUTY SHERIFF POSITIONS –
HUMAN RESOURCES**

County Manager Katy Singlaub clarified one Undersheriff and two Chief Deputies would be receiving the benefits.

Upon recommendation of Joanne Ray, Human Resources Director, through John Berkich, Assistant County Manager, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the salary and benefit recommendations for Chief Deputy Sheriff (Assistant Sheriff and Undersheriff) positions, designated as confidential employees for the period of July 1, 2005 through June 30, 2008, be approved. It was noted the fiscal impact would be as follows:

| Salaries | Amount |
|--------------------------|---------------|
| Fiscal year 2005-2006 | \$19,927.28 |
| Fiscal year 2006-2007 | \$19,253.50 |
| Fiscal year 2007-2008 | \$20,624.83 |
| Longevity | \$ 1,344.45 |
| Uniform allowance | \$ 960.00 |

It was also noted in fiscal year 2005/06 the dollars are located in the Sheriff's Department Budget in various salary and benefit accounts for three percent of the cost of living adjustment (COLA), the additional .5 percent amounts to approximately \$2,132.21 and would be made up by the salary and benefit savings generated across the County over the course of the fiscal year. In future years, the increase would be included in the recommended budget.

**05-1167 STATE OF NEVADA CONTRACT – HIGHWAY ROAD DE-ICING
SALT - HUCK SALT – PURCHASING**

Upon recommendation of Richard Williams, Buyer, through John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the Purchasing and Contracts Administrator be authorized to join on the State of Nevada's Contract for road salt (sodium chloride). It was further ordered that the Purchasing and Contracts Administrator be authorized to utilize the State of Nevada contract for Highway Road De-icing Salt with Huck Salt for the duration of the contract period through June 30, 2006, on behalf of the Roads Division of the Public Works Department. It was noted the estimated cost for Washoe County would be in excess of \$35,000 for Highway De-icing Salt to carry the County through the winter. It was also ordered that the Purchasing and Contracts Administrator be authorized to issue purchase orders for Highway Road De-icing Salt that may exceed \$25,000 per order.

**05-1168 STATE OF NEVADA CONTRACT – ROAD DE-ICING SAND
SPECIFICATION "D" – GOPHER CONSTRUCTION -
PURCHASING**

Upon recommendation of Richard Williams, Buyer, through John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the Purchasing and Contracts Administrator be authorized to join on the State of Nevada's contract for Road De-icing Sand Specification "D." It was further ordered that the Purchasing and Contracts Administrator be authorized to utilize the State of Nevada contract for Road De-icing Sand with Gopher Construction for the duration of the contract period through April 30, 2006, on behalf of the Roads Division of the Public Works Department. It was noted the estimated cost for Washoe County would be in excess of \$40,000 for De-icing Sand to carry the County through the winter.

**05-1169 ACCEPT DEVELOPER-BUILT FACILITIES - WATER
RESOURCES**

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

| Water Facilities | DWR No. | Value |
|--|----------------|------------------------|
| 1. 15795 Callahan Ranch Road | 1000418 | \$ 5,987.32 |
| 2. 16770 Mt. Rose Highway | 1000508 | \$ 1,217.98 |
| 3. Circuit Ct. | 1000456 | \$ 28,363.05 |
| 4. Curti Ranch 2 Unit 3 | 1000060 | \$ 2,980.04 |
| 5. Damonte Ranch Village 17B | 1000059 | \$ 196,099.14 |
| 6. Damonte Ranch Village 18B | 1000030 | \$ 133,334.52 |
| 7. Design Lab | 1000301 | \$ 7,178.06 |
| 8. Double Diamond Ranch #9 | 1000095 | \$ 304,553.56 |
| 9. Jack In The Box | 1000130 | \$ 2,435.96 |
| 10. Laxalt Nomura Law Building | 1000189 | \$ 2,527.14 |
| 11. Magnolia Double R Building A | 1000199 | \$ 26,829.47 |
| 12. Metric Reno | 1000261 | \$ 1,217.98 |
| 13. Professional Circle | 1000266 | \$ 94,206.44 |
| 14. Rio Wrangler Parkway & Pioneer Parkway | 1000073 | \$ 552,585.66 |
| 15. Sierra Vista Office Campus | 1000567 | \$ 1,217.98 |
| 16. Studio Park @ South Meadows | 1000123 | \$ 33,112.46 |
| 17. Taco Bell | 1000183 | \$ 3,952.41 |
| 18. USDA Technology Bldg. | 1000258 | \$ 8,541.96 |
| 19. Damonte Ranch Parkway Booster Pump Station | 1000425 | \$ 427,683.87 |
| Water Total | | \$ 1,834,025.00 |
| | | |

| Sewer Facilities | DWR No. | Value |
|---|----------------|------------------------|
| 1. Circuit Ct. | 1000456 | \$ 36,969.67 |
| 2. Design Lab | 1000301 | \$ 1,063.87 |
| Sewer Total | | \$ 38,033.54 |
| | | |
| Reclaimed Water Facilities | DWR No. | Value |
| 1. Double Diamond Ranch #9 | 1000095 | \$ 57,596.00 |
| 2. Laxalt Nomura Law Building | 1000189 | \$ 1,217.98 |
| 3. Magnolia Double R Building A | 1000199 | \$ 1,217.98 |
| 4. Metric Reno | 1000261 | \$ 1,217.98 |
| 5. Professional Circle | 1000266 | \$ 62,801.24 |
| 6. Rio Wrangler Parkway & Pioneer Parkway | 1000073 | \$ 515,345.46 |
| 7. Studio Park @ South Meadows | 1000123 | \$ 1,217.98 |
| 8. Taco Bell Village @ Double Diamond | 1000183 | \$ 1,217.98 |
| 9. USDA Technology Bldg. | 1000258 | \$ 1,217.98 |
| Reclaimed Total | | \$ 643,050.58 |
| TOTAL VALUE | | \$ 2,515,109.12 |

05-1170 RECONVEYANCE OF BANKED WATER RIGHTS – ALAN AND SAMANTHA GLEN – WATER RESOURCES

Upon recommendation of Vahid Behmaram, Water Rights Manager, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the reconveyance of banked water rights to Alan and Samantha Glen be approved. It was further ordered that the Water Rights Deed between Washoe County and Alan and Samantha Glen, which was placed on file with the Clerk, be approved.

05-1171 ACCESS AND VISITATION GRANT – DIVISION OF WELFARE AND SUPPORTIVE SERVICES – INDEPENDENT CONTRACTOR AGREEMENT – NANCY CLEAVES – DISTRICT COURT

Upon recommendation of Phil Bushard, Family Mediation Program, through Ron Longtin, Court Administrator, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the Access and Visitation Grant from the Division of Welfare and Supportive Services, in the amount of \$32,000 with no match required, be accepted. It was further ordered that Chairman Weber be authorized to execute the Independent Contractor Agreement between Washoe County and Nancy Cleaves, to provide mediation services directly to clients pursuant to the contract for the period retroactive to October 1, 2005 through September 30, 2006, in an amount not to exceed \$27,000.

**05-1172 TRUCKEE RIVER FLOOD PROJECT COORDINATING
COMMITTEE – FLOOD CONTROL PARCEL LIST – DISTRICT
ATTORNEY**

Upon recommendation of Melanie Foster, Assistant District Attorney, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the October 14, 2005 action of the Truckee River Flood Project Coordinating Committee, creating the Flood Control Parcel List, be approved.

05-1173 CORRECTION OF FACTUAL ERRORS - ASSESSOR

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

| PROPERTY OWNER | PARCEL NO. | AMOUNT | ROLL |
|--------------------------------------|-------------------|----------------|-------------|
| Sparks Marina RV Park LLC | 037-020-59 | [-\$12,987.92] | Secured |
| Plantinum First Properties LLC | 040-971-06 | [-\$10,051.54] | Secured |
| Pioneer Parkway Holding CO LLC | 016-420-16 | [-\$5,766.70] | Secured |
| United States of America TR | 012-301-20 | [-\$5,517.03] | Secured |
| Quail 384 Limited Partnership | 400-040-02 | [-\$3,276.75] | Secured |
| Washoe County | 038-150-14 | [-\$3,184.14] | Secured |
| John R Kielty Etal | 42-260-03 | [-\$2,757.36] | Secured |
| Truckee Meadows Water Authority | 002-040-67 | [-\$2,422.75] | Secured |
| Reno City of | 007-303-12 | [-\$2,217.46] | Secured |
| States Duvall Incorporated | 013-271-15 | [-\$1,894.22] | Secured |
| Kirk M. & Anna M. Weakland | 066-180-01 | [-\$1,442.31] | Secured |
| Kirk M. & Anna M. Weakland | 066-180-02 | [-\$867.84] | Secured |
| Philip Gilanfarr | 131-021-03 | [-\$758.45] | Secured |
| William G. & Jeanne L. Dye TR | 049-281-09 | [-\$496.11] | Secured |
| Oil Dri Corporation of Nevada | 080-710-04 | [-\$461.39] | Secured |
| Reno City of | 007-314-09 | [-\$325.60] | Secured |
| Fred W. Nicklas | 024-182-12 | [-\$322.31] | Secured |
| Carmelo R. Negron | 083-561-06 | [-\$317.16] | Secured |
| Carmelo R. Negron | 083-561-06 | [-\$277.51] | Secured |
| Kirman Properties LLC | 012-073-11 | [-\$287.98] | Secured |
| David G. & Rosemary E. Bjorkman Etal | 081-070-10 | [-\$276.96] | Secured |
| Ronald F. & Ardea H. Heinen Tret | 037-020-37 | [-\$247.70] | Secured |
| Joe & Natalie Gardner | 081-110-15 | [-\$176.32] | Secured |
| James E. & Shannon K. Sperske | 556-262-26 | [-\$127.83] | Secured |
| James E. & Shannon K. Sperske | 556-262-26 | [-\$125.72] | Secured |
| Kirman Properties LLC | 012-073-05 | [-\$109.46] | Secured |

| | | | |
|----------------------------|------------|------------|---------|
| Ashshas Properties LLC | 012-073-28 | [-\$94.32] | Secured |
| Airport East Investors LLC | 012-432-05 | [-\$85.54] | Secured |
| Kirman Properties LLC | 012-073-04 | [-\$76.15] | Secured |
| Paul J. Del Carlo | 162-053-03 | [-\$65.44] | Secured |
| Gary R. Van Ness | 150-221-02 | [-\$64.37] | Secured |
| Kirman Properties LLC | 012-073-12 | [-\$23.66] | Secured |
| Joe & Natalie Gardner | 087-010-28 | [\$0.00] | Secured |
| Joe & Natalie Gardner | 087-010-29 | [\$0.00] | Secured |
| Kirman Properties LLC | 012-073-13 | [\$0.00] | Secured |

05-1174 GRANT AMENDMENT – NORTH LEMMON VALLEY WATER SYSTEM IMPROVEMENTS – HEPPNER WATERLINE EXTENSION PROJECT – WATER RESOURCES

Upon recommendation of John Nelson, Licensed Engineer, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the execution of the grant amendment for US EPA Grant Assistance No. XP-96909501 for the North Lemmon Valley Water System Improvements, Heppner Waterline Extension Project, in the amount of \$192,400, be ratified. It was noted the amendment increases the previous EPA grant for the project from \$964,300 to \$1,156,700.

05-1175 CONTRACT – CAMP, DRESSER, AND MCKEE – ENGINEERING DESIGN SERVICES – WATER RESOURCES

Upon recommendation of Chris Benedict, Remediation District Program Manager, and Jeanne Ruefer, Water Resources Planning Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that a contract between Washoe County and Camp, Dresser, and McKee (CDM), concerning engineering design services for tetrachloroethene (PCE) treatment at the Poplar #2 and Sparks Avenue wells in support of the Central Truckee Meadows Remediation District (CTMRD) Program in the amount of \$332,145, be approved and Chairman Weber be authorized to execute the same.

05-1176 PURCHASE – CORE NETWORK ROUTER UPGRADE PROJECT – BMD SOLUTIONS – PURCHASING

County Manager Katy Singlaub noted the item received three proposals, and this was the lowest cost proposal.

Upon recommendation of John Young, Assistant Buyer, through John Balentine, Purchasing and Contracts Administrator, Matt Beckstedt, Information Technology (IT) Director, and John Blanke, IT Manager, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber

ordered that the purchase of Juniper Network's brand Core Network Router and Switch hardware from BMD Solutions, for the upgrading of the Core Network Router Project (PW920073) for Washoe County at a cost of \$178,500, be approved.

**05-1177 PURCHASE – POLICE MOTORCYCLES – SHERIFF -
PURCHASING**

Commissioner Sferrazza asked about the total cost, how much the County would pay per motorcycle, and if the offset was before the \$107,892 cost or after.

John Spencer, Patrol Division Lieutenant, Sheriff's Office, explained the BMW motorcycles came in at \$17,000 a piece, and that was \$6,555 less per bike on the six motorcycles the County would be turning back into Sierra BMW Motorcycle Inc.

Upon recommendation of Mike Burdett, Buyer, through John Balentine, Purchasing and Contracts Administrator, Tom Gadd, Public Works Director, David Gonzales, Equipment Services Superintendent, and Lieutenant Spencer, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the purchase of six new BMW Model R1150 RTP Police Motorcycles from Sierra BMW Motorcycle Inc., joining on the City of Reno's BID No. 1353 for Police Motorcycles for the Sheriff's Office, in the net amount of \$107,892, be approved. It was further ordered that two new Harley-Davidson Model FLHTPi Police Motorcycles from Harley-Davidson of Reno, joining on the Clark County BID No. 5772-04 for Police Motorcycles for the Sheriff's Office, in the net amount of \$39,156, be approved. It was noted these purchases were on behalf of the Equipment Services Division of the Public Works Department.

**05-1178 GRANTS – 2006 STATE EMERGENCY RESPONSE
COMMISSION – NON-COUNTY EMPLOYEE CONFERENCE
ATTENDANCE – RESOLUTION - MANAGEMENT SERVICES**

Upon recommendation of Cathy Ludwig, Emergency Management Grant Coordinator, through John Slaughter, Management Services Director, on motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the 2006 State Emergency Response Commission (SERC), Hazardous Materials Emergency Preparedness (HMEP) Planning (\$12,450) and Training (\$10,347) grants, in the total amount of \$22,797, be accepted and the Finance Department be directed to make the following budget adjustments for fiscal year 2006/07:

| Increase Revenue | Amount |
|---------------------------------|--------------------|
| 10515 – 43100 (Federal Revenue) | \$10,347.00 |
| 10516 – 43100 (Federal Revenue) | \$12,450.00 |
| Total | \$22,797.00 |

| Increase Expenditure | |
|-------------------------------|-------------|
| 10515 – 710509 (Registration) | \$ 1,785.00 |

| | |
|--|--------------------|
| 10515 – 711210 (Travel) | \$ 1,826.60 |
| 10515 – 710119 (Subrecipients) | \$ 6,735.40 |
| 10516 – 710119 (Subrecipients) | \$ 4,100.00 |
| 10516 – 710100 (Professional Services) | \$ 8,350.00 |
| Total Expenditures | \$22,797.00 |

It was noted the grant performance period for training began October 1, 2005 and ends November 30, 2005, and the grant performance period for planning began October 1, 2005 and ends June 30, 2006.

It was further ordered that the attendance of non-County employees at the HazMat Explo9 Conference and Exposition in Las Vegas, November 14-17, 2005 be authorized. It was also ordered that the following resolution be adopted and Chairman Weber be authorized to execute the same:

RESOLUTION

Authorizing Subgrants to Government Entities of the Hazardous Materials Emergency Preparedness Grants from the Nevada State Emergency Response Commission.

WHEREAS, Washoe County is a member of the Local Emergency Planning Committee and is a subgrantee of the Hazardous Materials Emergency Preparedness Grants from the Nevada State Emergency Response Commission consisting of awards in the amount of \$22,797.00 (\$10,347.00 in training for county and non-county employees to attend the HazMat Explo9 Exposition & Conference in Las Vegas, NV November 14-17, 2005) and (\$12,450.00 for planning projects to the Washoe County District Health Department \$8,350.00 and Sparks Truckee Meadows Water Reclamation Facility \$4,100.00) and

WHEREAS, for the grants listed above, Washoe County is either the recipient of grant funds for individual items for use of Washoe County, or is fiscal agent for other government entities or nonprofit organization that are also members of LEPC; and

WHEREAS, NRS 244.1505 allows the Board of County Commissioners of Washoe County to make a grant of public money for any purpose which will provide a substantial benefit to the inhabitants of Washoe County; and

WHEREAS, Washoe County as fiscal agent for the other government entities or nonprofit organizations that are members of LEPC desires to pass through funds and grant assurances from the State grants as described on the attached grant award administrative grid for the uses herein and therein described;

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Washoe County that:

1. The Board hereby grants to the government entities (other than Washoe County agencies for which the Board has accepted funds from the awards) as a pass through of the amounts shown and for the uses shown thereon, finding that said amounts and uses will provide a substantial benefit to the inhabitants of Washoe County.

2. The Board authorizes the County Manager, or her designee, to sign subgrants with the entities as listed above, which subgrants, herein incorporated by reference, will set forth the maximum amount to be expended under the subgrants, the use and purposes of the subgrants, and the conditions, limitations and the grant assurances of the subgrants.

**05-1179 RESOLUTION - GENERAL OBLIGATION (LIMITED TAX)
PUBLIC SAFETY BONDS - FINANCING OF BUILDING
PROJECTS - FINANCE**

County Manager Katy Singlaub commented the Board previously heard a presentation on the jail expansion. She stated this would be combined with savings and would be primarily funded from the 1.5-cent property tax dedication that the Board implemented several years ago.

Commissioner Sferrazza inquired if sales tax was being used for that purpose, and Ms. Singlaub said it was not.

Upon recommendation of John Sherman, Finance 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. 05-1179

A RESOLUTION CONCERNING THE FINANCING OF BUILDING PROJECTS, INCLUDING THE JAIL EXPANSION PROJECT; DIRECTING THE CLERK TO NOTIFY THE WASHOE COUNTY DEBT MANAGEMENT COMMISSION OF THE COUNTY'S PROPOSAL TO BORROW MONEY AND TO ISSUE ITS WASHOE COUNTY, NEVADA GENERAL OBLIGATION (LIMITED TAX) PUBLIC SAFETY BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) IN THE MAXIMUM PRINCIPAL AMOUNT OF \$12,500,000; SETTING FORTH THE INTENT TO REIMBURSE CERTAIN EXPENDITURES WITH BOND PROCEEDS; PROVIDING CERTAIN DETAILS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, Washoe County, Nevada (the "County") was created as a county pursuant to Section 243.340 of Nevada Revised Statutes ("NRS"), and, pursuant to NRS 244A.011 to 244A.065, inclusive (the "County Bond Law"), is authorized to acquire, construct, improve, and equip building projects to accommodate or house lawful County activities, including, but not limited to jail facilities, structures, fixtures, furniture and equipment therefore, and all appurtenances and incidentals necessary, useful or desirable for any such facilities as set forth in NRS 244A.019 (the "Project"); and

WHEREAS, the Board of County Commissioners (the "Board") of the County proposes to issue the County's general obligation (limited tax) public safety bonds additionally secured by pledged revenues (the "Bonds"); and

WHEREAS, pursuant to NRS 350.020(3) (subject to the approval of the proposal to issue general obligations by the Washoe County Debt Management Commission), proposes to adopt and publish notices of public hearing and adoption of a resolution of intent to issue the Bonds additionally secured by 15% of certain proceeds of liquor taxes, tobacco taxes, real property transfer taxes, basic governmental services tax and basis and supplemental sales taxes (collectively, the "Consolidated Taxes") distributed to the County (the "Pledged Revenues"); and

WHEREAS, the Board hereby makes a finding that the Pledged Revenues will at least equal the amount required in each year for the payment of interest on and principal of the Bonds; and

WHEREAS, the Board proposes to issue the Bonds without an election unless a petition signed by the requisite number of registered voters of the County representing 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 (LIMITED TAX) PUBLIC SAFETY 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) public safety bonds, in one series or more, in the aggregate principal amount of not exceeding \$12,500,000 for the purpose of financing, wholly or in part, the acquisition, construction, improvement and equipment of building projects to accommodate or house lawful County activities, including, but not limited to jail facilities,

structures, fixtures, furniture and equipment therefore, and all appurtenances and incidentals necessary, useful or desirable for any such facilities as set forth in NRS 244A.019, such 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 "Bond Proposal"); and

WHEREAS, subsection 1 of NRS 350.014 provides, in relevant part, as follows:

"1. Before any proposal to issue general obligation debt . . . may be submitted to the electors of a municipality, or before any other formal action may be taken preliminary to the issuance of any general obligation debt, the proposed incurrence . . . must receive the favorable vote of two-thirds of the members of the [debt management] commission of each county in which the municipality is situated. . . ."; and

WHEREAS, subsection 1 of NRS 350.0145 provides, in relevant part, as follows:

"1. The governing body of the municipality proposing to incur general obligation debt. . . shall notify the secretary of each appropriate commission, and shall submit a statement of its proposal in sufficient number of copies for each member of the commission. . . ."

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

Section 1. Based on the revenue study presented to the Board, the Board hereby finds that no increase in the rate of an ad valorem tax is anticipated to be necessary for the payment of the Bonds described in the Proposal for the term thereof (the "Finding"), and requests the Washoe County Debt Management Commission (the "Commission") to approve the Proposal and the Finding.

Section 2. All action, proceedings, matters and things heretofore taken, had and done by the Board, and the officers thereof (not inconsistent with the provisions of this resolution) directed toward the Project and the financing thereof be, and the same hereby is, ratified, approved and confirmed.

Section 3. The County Clerk shall be, and she hereby is, authorized and directed to notify immediately the Secretary of the Commission of the County's Proposal and Finding, and to submit to said Secretary a statement of the Proposal in sufficient number of copies for each member of the Commission. The County Director of Finance is authorized to update or amend the County's plan for capital improvements if necessary to reflect the Project and the Bonds and the Project to be financed thereby and to file the information as required by NRS 350.013 to the extent required to comply with NRS 350.013.

Section 4. In order to permit the County to reimburse itself for prior expenditures relating to the Project with the proceeds of Bonds, the Board hereby determines and declares as follows:

(a) The County reasonably expects to incur expenditures with respect to the financing of the Project prior to the issuance of Bonds and to reimburse those expenditures from the issuance of Bonds; and

(b) The maximum principal amount of Bonds expected to be used to reimburse such expenditures is \$12,500,000.

Section 5. 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 6. 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 7. This resolution shall become effective and be in force immediately upon its adoption.

**05-1180 RESOLUTION – GENERAL OBLIGATION (LIMITED TAX)
FLOOD CONTROL BONDS – FINANCING OF FLOOD
CONTROL PROJECTS – FINANCE**

County Manager Katy Singlaub pointed out the entire amount would be dedicated to land acquisition and would be a supplement to the existing \$20-million that was already allocated for land acquisitions.

Commissioner Humke commented, in case several large land acquisitions and closings occurred at the same time, this would provide financing and allow for resources to be multiplied to bring about the purchase of those parcels. He remarked the approval of the financing would allow for an accelerated land acquisition program.

Upon recommendation of John Sherman, Finance 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. 05-1180

A RESOLUTION CONCERNING THE FINANCING OF FLOOD CONTROL PROJECTS; DIRECTING THE CLERK TO NOTIFY THE WASHOE COUNTY DEBT MANAGEMENT COMMISSION OF THE COUNTY'S PROPOSAL TO BORROW MONEY AND TO ISSUE ITS WASHOE COUNTY, NEVADA GENERAL OBLIGATION (LIMITED TAX) FLOOD CONTROL BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) IN THE MAXIMUM PRINCIPAL AMOUNT OF \$21,000,000; SETTING FORTH THE INTENT TO REIMBURSE CERTAIN EXPENDITURES WITH BOND PROCEEDS; PROVIDING CERTAIN DETAILS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, Washoe County, Nevada (the "County") was created as a county pursuant to Section 243.340 of Nevada Revised Statutes ("NRS"), and, pursuant to Chapter 377B of NRS, is authorized to acquire, establish, construct and expand projects for the management of flood plains or the prevention of floods as set forth in the plan adopted pursuant to NRS 377B.100 (the "Project"); and

WHEREAS, the Board of County Commissioners (the "Board") of the County proposes to issue the County's general obligation (limited tax) flood control bonds additionally secured by pledged revenues (the "Bonds"); and

WHEREAS, pursuant to NRS 350.020(3) (subject to the approval of the proposal to issue general obligations by the Washoe County Debt Management Commission), proposes to adopt and publish notices of public hearing and adoption of a resolution of intent to issue the Bonds additionally secured by the infrastructure tax imposed pursuant to Chapter 377B on the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed in the County (the "Pledged Revenues"); and

WHEREAS, the Board hereby makes a finding that the Pledged Revenues will at least equal the amount required in each year for the payment of interest on and principal of the Bonds; and

WHEREAS, the Board proposes to issue the Bonds without an election unless a petition signed by the requisite number of registered voters of the County representing 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 (LIMITED TAX) FLOOD CONTROL 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) flood control bonds, in one series or more, in the aggregate principal amount of not exceeding \$21,000,000 for the purpose of financing, wholly or in part, the acquisition, establishment, construction, and expansion of projects for the management of flood plains or the prevention of floods as set forth in the plan adopted pursuant to NRS 377B.100, such 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 "Bond Proposal"); and

WHEREAS, subsection 1 of NRS 350.014 provides, in relevant part, as follows:

"1. Before any proposal to issue general obligation debt . . . may be submitted to the electors of a municipality, or before any other formal action may be taken preliminary to the issuance of any general obligation debt, the proposed incurrence . . . must receive the favorable vote of two-thirds of the members of the [debt management] commission of each county in which the municipality is situated. . . ."; and

WHEREAS, subsection 1 of NRS 350.0145 provides, in relevant part, as follows:

"1. The governing body of the municipality proposing to incur general obligation debt. . . shall notify the secretary of each appropriate commission, and shall submit a statement of its proposal in sufficient number of copies for each member of the commission. . . ."

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

Section 1. Based on the revenue study presented to the Board, the Board hereby finds that no increase in the rate of an ad valorem tax is anticipated to be necessary for the payment of the Bonds described in the Proposal for the term thereof (the "Finding"), and requests the Washoe County Debt Management Commission (the "Commission") to approve the Proposal and the Finding.

Section 2. All action, proceedings, matters and things heretofore taken, had and done by the Board, and the officers thereof (not inconsistent with the provisions of this resolution) directed toward the Project and the financing thereof be, and the same hereby is, ratified, approved and confirmed.

Section 3. The County Clerk shall be, and she hereby is, authorized and directed to notify immediately the Secretary of the Commission of the County's Proposal and Finding, and to submit to said Secretary a statement of the Proposal in sufficient number of copies for each member of the Commission. The County Director of Finance is authorized to update or amend the County's plan for capital improvements if necessary to reflect the Project and the Bonds and the Project to be financed thereby and to file the information as required by NRS 350.013 to the extent required to comply with NRS 350.013.

Section 4. In order to permit the County to reimburse itself for prior expenditures relating to the Project with the proceeds of Bonds, the Board hereby determines and declares as follows:

(a) The County reasonably expects to incur expenditures with respect to the financing of the Project prior to the issuance of Bonds and to reimburse those expenditures from the issuance of Bonds; and

(b) The maximum principal amount of Bonds expected to be used to reimburse such expenditures is \$21,000,000.

Section 5. 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 6. 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 7. This resolution shall become effective and be in force immediately upon its adoption.

05-1181 AGREEMENT – CFA, INC. – NORTH VALLEYS REGIONAL SPORTS COMPLEX PHASE III – PARKS

Commissioner Galloway asked why the item was continued in the past, and what other companies made proposals in the request for qualification (RFQ) process.

Karen Mullen, Regional Parks and Open Space Director, explained the matter was continued to ensure the community was online with what was in the request for proposal. She said this was a continuation of Phase II of the planning, which included all of the ball fields. Ms. Mullen noted this was in addition to an existing development and planning process in that area. She named the various landscape architects who competed for the project in the original RFQ process. She added CFA, Inc. was selected for the actual design of the ball fields and soccer fields at the North Valley's Regional Sports Complex.

Chairman Weber explained she had asked the item be continued previously to allow time for the walk through of the park.

Upon recommendation of Ms. Mullen, through Michelle Poché, Assistant County Manager, on motion by Commissioner Galloway, seconded by Commissioner Larkin, which motion duly carried, it was ordered that an agreement between Washoe County and CFA, Inc., concerning the design and construction administration of Phase III improvements at the North Valley's Regional Sports Complex in the amount of \$46,886, be approved and Chairman Weber be authorized to execute the same.

05-1182 APPEARANCE – AARON KENNESTON – OVERVIEW OF EMERGENCY MANAGEMENT PLANS

Aaron Kenneston, Emergency Manager, presented a PowerPoint presentation entitled, "Overview of Emergency Management Plans and Various Roles."

Commissioner Larkin asked Mr. Kenneston to comment on a citizen's remark concerning resources being diverted away from potential local emergencies.

Mr. Kenneston explained the region had a cadre of full-time public safety officials, and they leave the area only when the safety of residents would not be severely impacted. He mentioned the vicinity had numerous volunteers to help in emergency situations. Mr. Kenneston confirmed the vast majority of the National Guard was in Nevada, and further efforts were made to cover the region when they were deployed.

Commissioner Larkin asked if other units were "bumped up" to cover the area when resources were deployed out of the region, and Mr. Kenneston stated that was the procedure. He further indicated he was available to discuss with citizens any of the emergency plans.

Commissioner Galloway inquired if there were specific plans for an avian flu pandemic and an incident involving bio-contamination of the water. He asked who would be the incident command in those situations.

Katy Singlaub, County Manager, stated the District Health Officer would be at the Commission meeting to give an update on the preparations for avian flu and all influenza on November 15, 2005. She said the avian flu plan was in progress, and there were specific plans that dealt with any kind of contamination of the water resources, including the Truckee River. Mr. Kenneston confirmed the District Health Department would be the incident command in those circumstances.

Commissioner Sferrazza requested Mr. Kenneston present him with the number of National Guard troops in the Reno area and the number of Air Guard oversees. Mr. Kenneston agreed to provide that information.

Chairman Weber suggested a Town Hall meeting be coordinated for citizens to gain more information on the subject, and she said Citizen Advisory Boards (CAB's) might be interested in having those discussions also.

Ms. Singlaub noted Washoe County had an active Community Emergency Response Team (CERT). She said one of the things the Citizens Homeland Security Council (CHSC) and CERT had worked on was citizen preparedness. She stated she would like to talk to these groups about their ideas for broader public education.

Commissioner Humke stated this type of presentation would be beneficial for CAB's and Neighborhood Advisory Boards (NAB's).

Commissioner Galloway and Chairman Weber offered additional ideas on citizen involvement and education. Mr. Kenneston stated there was a wealth of information for citizens on emergency management at *readywashoe.com*.

Juanita Cox, Sparks resident, stressed the importance of the local government not relinquishing the rights of citizens to the federal government. She spoke on Martial Law and asked that those in leadership ensure the federal government did not subject the people to it.

Commissioner Sferrazza asked why one major training exercise would be held in Emmitsburg, Maryland in April 2006.

Mr. Kenneston responded the Federal Emergency Management Agency (FEMA) offered a unique program that provided training and allowed jurisdictions to exercise at the Emergency Management Institute in Emmitsburg, Maryland. He said it was a competitive process, and this region was selected to participate. He said the federal government was funding the exercise that would bring key players from the area to that school to undergo a rigorous week of training and exercises focused on severe storms and flooding.

Upon recommendation of Mr. Kenneston, through John Slaughter, Management Services Director, on motion by Commissioner Sferrazza, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the report on the "Overview of Emergency Management Plans and Various Roles" be accepted.

05-1183 2006 FEE SCHEDULE – GOLF COURSES – PARKS

Doug Doolittle, Regional Parks and Open Space Assistant Director, reviewed the major components of the fee changes for 2006, as outlined in the agenda memorandum dated October 19, 2005.

Commissioner Galloway noted the Open Space and Regional Parks Commission approved the fee schedule as submitted, with a request to clarify the effective date. He said that was a minor issue for the play tickets and annual passes. He confirmed he was present at the meeting as a liaison, and he concurred with the recommendation. He stated it was an opportunity to make rounds of golf more affordable for a greater number of people in Washoe County.

Chairman Weber asked if seniors had voiced concerns over the fee changes. Mr. Doolittle responded at the Golf Council meeting there had been a few comments, but everybody was in agreement at the meeting.

Commissioner Humke commented the staff report was detailed and provided a history of the work staff had completed to take this to the interested public, and it showed what was happening with the fees over several years. He inquired about the dollar amount of the subsidy and asked how many people benefited from it.

Mr. Doolittle stated the dollar amount for Washoe Golf Course was \$185,000 and for Sierra Sage Golf Course it was \$266,000. He said each person playing a round of golf would be the beneficiary of a subsidy.

Commissioner Sferrazza reviewed the increases for seniors and asked about the summer rates for the Washoe Golf Course. Mr. Doolittle verified the summer rates would be \$31 for adults and \$26 for seniors.

Chairman Weber commented golf courses were a commodity that many residents use, and she pointed out that taxpayers subsidize the golf courses. She requested a future discussion concerning a management firm stepping in to operate the golf courses.

Commissioner Galloway emphasized the subsidy should be compared to the total expenses that were over \$2-million. He added soccer fields, sports complexes, and libraries were 100 percent subsidized; the subsidy for the golf courses was less than 10 percent; and he supported the current arrangement.

Commissioner Sferrazza affirmed golf courses served the community as a form of open space for all people. He said open space could be lost if the subsidy to the golf courses was eliminated. He confirmed the benefits for the community outweighed the subsidy.

Commissioner Humke said he supported an agenda item to discuss having a contractor run the courses. He thanked the Open Space and Regional Parks Commission for their time and hard work on this and the other issues.

Upon recommendation of Mr. Doolittle, through Karen Mullen, Regional Parks and Open Space Director, on motion by Commissioner Galloway, seconded by Chairman Weber, which motion duly carried, it was ordered that the 2006 fee schedule for the Washoe County Golf Courses, operated by the Regional Parks and Open Space Department, be approved.

4:32 p.m. Commissioner Larkin left the meeting.

05-1184 **DISCUSSION - PUBLIC UTILITIES COMMISSION'S ORDER –
UNDERGROUNDING OF ELECTRIC POWER TRANSMISSION
LINES**

Commissioner Galloway stated concerns about the Nevada Public Utilities Commission's (PUC) undergrounding order and questioned if the PUC had jurisdiction to evaluate the detriments caused by development and how to offset the detrimental impacts. He emphasized the PUC was getting into matters that were the province of local government by legislation and law when they started making value judgments. He was concerned by the tone of the PUC decision, as it indicated the undergrounding of utility lines was a benefit to the people in the areas where the utility lines were undergrounded.

Commissioner Galloway said he did not believe that was the case. He acknowledged the users of the power were the beneficiaries of a system wide improvement for the benefit of the entire power system, and the cost should be spread among the entire rate base in that case. He stated this PUC decision seemed to say otherwise.

4:34 p.m. Commissioner Larkin returned to the meeting during the comments of the following speaker.

Blaine Cartlidge, Deputy District Attorney, explained he became involved in the investigation by the PUC at the direction of the Board after they determined to order selected undergrounding of the Tracy Silverlake transmission line. He said Sierra Pacific Power Company did not appeal the Board's decision. He confirmed after two workshops with the PUC, at which more than half of the local governments around Nevada appeared, the PUC acted and adopted the recommended order as detailed in the staff report dated October 31, 2005. Mr. Cartlidge said the decision before the Board was whether or not to appeal that order, and he outlined approaches to managing an appeal. He stated there were many good reasons and arguments to pursue a judicial relief at this time.

In response to Chairman Weber, Mr. Cartlidge clarified the PUC commenced its own investigation and staff recommendation into how transmission line undergrounding costs should be treated. He said the interpretation of the PUC in this order evaded the issue of retroactivity by saying the issue was one of ratemaking. He stated the interpretation of the PUC would allow a utility company to come before the PUC for a rate increase to recover excess costs.

Commissioner Galloway commented the County could get the bill in the future for what was already completed; and the costs could rest on some unincorporated residents instead of everyone in the rate base, and Mr. Cartlidge agreed.

Max Bartmess, Spanish Springs Airport Manager, described how the proposed route would impact the airport. He said it was imperative that the overhead lines not be placed where they were proposed. He recommended the County do whatever possible to preserve their rights to decide on the issues that impacted County residents.

Lois Avery, Spanish Springs resident, stated the power company was attempting to make it cost prohibitive to a local entity to decide to underground. She asked for discussion about using selective undergrounding. She added it was possible the power company could say the extra costs would go to Washoe County residents, separate from Reno and Sparks. She noted most of the growth was occurring in the Cities, but the power lines were not going there.

Lori Burke, local resident, stated the PUC ruling was unworkable, unfair, and detrimental to the public benefit and the consumer. She stressed it would be important to suspend the construction of the project, appeal the PUC decision, and review the project by retaining engineering expertise. She said the PUC was trying to regulate

the County Commission and other entities by limiting their ability to carry out their responsibilities to their constituents through the special use permit process.

Howard Lambert, Sparks resident, commented the PUC acknowledged there were big costs involved, and they should be borne by the individuals or the entities that caused those costs. He stressed that exact dollar amount must be defined. He stated the PUC and Sierra Pacific Power Company were practicing economic aggression and intimidation, and their actions were vindictive. He urged the Commissioners to appeal the order.

Pan Lambert, Spanish Springs resident, remarked there should be an understanding of what a benefit was and who benefited in regard to the PUC order; and she pointed out most transmission lines served large areas. She supported an appeal of the PUC order.

Louis Test, Reno resident, and also representing James Stewart, area resident, stated the County should join in the appeal with the City of Reno because a show of unity was important. He said that would help the endeavor to protect the citizens and the County in their interests against the PUC.

In response to Commissioner Sferrazza, Mr. Cartlidge commented on undergrounding a distribution line versus a transmission line and the aesthetic impacts. He explained the PUC adopted, as a public policy, that the local subset of ratepayers who may be surcharged extra undergrounding costs shall be those residents of the local government that mandated the undergrounding.

Commissioner Larkin stated the staff report was well grounded and precise in its application of both the PUC ruling and the reasons for the appeal.

Commissioner Larkin moved to appeal the PUC's decision regarding the undergrounding of electric power transmission line. Commissioner Humke seconded the motion.

Commissioner Galloway supported seeking an appeal. He said getting the facts out to the public and to the legislators through this process would be great preparation for the legislative session. He said he welcomed the opportunity to work with the City of Reno and any entity that wanted to join in this effort.

Commissioner Humke made an amendment to the motion to add a legislative component for this issue to rise to the top of the County's legislative list for the 2007 Legislature.

Commissioner Larkin asked for clarification on the offered amendment to the motion, and Commissioner Humke indicated the amendment would be to seek a bill backed by Washoe County concerning the actions of the appeal.

Commissioner Galloway requested an agenda item on the authorization of intervention of the rate case.

Commissioner Sferrazza voiced his support for the motion and said the County had to make the appeal. Commissioner Larkin thanked Commissioner Galloway for bringing the item to the Board's attention and the District Attorney's Office for staffing the report.

Commission Larkin clarified the amendment to the motion was to include a legislative approach to be determined at a later date, and Commissioner Humke agreed.

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

5:12 p.m. The Board recessed.

5:55 p.m. The Board reconvened with all members present.

05-1185 **APPEAL CASE NO. AX05-009 – JOHN AND ANITA HARA ET AL**
– APPROVAL OF THE HUNTER CREEK SUBDIVISION
TENTATIVE MAP CASE NO. TM05-013 AND SPECIAL USE
PERMIT CASE NO. SW05-003 – COMMUNITY DEVELOPMENT

5:30 p.m. This was the time set in a Notice of Public Hearing mailed to affected property owners on October 27, 2005 to consider Appeal Case No. AX05-009, an appeal by John & Anita Hara, et al, of the Planning Commission's approval of the Hunter Creek Subdivision Tentative Map Case No. TM05-013 and Special Use Permit Case No. SW05-003, to affirm the Planning Commission's approval of TM05-013 and SW05-003 with conditions or to concur with the appellants and deny TM05-012 and SW05-003. The Hunter Creek Subdivision would be a 53-lot single-family, common open space hillside development on ±134.82 acres, as authorized in Article 608, Tentative Subdivision Maps; Article 408, Common Open Space Development; Article 424, Hillside Development; and Article 418, Significant Hydrologic Resources, of the Washoe County Development Code. Lot sizes range from ±0.81 acres to ±27.23 acres, with an average lot size of ±2.08 acres, and will be served by community water and sewer systems. The project will have ±16.88 acres of open space, including public pedestrian trails. The Special Use Permit request is to construct two culinary water booster pump stations and a water tank with a capacity of approximately 1,000,000 gallons for the Hunter Creek Development as provided for in Section 110.810 of the Washoe County Development Code. Proof was made that due and legal Notice had been given.

The proposed development is located at the existing terminus of Woodchuck Circle, which provides connection with Plateau Road in the Juniper Hills area and the emergency access that connects to Eagles Nest Subdivision in Caughlin Ranch. A public trailhead is proposed and easements are in place and approved by the Washoe County Board of County Commissioners. Approximately 52 acres of the combined parcels are designated Low Density Suburban (LDS) and 83 acres are

designated General Rural (GR) in the Southwest Truckee Meadows Area Plan. The parcels are situated in portion of Sections 19 and 30, T19N, R19E. The property is located within the West Truckee Meadows Citizen Advisory Board boundary, Washoe County Commission District No. 1, the City of Reno Area of Interest, and the Truckee Meadows Service Area. (APN: 041-021-54; 041-051-15 & 16)

The Chairman opened the public hearing by calling on anyone wishing to speak for or against this appeal.

Paul Kelly, Community Development Planner, said the appellant had requested the Planning Commission's approval of the proposed Hunter Creek development be overturned and the Board deny the development. He stated the development would create 53 lots on 135 acres with lots ranging from .18 to 27.23 acres. He said average lot sizes would be 2 acres, would be served by community water and sewer systems, and there would be approximately 17 acres of open space. He mentioned a special use permit was also requested to create two culinary water pump stations and a water tank with a 750,000 to 1,000,000 gallon capacity to serve Hunter Creek and the surrounding areas.

Mr. Kelly stated the applicant would provide a public pedestrian trail through the development. He said the trailhead was sitting in escrow for the County and would be adjacent to public lands on the west side. He noted the conservation and public access easement would be provided along Steamboat Ditch and emergency access connected to Sharps Row. He stated the Nevada Division of Forestry, the Reno Fire Department, and the County Engineer had approved the emergency access that would be gated at both ends.

Mr. Kelly said staff brought forward the Planning Commission's recommendation of conditional approval for both the subdivision and special use permits. He noted staff received two petitions, which were placed on file with the Clerk.

Sharon Kvas, Community Development Planning Manager, said staff was there to present the technical case approved by the Planning Commission and noted they were neither the applicant nor appellant.

Karen Mullen, Regional Parks and Open Space Director, clarified where the secondary emergency access road was located.

Commissioner Galloway noted the appellant was representing a group of people with Mr. John Hara as the signatory. He said there was confusion regarding whether one or two appeals had been filed. Mr. Kelly said it was one appeal signed by several people.

Cal Dunlap, Attorney for John and Anita Hara, et al, submitted a binder of materials to the Board, which was placed on file with the Clerk. He said that, contrary to belief, the group he represented was not anti-open space, but was concerned with the development. He said the prior owner and the County Department of Regional Parks and

Open Space had intended the land to be acquired by the U.S. Forest Service for open space, trail access, and public recreation. He stated that instead the plan was abandoned and development was favored. Mr. Dunlap said as the subdivision was initially proposed, it included only 107 acres to be developed; it has now been enlarged to include two other parcels. He stated there were no assurances the rest of the land would be preserved for open space. He noted the size of the proposed water tank indicated possible further development. He said the County could have limited the size and density of the subdivision by requiring secondary emergency access and noted staff approved the use of County lands in the access area, which is secondary access from Caughlin Parkway through the north end of Eagles Nest just outside the boundary up a steep canyon. Mr. Dunlap said his clients have enjoyed the rural character of the area for many years, but now there would be a gated community, and people would need to go through this to access the trailhead.

Mr. Dunlap said the basis for the appeal was due to the Planning Commission being misled in regard to the developer's proposed emergency access, which had been determined by the Board of County Commissioners to be adequate access. He further stated the developer's proposed emergency access failed wholly to comply with established safety standards and the code. He also said the developer failed to present to the Planning Commission any true analysis of the project's impact on safety and traffic.

Mr. Dunlap said there was enormous liability exposure to the County Commissioners individually, the Fire Chief, and the Fire Marshall. He said the County's approval of a subdivision deviated from established standards of emergency access, and the fire safety code exposed the County to potentially large liability. He said the area was a major fire risk area stating this subdivision was being done in violation and in derogation of established code. He said the developer was able to get the Fire Department to disregard applicable code. Mr. Dunlap noted that Nevada had the strongest protection of property rights under the Nevada Constitution within the United States.

Mr. Dunlap said there was a potential for unlimited County and individual liability for personal injury and loss of life if the subdivision was approved. He said the Board and the Planning Commission having intentionally and knowingly circumvented and avoided codes would leave them open for liability. He mentioned the emerging doctrine of State Created Danger. He noted the lack of sidewalks in the area and said his clients were very concerned with their children's safety. He cited various court cases to support his statements.

Mr. Dunlap said there was an unlawful delegation of the Commissioners' and the Planning Commission duties under the code to enforce the code. He said that could not be done due to possible circumvention of the Open Meeting Law and stated the Open Meeting Law required that public business be done in open meetings, not by shoveling it aside to staff. He also noted that he felt there was a due process violation with the time limits imposed on speakers.

Jeff Codega, Jeff Codega Planning and Design, said he represented the applicants. He noted a letter from the Nevada Division of Forestry approving access and the access configurations being discussed. He said approval included specific consideration of the 12 to 24 foot emergency access along the north side of Caughlin Ranch, the interior roads, and the connection over Bear Mountain as well as the rest of the accesses. He mentioned another project, Whispering Pine, stating that project also had a 12-foot wide emergency access road.

Mr. Codega said Article 436 of the County Code under Street Standards allowed for specific deviations in areas where there were topography and environmental considerations. He said the Uniform Fire Code addressed fire apparatus access being 20 feet in width, but allowed some discretion for a different type of standard. He noted the 20-foot standard was basically the width of an alley and that most alleys had dumpsters and doors that opened into them. He felt that fire personnel present would say the additional water and access would improve the fire situation in the area.

Mr. Codega said a full traffic study was conducted and related to that were improvements that would be made on Woodchuck Circle. He said Woodchuck would be rebuilt to ensure safety.

Mr. Codega mentioned a memo from the Truckee Meadows Water Authority (TMWA) noting the project needs were about 400,000 gallons of additional storage and TMWA would pay for the additional storage since they requested it to improve service in the area. Mr. Codega said the additional storage had nothing to do with any possible further development in the area.

Mr. Codega said it was a project that conformed to the County's Master Plan and that access to this property had always been Woodchuck Circle. He said staff worked with neighbors, including Eagles Nest, to come up with a secondary access configuration that benefited everyone. He said the emergency access discussed was the result of quite a few negotiations and noted the project had lots that were as large as or larger than those in the area. He did not feel the character of the area would be changed in any fundamental way.

Mr. Codega said the project included the proper infrastructure with community water, fire hydrants, and community sewer. He noted his company had tried to meet with the appellant on several occasions, but was unsuccessful. He said the project had been before the Citizen Advisory Board eight or nine times, at the Parks and Open Space Commission three or four times, the Caughlin Ranch Homeowners Association and Eagles Nest Homeowners Association for review among others.

Mr. Codega said the subdivision had plan consistency, it was sensibly designed, and the home sites and water tank were not visible due to the way they would be placed. He was not aware of any fish or wildlife issues connected to the project and felt the trailhead and emergency access benefited neighboring homes as well.

Local residents who were in favor of the subdivision going forward were: Roger Scholl, Bill Bowers, Peter Faber, Carol Tresner, Dean Smith, Jeffrey Fischer, Don Welch, Marcy Welch, Theresa Volkmann, Bill Bertelson, Danielle Durkee, J. Eric Johnson, Bill Welch, Bill Bowden, Rod Opferman, Dustanne Durkee, Jim Bauserman, Jeannie Agee, Ben Agee, Stacy Miller, Bob Stitser for the Aspen Glen Homeowners, and Robert Durr. David Thompson said the developer had been working on the project with the County for over two years and felt it would be good for the community.

Larry Randall, U.S. Forest Service, said he worked with the County to secure public access and was in support of the project. He said securing legal, public lands and open space was a priority for the community. David Von Seggern, representing the Sierra Club, said the Hunter Creek access had been a problem for his members for many years. He stated the current access was not acceptable and people were being deprived of access to Hunter Creek. He asked that the appeal be denied. Shaaron Netherton, representing Friends of Nevada Wilderness, said one of the things that make the Truckee Meadows area a great place to live was the accessibility to the beautiful public lands and noted many Nevada agencies advertised public lands as a tourist draw. She said many of her members hiked at Hunter Creek and many access points had been closed off by development. She urged the Board to deny the appeal.

Local residents against the subdivision moving forward were: Linda Wang, Olivia Hara, Brittany Wade, Jessica Olson, Nancy and Joe Petralia, Debbie Morgan, Roberto Crawford, John McNeely, Dee McNeely, Linzi Wade, Christina F, Ginette Bourdeau, Diane Sorrentino, George Sorrentino, Julie Cooper, Patrick Herz, Ray Pike, Judy Panacci, Nancy Brick-Goodman, Kris Lapp, John Dudley, Linda Slocumb, CJ Dudley, Tim Koci, Lisa Koci, Lisa Laughlin, Charlene Peters, Barbara White, Valerie Pike, Lynn Alexander-Jones, Cecilia Zumtobel, Heidi Kiene, Pamela Crawford, Lori Wray, Marci Crowell, Nicholette Coddling, Donald White, Monica Jensen, Gerald Jensen, E. Walsh, Wayne Davis, Dod Pittman, John Hara, Anita Hara, Patty Wade-Snyder, Jim Morgan, Pat Her, Chris Dudley, Julie Cooper, Joe Wade, Kevin and Lynn Pikero, and Carl Adams.

Kathryn Dudley, representing the Francovich Court Homeowners Association, said the developer and the media had characterized those opposed to the subdivision as being opposed to the trailhead. She said this was untrue. She said the Fire Marshall stated a 34-foot easement was required to any new development, but allowed a 20-foot easement in this case. She mentioned there had been a meeting between County engineers, the developer, and the Regional Parks and Open Space Department that determined the 12-foot easement was safe. She noted Nevada Division of Forestry (NDF) signed off on the smaller easement, but said Rich Riolo, NDF, had stated at the last County Planning Commission meeting that he was not responsible for any of the roads into or out of the development; he was only responsible for approving the fire safety within the development. Ms. Dudley wondered how a letter ended up signed by the Fire Marshall and Mr. Riolo agreeing to the smaller easement. She noted she had contacted a local fire department and was told a fire truck would need to back into a 12-foot easement and stated the proposed easement was 1,700 feet long. Ms. Dudley said

Plateau Road did not meet County collector guidelines stating it was 31 to 32 feet wide, had no sidewalks, was less than a mile and half long, and there were 44 driveways on that road.

Dick Benoit, representing the Truckee Meadows Trails Association, said they were in support of the trailhead. He noted the next closest trailhead was Thomas Creek or Brockway Summit. Chester Mallory, representing the Eagles Nest Homeowners Association, was concerned with an agreement between the County and the developer that stated Eagles Nest would maintain the gate and pay for maintenance of the landscape. He said Eagles Nest never entered into any such agreement and, it was promised in the last Planning Commission meeting that the agreement would be changed to delete any reference to Eagles Nest, yet that had not happened.

Bryce Griffith, local resident, said he was concerned for safety in the area stating it was not about the development, but about safety code violations.

Local residents in favor of the trailhead, but against the development were: Marlyn Scholl, Bill von Phul, Lynda Knepper, and Jennifer Herz.

Mr. Dunlap said the matter should be remanded back to the Planning Commission to be handled through proper procedure. He said Mr. Codega suggested the adequacy of emergency access was approved at the July meeting before the Board. Mr. Dunlap denied this stating, if it was approved, it was a violation of the Open Meeting Law since it was not agendaized. He said the end of the emergency access road was a private driveway controlled by CC&Rs in the Caughlin Ranch area and could be closed at any time. He mentioned Jeffrey Spicer, retired Fire Captain, sent a letter regarding the safety issues of the access and said the reason for backing a fire truck into the easement was for quick get away if necessary. He said Planning Commissioner Doxy questioned why the project did not go before the Planning Commission.

Mr. Codega said Eagles Nest was correct regarding the inaccuracies of the maintenance responsibilities in the agreement. He said the intent was to have the Hunter Creek Homeowners Association take care of those items. He noted the 34-foot easement was the standard width of a local roadway with parking on both sides. He said when his firm spoke with the Reno Fire Department the Department had not looked at this situation. He said the Fire Department was asked by the appellant to offer an opinion without all of the facts. Mr. Codega said his firm sat down with the Fire Department, presented all of the facts, and that was how the easement was approved. He noted the 12-foot easement was a suggestion by NDF, and fire trucks were not anticipated to use that road or be required to back into it. He said what the Board looked at in July had the consideration of NDF and nothing inappropriate was approved at that meeting; therefore, no violation of the Open Meeting Law took place.

Mr. Codega said Commissioner Galloway wanted to make sure this project was not approved without the County having a trailhead in place. He also noted that in terms of the fire situation, the development would bring more water to the area.

Commissioner Galloway asked if calculated traffic flows on Woodchuck would meet the requirements of the calculated flows. Clara Larson, Public Works Engineering Division, said both Woodchuck and Plateau Road would meet the flows. Commissioner Galloway then asked if the proposed design of Woodchuck made it a residential street, a collector, or arterial road. Ms. Larson said there was a local rural standard that Woodchuck met and a rural standard for a collector road that Plateau met. Commissioner Galloway further asked about the flows on Plateau. Ms. Larson said worst case on Plateau would be 986 trips per day; and, with the development of Hunter Creek and the existing lots being able to further subdivide, there would be 940 trips per day on Woodchuck, totaling 1,926 trips per day, which met the rural collector road standard. Ms. Larson noted the standard took into account no sidewalks.

In response to Commissioner Galloway, Mr. Kelly responded NDF was the jurisdictional agency at the time the application was submitted. Rich Riolo, retired NDF Fire Prevention Captain, said the roads did meet requirements and noted he had not been satisfied with one emergency access road; and that was why there were two. He said those roads were primarily used to get people out during a wild land fire and were very seldom used on the fire agency side. He noted fire trucks only back up very short distances to facilitate "cut and run".

Mr. Kelly said in regards to the water tank, TMWA planned to oversize the tank to 900,000 gallons to provide normal water service and fire protection needs for Eagles Nest and to provide additional emergency water service to the lower portions of Caughlin Ranch and the existing residential areas. He noted portions of Eagles Nest had inadequate service pressure and fire flow deficiencies that would be corrected as well as correcting an emergency storage deficiency in the Caughlin Ranch tank. He noted the developers did not request the oversized tank; that it was imposed on the developers by TMWA as a condition of annexation into the TMWA water service area. He stated TMWA would be responsible for the incremental cost increase between a 400,000-gallon tank and the required 900,000-gallon tank.

In response to Commissioner Larkin, Karen Mullen, Regional Parks and Open Space Director, said the trail access and parking were outside of the gated portion of the development. Ms. Mullen said there would be public access all the way up Woodchuck to the trailhead location, and that was currently held in escrow. She said public access was secured if the project moved forward. Commissioner Larkin asked Mr. Randall of the U.S. Forest Service where staff was in terms of the process with the Forest Service acquisition of this land. Mr. Randall said they were pretty far into the process, and the appraisal should be ready sometime after the holidays.

Commissioner Humke asked Melanie Foster, Legal Counsel, if she had an opportunity to examine Mr. Dunlap's citations regarding liability. Ms. Foster replied the District Attorney's Office litigated State Created Danger cases often. She did not believe this would be a case of that nature. She noted the City of Sparks recently prevailed in a case of homeowners in the Edison Way area who were allowed to build there and were

flooded. She said the Commissioners needed to be concerned that the conditions of the statute were met, that they gave due consideration to the evidence, and their decision was made based on that evidence.

Commissioner Humke said he looked over some of the cases presented by Mr. Dunlap and noted a case of a levee bursting in the Sacramento area. He asked if it held any credence under the current doctrines. Ms. Foster said the District Attorney's Office had prevailed on the cases her office litigated involving developments such as this. Commissioner Humke asked about the failure of notice to certain parties and whether the Planning Commission was deceived. Ms. Foster said notices were addressed in the staff report provided and she had heard nothing to support the Planning Commission being deceived or that staff was misled.

Commissioner Sferrazza asked if the approval of the project could be conditioned on the actual construction or dedication of the trailhead. Ms. Mullen said the trailhead was outside of the development, and that was why staff worked with the District Attorney's Office regarding the easement and providing the commitment of access and an easement should the development go through. She stated the easement would only happen if the development was approved and met all final map requirements. Sharon Kvas, Planning Manager, clarified that if the development was not approved, there would be no trailhead and no easement. She said the Board had 60 days from the date of the appeal to render a decision and the latest a decision could be made was November 18, 2005. Ms. Foster said the matter could be continued to November 15th.

Commissioner Larkin noted the appeal was based on eight items, four of which were answered. He asked if the project would increase the fire potential in the area. Mr. Riolo, retired NDF with 36 years of service, said it would actually reduce fuels thereby reducing fire potential.

In response to Commissioner Larkin, Ms. Kvas said that life safety and public health and welfare issues were sufficiently addressed. She said the project was compatible with the surrounding area. It was noted Ms. Kvas has been a planner for 20 years.

In response to Commissioner Larkin, Dave Price, County Engineer, stated drainage was in compliance and he was unaware of any negative impacts.

In response to Commissioner Humke, Ms. Kvas said Plateau was a rural collector road, and sidewalks were not mandated. She noted with the conditions imposed on Woodchuck, there would be some significant improvements to that road. Ms. Larson did not believe most people would use Woodchuck as a connector to the trailhead. She thought most people, excluding residents, would drive to the trailhead.

Commissioner Sferrazza noted opposition to the trailhead and asked Mr. Dunlap what the proposed alternate trailhead site was. Mr. Dunlap said the developer was asked to meet and consider alternate routes to the trailhead, that there be a

commitment that the 320 acres would not be developed, and the sale would be to the Forest Service. He said his people had several alternatives they wished to discuss with the developer to alleviate the safety issue. Ms. Mullen noted problems with Mr. Dunlap's suggested alternatives. She said notice of the easement was sent and the issue was discussed at several meetings.

Commissioner Galloway said drainage was addressed on conditions 48-65, and fire conditions were addressed on conditions 86-97. In response to Commissioner Galloway, Mr. Codega said it was condition 82 that required the roadway be constructed to County standards; and, with the existing right of way, a divided road was the solution staff came up with. Ms. Kvas said the second emergency access was part of the map of the application. Commissioner Galloway said that everyone was in agreement the map required that access. Mr. Codega confirmed the Hunter Creek development would be responsible for the maintenance of the gate. Ms. Kvas said condition 6i stated the Homeowners Association of the Hunter Creek subdivision would be responsible for "...gate maintenance of the emergency access road." Commissioner Galloway noted landscape should be included.

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

Commissioner Larkin asked Mr. Dunlap what alternative his group came up with in terms of the trail access. Mr. Dunlap said they would like to see something like Ballardini.

Commissioner Humke asked Ms. Foster about Open Meeting Law violations. Ms. Foster said there was nothing in her materials that identified at what meeting Mr. Dunlap believed the Open Meeting Law was violated.

In response to Commissioner Sferrazza, Mr. Dunlap said several people were not noticed.

Commissioner Galloway asked if any private party, due to CC&Rs, could close the emergency access from Eagles Nest. Ms. Mullen said that could not happen because the easement was on Washoe County property.

Commissioner Larkin noted the acquisition had been worked on for a very long time and condemnation was not a good option. He felt it was a priority to support the trailhead.

Commissioner Galloway said there were 97 conditions on the developer and the agreement did not bind the Commissioners to approve the subdivision. He said he did not intend to approve any subdivision that did not meet the reasonable safety requirements necessary and noted requirements had been met. He mentioned the sidewalk and speeding issues were not the responsibility of the developer because they were not above the standards. He stated he would be favorable to the development.

Commissioner Humke said Mr. Dunlap had an expert witness who was from another jurisdiction who wanted them to exceed the requirements of the law. He mentioned Mr. Hara's letter regarding failure of notice on the Internet and said that was not a requirement by law.

Commissioner Sferrazza said he would be willing to continue the issue but did not think it would do any good. He supported the trailhead and noted conditions should be added that the development was limited to 53 homes and the 320 acres would be deed restricted in some way.

Chairman Weber disclosed that over the past week Mrs. Hara had contacted her office and spoke with her intern regarding the process for this meeting.

Commissioner Galloway moved to deny the appeal, not accepting Commissioner Sferrazza's conditions. Commissioner Humke seconded the motion. Commissioner Sferrazza moved to amend the motion with respect to the 320 acres. Ms. Kvas reminded the Board the 320 acres was not part of the application. She noted current zoning on that property was one home to 40 acres.

Commissioner Galloway mentioned more intense building would require a zoning change and he did not feel continuing the meeting by one week would resolve the issues. Commissioner Sferrazza said he would reluctantly support the motion.

Based on the following findings, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Weber ordered that the appeal of John and Anita Hara, et al, be denied and Hunter Creek Subdivision Tentative Map Case No. TM05-013 be approved subject to the conditions listed below with condition 6i being amended to include the word "landscape," and without further conditions being placed on the development:

FINDINGS

1. Plan Consistency. That the proposed map is consistent with the Comprehensive Plan and the Southwest Truckee Meadows Area Plan in that the proposed densities and subdivision design meet the requirements of the Development;
2. Design or Improvement. That the design or improvement of the proposed subdivision is consistent with the Comprehensive Plan and the Southwest Truckee Meadows Area Plan;
3. Type of Development. That the site is physically suited for the type of development proposed;
4. Availability of Services. That the subdivision will meet the requirements of Article 702, Adequate Public Facilities Management System;

5. Fish or Wildlife. That neither the design of the subdivision nor any proposed improvements is likely to cause substantial environmental damage, or substantial and avoidable injury to any endangered plant, wildlife or their habitat;
6. Public Health. That the design of the subdivision or type of improvement is not likely to cause significant public health problems;
7. Easements. That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision;
8. Access. That the design of the subdivision provides any necessary access to surrounding, adjacent lands and provides appropriate secondary access for emergency vehicles;
9. Dedications. That any land or improvements to be dedicated to the County is consistent with the Comprehensive Plan;
10. Energy. That the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision;
11. That the Planning Commission gave reasoned consideration to the information contained within the staff report and information received during the meeting; and
12. That the Washoe County Board of County Commissioners gave due consideration to the information transmitted from the Washoe County Planning Commission and to the information received during the public hearing.”

CONDITIONS FOR TENTATIVE SUBDIVISION MAP CASE NUMBER TM05-013 HUNTER CREEK DEVELOPMENT

THE DEVELOPER SHALL MEET WITH THE ENGINEERING DIVISION, DEPARTMENT OF WATER RESOURCES AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT STAFF AT LEAST SIXTY (60) DAYS BEFORE THE ANTICIPATED DATE OF THE FINAL MAP RECORDATION TO REVIEW SCHEDULING, REQUIREMENTS, FINAL CONSTRUCTION DRAWINGS, AND DOCUMENTATION NECESSARY TO ADEQUATELY COMPLY WITH THE CONDITIONS OF APPROVAL AND THE APPLICABLE STATUTES, ORDINANCES, RULES, REGULATIONS, AND POLICIES.

REQUESTS FOR EXTENSION OF TIME FOR SUBSEQUENT FINAL MAPS MUST BE SUBMITTED TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT AT LEAST SIXTY (60) DAYS BEFORE THE EXPIRATION DATE OF THE TENTATIVE SUBDIVISION MAP.

A COPY OF THE FINAL ORDER FOR THE APPROVAL OF THE TENTATIVE MAP SHALL BE ATTACHED TO ALL PHASES/UNITS SUBMITTALS FOR FINAL MAP REVIEW SIXTY (60) DAYS BEFORE RECORDATION.

UNLESS OTHERWISE STATED, BEFORE FINALIZATION OF ANY PORTION OF THE TENTATIVE SUBDIVISION MAP, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES GIVEN TO ENSURE COMPLETION OF THE CONDITIONS MUST BE PROVIDED. 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.

A COPY OF ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL BE FILED WITH THE DEPARTMENT OF PUBLIC WORKS AND/OR THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

THE DEVELOPER SHALL MEET WITH THE ENGINEERING DIVISION, THE DEPARTMENT OF WATER RESOURCES, AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT TO REVIEW SCHEDULING, REQUIREMENTS, FINAL CONSTRUCTION DRAWINGS, AND DOCUMENTATION NECESSARY TO ADEQUATELY COMPLY WITH THE CONDITIONS OF APPROVAL AND THE APPLICABLE STATUTES, ORDINANCES, RULES, REGULATIONS, AND POLICIES.

COMPLIANCE WITH THE APPLICABLE STATUTES, ORDINANCES, RULES, REGULATIONS AND POLICIES AND WITH THE CONDITIONS OF APPROVAL OF THIS TENTATIVE MAP IS THE RESPONSIBILITY OF THE DEVELOPER, ITS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES AND OCCUPANTS OF THE PROPERTY, AND THEIR SUCCESSORS IN INTEREST.

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

CONDITIONS OF APPROVAL

1. The subdivision shall be in substantial compliance with the provisions of Washoe County Development Code Article 604, Design Requirements, and Article 608, Tentative Subdivision Maps.
2. The subdivider shall present a final map to Washoe County, prepared in substantial compliance with the tentative map and related documents, for the entire area for which a tentative map has been approved, or one of a series of final maps, each covering a portion of the approved tentative map, within two years after the date of approval of the tentative map or within one year of the date of

approval for subsequent final maps. On subsequent final maps, that date may be extended by one year if the extension request is received before the expiration date. If the subdivider fails to record a final map for any portion of the tentative map or fails to obtain an extension as stated above, all proceedings are terminated and a new application is required.

3. Final maps and final construction drawings shall comply with all applicable statutes, ordinances, rules, regulations and policies in effect at the time of submittal of the tentative map or, if requested by the Developer and approved by the applicable agency, those in effect at the time of approval of the final map.
4. Final grading and landscaping plans for the open space areas and road cut and fills shall be submitted to the Department of Community Development and the Engineering Division for approval before commencement of construction. All man-made slopes shall be 3:1 (H:V) or flatter, unless rockery walls are used. Rockery walls used to create benches are limited to a maximum vertical height of six (6) feet. The resulting terraces shall include a minimum horizontal width of six (6) feet and shall be landscaped. Drought-resistant vegetation shall be preferred. The Department of Community Development and the County Engineer shall determine compliance with this condition.
5. The applicant shall submit an estimate prepared and wet stamped by a landscape architect licensed in the State of Nevada for the revegetation/reseeding of all roadway cuts and fills, and pipeline easements not located underneath a paved roadway. Drought-resistant vegetation shall be preferred in the preparation of the plans and estimate. A bond or other financial assurance in the amount of 120 percent of this estimate shall be submitted to and held by the Department of Community Development for a period of three years following completion of revegetative efforts to assure reclamation. During these three years, and before the release of the performance bond, the Department of Community Development may require reseeding/revegetation of those areas where revegetation efforts have failed.
6. The applicant has offered to mitigate the impacts of a required secondary emergency access through Washoe County property and impacts upon the adjacent residents abutting that access and Caughlin Ranch Homeowner's Association. The County has accepted the offer and includes the following condition of approval regarding the secondary emergency access:
 - a. Access shall be limited to a pedestrian (non-motorized) trail, utility and landscape maintenance, emergency vehicles and persons, and persons, vehicles and domestic animals during any crisis situation including, but not limited to, fire or other natural disaster or closure of the main access road due to any natural or man-made event.
 - b. The roadway across County property shall be limited to a twelve (12) foot pavement width, with up to three, twenty (20) foot wide turnouts. These

turnouts shall be on the north side of the existing road and shall be no more than fifty (50) feet long with thirty (30) foot long tapers.

- c. A plan shall be prepared from the interior loop road in the subdivision through County property to the terminus of the emergency road and shall be presented to the Eaglesnest Homeowner's and approved by the Design Review Committee (DRC) at least 30 days prior to any ground-disturbing activities. The plan shall include:
 - 1) Landscape and irrigation with an emphasis on drought tolerant, low maintenance species,
 - 2) A plan for repair, repaving and/or revegetation of all disturbed areas to Sharps Road,
 - 3) Existing trees will be located on the landscape/construction plans and be preserved to the extent practical, and
 - 4) Rock treatment which DRC approves as visually pleasing will be provided south of the existing sewer line road where erosion problems exist.
- d. Maintenance of the landscaping and irrigation on County-owned property shall be the responsibility of the Caughlin Ranch Homeowner's Association or, if Washoe County Regional Parks and Open Space staff determines that association has failed in maintenance, to the Homeowner's Associations of the Hunter Creek projects.
- e. A gate shall be installed at the end of the cul-de-sac, which is the beginning of the emergency access roadway to the west end of County property. The existing gate at the eastern end of the access shall remain intact and for the purposes originally intended.
- f. The applicant shall provide a copy of a recorded agreement with the owners of Assessor Parcel Number 220-021-08 to the staff of the Department of Community Development for the landscaping and screening of this residence.
- g. A Construction Haul Route and control plan for work on County property, including construction worker parking and material/equipment staging, will be prepared and presented to the adjacent Eaglesnest Homeowner's and Washoe County at least 30 days prior to commencing construction in this area. To the extent practical, access and parking shall be from the Hunter Creek subdivision side of County property. The plan will include date of commencement of construction, number of working days, days of the week and hours that construction will occur. The Construction Haul Route must be approved by Washoe County prior to commencement of ground-disturbing activity.

- h. Financial assurances for the construction of the emergency road and all associated improvements including landscaping shall be provided with the Subdivision Improvement Agreement Financial Assurances and shall be 120% of the cost of construction for the roadway project.
- i. The Homeowner's Association of the Hunter Creek subdivision will be responsible for the snow removal, road maintenance, and gate maintenance of the emergency access road. The CC&Rs shall reflect the continuing responsibilities of the Homeowner's Association as related to this condition in perpetuity.

The Department of Community Development in consultation with Engineering Division and the Department of Regional Parks and Open Space shall determine compliance with this condition.

- 7. The following plans shall be submitted to the Design Review Committee for approval:
 - a. Landscaping and irrigation plans, and rock treatment, as required in Condition 6 above;
 - b. Landscaping and irrigation treatment of all road cut and fill slopes;
 - c. Landscaping, irrigation and building plans for the water tank and booster pump stations;
 - d. All building, landscaping and irrigation plans shown in the application for the entrance to The Ridges portion of the development and trailhead (Figure 3A, Page 4 of the application).
- 8. The following note shall be on the final plat:

| Regulatory Zone for Review Purposes | General Rural (GR) Low Density Suburban (LDS) |
|--|--|
| Minimum Lot Area Required | Common Open Space Development |
| Minimum Lot Width | Common Open Space Development |
| Minimum Front Yard | 30 feet |
| Minimum Side Yard | 12 feet |
| Minimum Rear Yard | 30 feet |
| Maximum Building Height | 35 feet / 2 story maximum |

Note: Variances to these standards may be processed per Washoe County Code.

The Department of Community Development shall determine compliance with

this condition.

9. Parcel 2-6 adjacent to Eaglesnest on the southeast side shall be increased in depth to conform to the adjacency standards. The Department of Community Development shall determine compliance with this condition.
10. The property owner(s) shall grant an Avigation Easement to, and acceptable to, the Airport Authority of Washoe County over the entire property. The Property owner(s) shall provide the Planning Department with appropriate documentation indicating the Avigation Easement has been granted and accepted by the Airport Authority of Washoe County, before the issuance of a building permit. The Department of Community Development shall determine compliance with this condition.
11. A note shall be placed on all grading plans and construction drawings 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.

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

12. Prior to ground-disturbing activity or prior to finalization of any portion of the tentative map, the developer shall submit two copies of an archaeological/-historical survey to the Department of Community Development. The Department of Community Development shall submit the surveys to the State Historic Preservation Office of the Department of Museums, Library and Arts and the applicable tribe if any for review. Following that review, the State Historic Preservation Office shall forward a letter to the Department of Community Development indicating the survey was acceptable and whether a mitigation plan is required. The Department of Community Development shall determine compliance with this condition.
13. The final map shall designate faults that have been active during the Holocene epoch of geological time and the final map shall contain the following note:

NOTE

No habitable structures shall be located on a fault that has been active during the Holocene epoch of geological time.

The Department of Community Development shall determine compliance with

this condition.

14. All land disturbances over one acre require a Nevada Division of Environmental Protection (NDEP) storm water discharge permit. A phased construction unit in a contiguous subdivision is considered under construction until all stripped or disturbed surface areas have been covered by paving, building construction, or planting or upon lot sale. The Developer shall submit a copy of the permit letter from NDEP. The County Engineer shall determine compliance with this condition.
15. The Developer and all successors shall direct any potential purchaser of the site to meet with the Department of Community Development to review conditions of approval before the final sale of the site. Any subsequent purchasers of the site shall notify the Department of Community Development of the name, address, telephone number and contact person of the new purchaser within thirty (30) days of the final sale.
16. Conditions, covenants, and restrictions (CC&Rs), including any supplemental CC&Rs, shall be submitted to the Community Development staff for review and subsequent forwarding to the District Attorney for review and approval. The CC&Rs shall be marked to indicate the page and paragraph of each of the items below. The final CC&Rs shall be signed and notarized by the owner(s) and submitted to the Community Development Department with the recordation fee prior to the recordation of the final map. The CC&Rs shall require all phases and units of the subdivision approved under this tentative map to be subject to the same CC&Rs. Washoe County shall be made a party to the applicable provisions of the CC&Rs to the satisfaction of the District Attorney's Office. Said CC&Rs shall specifically address the potential for liens against the properties and the individual property owners' responsibilities for the funding of maintenance, replacement, and perpetuation of the following items, at a minimum:
 - a. Maintenance of public access easements, conservation easements, common areas, and common open spaces. Provisions shall be made to monitor and maintain, for a period of three (3) years, regardless of ownership, a maintenance plan for the common open space area. The maintenance plan for the common open space area shall, as a minimum, address the following:
 - 1) Vegetation management;
 - 2) Watershed management;
 - 3) Debris and litter removal;
 - 4) Fire access and suppression;
 - 5) Maintenance of public access and/or maintenance of limitations to public access.

- b. All drainage facilities and roadways not maintained by Washoe County shall be privately maintained and perpetually funded by the Homeowner's Association.
- c. All open space identified as common area on the final map shall be privately maintained and perpetually funded by the Homeowner's Association. The maintenance of the common areas and related improvements shall be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.
- d. The project and adjacent to undeveloped land shall maintain fire fuel breaks as required by the Nevada Division of Forestry until such time as the adjacent land is developed. Provision shall be made for the maintenance and upkeep of a vegetation mitigation program by the Homeowner's Association that meets the provisions of the Nevada Division of Forestry and the 1997 Urban Wild Land Interface Code, as approved by the Reno Fire Department. The plan shall address maintenance and responsibility for maintenance. If provisions of the two agencies conflict, the more stringent shall apply.
- e. Locating habitable structures on potentially active (Holocene) fault lines, whether noted on the recorded map or disclosed during site preparation, is prohibited.
- f. Buildings shall be located only within the building pads identified on the plat and attached to these CC&Rs.
- g. All outdoor lighting on buildings and streets within the subdivision shall be down-shielded.
- h. No motorized vehicles except maintenance or emergency vehicles shall be allowed on the platted common area.
- i. Washoe County will not assume responsibility for maintenance of the private street system of the development nor will Washoe County accept the streets for dedication to Washoe County unless the streets meet those Washoe County standards in effect at the time of offer for dedication.
- j. Provisions shall be made for mandatory solid waste collection.
- k. Fence material (if any), height, and location limitations, and re-fencing standards shall be specified in the CC&Rs. Perimeter fencing of lots shall not be permitted. Replacement fence must be compatible in materials, finish and location of existing fence. Fencing over utility easements identified on the plat shall be done at the risk of the property owner. Fencing that is removed by a utility company for the repair and maintenance of its utility line shall be replaced by and at the sole expense of the property owner.

- l. Where required by the Engineering Department, slopes shall be stabilized by rockery walls; riprap shall not be permitted. Rockery walls used to create benches are limited to a maximum vertical height of six (6) feet. The resulting terraces shall include a minimum horizontal width of six (6) feet and shall be landscaped.
- m. Slopes shall be three (3) horizontal to one (1) vertical (3:1) or flatter.
- n. Grading shall not be altered to allow drainage onto an adjacent property.
- o. The County may back-bill Homeowner's if the common area reverts to the County through lack of payment of taxes.
- p. Encroachment into the Critical Buffer Zone of Hunter Creek is restricted to only those activities approved in Article 418, Significant Hydrologic Resources, of the Washoe County Development Code, or the standards of the Significant Hydrologic Resource section of the Development Code in effect at the time of a building permit application.
- q. A stepped foundation shall be required for any home with a change in elevation of eight (8) feet or greater in natural grade across the footprint of the foundation.
- r. Development of slopes in excess of thirty (30) percent is prohibited.
- s. Any grading for the construction of houses and driveways that exceeds the thresholds established by Article 438, Grading Standards, or grading ordinance in effect at the time of a building permit application, of the Washoe County Development Code may require the processing of a special use permit application for grading.
- t. Roofing and siding of all buildings shall be composed of non-flammable materials.

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

- 17. The common open space owned by the Homeowner's Association shall be noted on the final map as "common open space" and the related deed of conveyance shall specifically provide for the preservation of the common open space in perpetuity. The deed shall be presented with the CC&Rs for review by the Community Development staff and the District Attorney.
- 18. Applicant shall provide for culinary water and wastewater treatment as required by the District Health Department. Failure to satisfy District Health Department requirements for filing a final plat shall render this approval null and void.
- 19. The internal public trail system indicated on the tentative map shall be shown on

the final plat(s) as public pedestrian easements. A public trail and conservation easement shall also be placed from the property line along Hunter Creek to the uphill side of the Steamboat Ditch easement, as offered by the applicant. All trails shall be built to the County Department of Regional Parks and Open Space standards. The Department of Regional Parks and Open Space shall determine compliance with this condition.

20. A certification letter or a certification statement on the landscaping plans by a landscape architect registered in the State of Nevada shall be submitted to the Department of Community Development certifying that all applicable landscaping provisions of Article 412 of the Development Code have been met. The landscaping plans and the letter or certification shall be wet-stamped and submitted to the Department of Community Development before the issuance of a building permit. The Department of Community Development shall determine compliance with this condition.
21. 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 before issuance of the building permit. The plan shall be wet-stamped. The Department of Community Development shall determine compliance with this condition.
22. The Critical Stream Zone of Hunter Creek, as defined by Section 418, Significant Hydrologic Resources, of the Development Code shall be shown of the final plat(s).
23. The applicant shall submit to the Department of Community Development on 8 ½" x 11" paper a drawing of each lot showing the approved building pad locations together with dimensions given to the adjacent lot line. The drawings shall also be made a part of the CC&Rs as provided for in Condition 16 above.

DEPARTMENT OF WATER RESOURCES

The following conditions shall be met to the satisfaction of the Department of Water Resources (DWR):

24. A letter from the water purveyor must be submitted to the Department of Water Resources indicating the amount of water rights necessary to serve this project. Water rights in the specified amount shall be dedicated to Washoe County in accordance with Article 422. These rights will be subsequently leased to the water purveyor for use on this project.
25. Fees for improvement plan checking and construction inspection shall be in accordance with Washoe County Ordinance and paid prior to the approval of each final map.

26. Improvement plans shall be in compliance with Washoe County Design Standards. A Registered Engineer with the State of Nevada must design the improvement drawings.
27. The Developer shall construct and/or provide the financial assurance for the construction of the water distribution and sanitary sewer collection systems prior to approval of each final map. The financial assurance must be in a form and amount acceptable to the DWR.
28. DWR approved improvement plans shall be used for the construction of the sanitary sewer collection systems. The DWR will be responsible to inspect the construction of the sanitary sewer collection systems, or appurtenant facilities.
29. In accordance with the applicable ordinances, all sewer connection fees shall be paid prior to the recordation of each final map.
30. A master sanitary sewer report for the entire tentative map shall be prepared and submitted by the applicant's engineer, prior to approval of the first final map, which addresses:
 - A. the estimated sewage flows generated by this project,
 - B. projected sewage flows from potential or existing development within tributary areas,
 - C. the impact on capacity of existing infrastructure,
 - D. slope of pipe, invert elevation and rim elevation for all manholes, and
 - E. proposed collection line sizes, on-site and off-site alignment, and half-full velocities.
31. No Certificates of Occupancy will be issued until all sanitary sewer facilities, necessary to serve each final map, have been completed and accepted for operation and maintenance by the DWR.
32. If infrastructure such as pump structures, controls, telemetry and appurtenances, lift stations, force mains, sewer mains and interceptor are necessary to accommodate the project, the Developer will be responsible to fund the design and construction. However, the actual design will be the responsibility of the DWR. Prior to initiation of design the Developer shall pay the estimated design costs to Washoe County. The DWR may either provide such design in-house, or select and outside consultant. When an outside consultant is to be selected, the DWR and the Developer shall jointly select that consultant.
33. No permanent structures (including walls, buildings, etc.) shall be allowed within or upon any County maintained utility easement.

34. If required, a 30-foot sanitary sewer easement shall be dedicated to Washoe County over the off-site sanitary sewer main.
35. A 12-foot wide all weather sanitary sewer access road shall be constructed to facilitate access to off-site sanitary sewer manholes.
36. The developer shall dedicate to Washoe County an easement over all private roadways for the maintenance of the sanitary sewer system and appurtenances.
37. Since the tentative map is outside the City of Reno's Sphere of Influence but is sewerage to the Truckee Meadows Water Reclamation facility, the Developer shall obtain approval from the City of Reno Council for the entire project to utilize treatment capacity. Approval must be obtained prior to approval of the final map.

ENGINEERING DIVISION

The following conditions shall be met to the satisfaction of the Engineering Division:

General Conditions

38. Final maps and final construction drawings shall comply with all applicable statutes, ordinances, rules, regulations, and policies in effect at the time of submittal of the tentative map or, if requested by the developer and approved by the applicable agency, those in effect at the time of approval of the final map.
39. Prior to acceptance of public improvements and release of any financial assurances, the developer shall furnish to the water and sewer provider(s) and Engineering Division a complete set of reproducible as-built construction drawings prepared by a civil engineer registered in the State of Nevada.
40. The developer shall be required to participate in any applicable General Improvement District or Special Assessment District formed by Washoe County. The applicable County Department shall be responsible for determining compliance with this condition.
41. The developer shall provide written approval from the U.S. Postal Service concerning the installation and type of mail delivery facilities. The system, other than individual mailboxes, must be shown on the project construction plans and installed as part of the onsite improvements. The County Engineer shall determine compliance with this condition.
42. All open space shall be identified as common area on the final map. A note on the final map shall indicate that all common areas shall be privately maintained and perpetually funded by the Homeowner's Association. The County Engineer shall determine compliance with this condition. The maintenance of the common areas shall also be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.

43. Any existing easements or utilities that conflict with the development shall be relocated, quitclaimed, and/or abandoned, as appropriate. The County Engineer shall determine compliance with this condition.
44. Any easement documents recorded for the project shall include an exhibit map that shows the location and limits of the easement in relationship to the project. The County Engineer shall determine compliance with this condition.
45. All existing overhead utility lines shall be placed underground, except electric transmission lines greater than 100 kilovolts, which can remain above ground. The County Engineer shall determine compliance with this condition.
46. A complete set of construction improvement drawings, including an onsite grading plan, shall be submitted to the County Engineer for approval prior to finalization of any portion of the tentative map. Grading shall comply with best management practices (BMPs) and shall include detailed plans for grading and drainage for project roadways, erosion control (including BMP locations and installation details), slope stabilization and mosquito abatement. A conceptual grading and drainage scheme shall be indicated for each lot on the grading plan. If drainage from one lot to another is proposed, then appropriate drainage easements shall be provided. Disposal of any excavated material onsite shall be indicated on the grading plans. The County Engineer shall determine compliance with this condition.
47. Any roadway crossings of overhead power facilities shall be designed in accordance with Sierra Pacific Power Company (SPPCo) standards. Prior the recordation of any affected map, a letter from SPPCo shall be provided to the County Engineer approving the design and location of roadways with respect the overhead utility lines. The County Engineer shall determine compliance with this condition.

Drainage (County Code 110.420)

48. The conditional approval of this tentative map shall not be construed as final approval of the drainage facilities shown on the tentative map. Final approval of the drainage facilities will occur during the final map review and will be based upon the final hydrology report.
49. Prior to finalization of the first final map, a master hydrology/hydraulic report and a master storm drainage plan shall be submitted to the County Engineer for approval.
50. Prior to finalization of any portion of the tentative map, a final, detailed hydrology/hydraulic report for that unit shall be submitted to the County Engineer. All storm drainage improvements necessary to serve the project shall be designed and constructed to County standards and specifications and/or financial assurances in an appropriate form and amount shall be provided. The County Engineer shall determine compliance with this condition.

51. Standard reinforced concrete headwalls or other approved alternatives shall be placed on the inlet and outlet of all drainage structures, and grouted rock riprap shall be used to prevent erosion at the inlets and outlets of all culverts to the satisfaction of the Engineering Division.
52. The developer shall provide pretreatment for petrochemicals and silt for all storm drainage leaving the site to the satisfaction of the Engineering Division.
53. Prior to approval of any final map, building permit, or grading permit, the developer will furnish to the Engineering Division and Community Development staff, written confirmation from the Truckee Meadows Water Authority and the Steamboat Ditch Company, that they have reviewed and approved any ditch crossings, protective fencing or stormwater discharge facilities that may impact the irrigation and water supply ditches.
54. The Truckee Meadows Regional Stormwater Quality Management Program Construction Permit Submittal Checklist and Inspection Fee shall be submitted with each final map. The County Engineer shall determine compliance with this condition.
55. Drainage swales that drain more than two lots are not allowed to flow over the curb into the street; these flows shall be intercepted by an acceptable storm drain inlet and routed into the storm drain system. The County Engineer shall determine compliance with this condition.
56. A note on the final map shall indicate that all drainage facilities not maintained by Washoe County shall be privately maintained and perpetually funded by a Homeowner's association. As an alternative to a Homeowner's Association, the developer may request the establishment of a County Utility Service Area under which fees would be paid for maintenance of the proposed storm drainage detention facility. The fee amount will be based on the additional service above that normally provided by the County to maintain new stormwater facilities dedicated by the developer (i.e., curb and gutter, drop inlets and piping). The County Engineer shall determine compliance with this condition. The maintenance and funding of these drainage facilities shall also be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.
57. The maximum permissible flow velocity (that which does not cause scour) shall be determined for all proposed channels and open ditches. The determination shall be based on a geotechnical analysis of the channel soil, proposed channel lining and channel cross section, and it shall be in accordance with acceptable engineering publications/calculations. Appropriate linings shall be provided for all proposed channels and open ditches such that the 100-year flows do not exceed the maximum permissible flow velocity. The County Engineer shall determine compliance with this condition.

58. All slopes steeper than 3:1 shall be mechanically stabilized to control erosion. As an alternative to riprap, an engineered solution (geofabric, etc.) may be acceptable. The County Engineer shall determine compliance with this condition.
59. A note on all affected final maps shall state that the owner, buyers, assigns or interest holders of any lots hereon, hereby agree that all existing irrigation flows crossing these parcels shall be perpetuated. Any legal rights to water from the ditches crossing this property shall be honored and the right of access for maintenance and operation will not be denied to valid holders of those rights. The County Engineer shall determine compliance with this condition.
60. Maintenance access and drainage easements shall be provided for all existing and proposed drainage facilities. The County Engineer shall determine compliance with this condition.
61. Drainage easements shall be provided across individual lots on the official map for all storm runoff that crosses more than one lot. The County Engineer shall determine compliance with this condition.
62. Any increase in stormwater runoff resulting from the development and based on the 5 year and 100 year storm(s) shall be detained onsite. The detention facility shall be owned and maintained by a Homeowner's association. The County Engineer shall determine compliance with this condition.
63. Any rights-of-way/easements for irrigation ditches or water supply ditches, associate structures and their maintenance shall be reserved with the finalization of the affected final map or prior to issuance of a grading permit. Any relocation of irrigation or water supply facilities shall maintain the quantity, quality, elevation and point of delivery of the ditch unless and alternate alignment and discharge point is approved by the owners of the irrigation and water supply facilities. The County Engineer shall determine compliance with this condition.
64. Any piping installed within or adjacent to County right-of-way conveying Hunter Creek Ditch water shall be constructed with plastic, water tight pipe in accordance with County Standards. The County Engineer shall determine compliance with this condition.
65. Common Area drainage onto residential lots shall be intercepted and routed to appropriate storm drainage facilities. The County Engineer shall determine compliance with this condition.

Traffic (County Code 110.436)

66. All roadway improvements necessary to serve the project shall be designed and constructed to County standards and specifications and/or financial assurances in an appropriate form and amount shall be provided. The County Engineer shall determine compliance with this condition.

67. Street names shall be reviewed and approved by the Regional Street Naming Coordinator.
68. Proposed landscaping and/or fencing along street rights-of-way and within median islands shall be designed to meet American Association of State Highway and Transportation Officials (AASHTO) sight distances and safety guidelines. No tree shall overhang the curb line of any public street. The County Engineer shall determine compliance with this condition.
69. For any utilities placed in existing County streets, the streets shall be repaired to the satisfaction of the County Engineer. At a minimum, this will require full depth removal and replacement of asphalt for half the street width, or replacement of non-woven pavement reinforcing fabric with a 2" asphalt overlay for half the street width. Type II slurry seal is required for the entire street width with either option. Full width street improvements may be required if the proposed utility location is too close to the centerline of the existing street.
70. Streetlights shall be constructed to Washoe County standards at locations to be determined at the final design stage. The County Engineer shall determine compliance with this condition.
71. AASHTO clear zones shall be determined for all streets adjacent to retaining walls or slopes steeper than 3:1. If a recoverable or traversable clear zone cannot be provided, an analysis to determine if barriers are warranted shall be submitted for approval. The County Engineer shall determine compliance with this condition.
72. All retaining walls that are adjacent to, provide support for or retain soil from the County right-of-way shall be constructed of reinforced masonry block or reinforced concrete and designed by an engineer licensed in the State of Nevada. The County Engineer shall determine compliance with this condition.
73. No retaining walls that retain soil from the County right-of-way or private right-of-way shall be located within a plowed snow storage easement. The County Engineer shall determine compliance with this condition.
74. The conditions, covenants and restrictions (CC&Rs) shall prominently note to the satisfaction of the District Attorney's Office and the County Engineer that Washoe County will not assume responsibility for maintenance of the development's private street system or accept the streets for dedication to Washoe County unless the streets meet those Washoe County standards in effect at the time of the offer of dedication.
75. Adequate snow storage easements shall be identified on the final plat. The County Engineer shall determine compliance with this condition.
76. Proposed landscaping and/or fencing along street rights-of-way and within median islands shall be designed to meet AASHTO sight distances and safety

- guidelines. A minimum vertical clearance of 13.5 feet shall be maintained over all private streets, and no tree shall overhang the curb of any public street. The County Engineer shall determine compliance with this condition.
77. The diameter of the cul-de-sac bulb island and anything located within the island, such as landscaping, parking, etc., shall be designed to provide safe sight distances and an adequate turning radius for garbage trucks, snow plows and moving vans. The County Engineer shall determine compliance with this condition.
 78. If the Engineering Division does not inspect the subdivision improvements, prior to release of any financial assurances for the private improvements, the development shall provide the Engineering Division with a letter prepared by a civil engineer licensed in the State of Nevada, certifying that the private improvements have been constructed in accordance with the approved plans. The County Engineer shall determine compliance with this condition.
 79. A minimum onsite stacking length of 50 feet and an adequately sized turnaround outside the gate is required prior to any security gate. Vehicle stacking at a gate shall not back up into the adjacent street right-of-way. The County Engineer shall determine compliance with this condition.
 80. Prior to the approval of the first final map, the existing County owned and non-County owned portions of Woodchuck Circle shall be reviewed and evaluated by a civil and geotechnical engineer with a summary report provided to Washoe County Engineering addressing the existing pavement width, the existing and required structural section necessary to handle the projected construction and vehicle traffic for a 20 year design life, the existing alignment and grade, the need for barrier rail, and existing culvert crossing capacity. The roadway shall be brought to current County Standards being a minimum of 24 feet in width with minimum 2 foot paved shoulders, with a minimum of 4" of asphalt over 6" of base, maximum road grade of 10% if southern facing alignment (limited steeper sections may be allowed upon review of County Engineer), and minimum curve radii meeting 25 mph design speed. Barrier Rail shall be provided where AASHTO design standards dictate. Existing culvert crossings shall be upsized as necessary with concrete pipe to pass the peak flow occurring at the 100 year return frequency storm event. Any existing County and non-County owned section of Woodchuck shall receive a final Type II Slurry Seal Coat. The County Engineer shall determine compliance with this condition.
 81. Prior to the approval of the first final map, the right-of-way for the cul-de-sac portion of Woodchuck Circle shall be abandoned. The County Engineer shall determine compliance with this condition.
 82. Prior to the approval of the first final map, all private sections of Woodchuck Circle shall be offered for dedication to Washoe County. The County Engineer shall determine compliance with this condition.

83. Prior to the approval of the first final map, a public emergency access easement shall be acquired and roadway constructed to an existing County owned and maintained roadway (other than Woodchuck Circle) extending to Plateau Road. A public emergency access easement over existing private paved roadways extending to Plateau Road would be acceptable. The County Engineer shall determine compliance with this condition.
84. A cul-de-sac shall be dedicated to Washoe County and constructed at the terminus of the public roadway north of the gated entry. The County Engineer shall determine compliance with this condition.
85. Private roadway right-of-way shall be a minimum 36 feet in width per County Code. The County Engineer shall determine compliance with this condition.

FIRE SAFETY

The following conditions shall be met to the satisfaction of the Nevada Division of Forestry:

86. A complete fire flow water system capable of meeting residential calculated fire flow requirements as prescribed by the Uniform Fire Code Appendix III-A shall be installed and completed prior to any combustible building materials being placed on the project site.
87. All fire hydrant locations shall be reviewed and approved by the Nevada Division of Forestry, and shall be in proximity to streets so that snow accumulations at the hydrants may be removed during routine snow plowing operations.
88. All roadways within the project shall meet the requirements of a paved all-weather surface. Uniform Fire Code/Washoe County standards require designated no parking zones where pavement width is less than 24-feet wide.
89. There shall be a minimum of two ways in and two ways out of the development, and shall be completed prior to the delivery of any combustible building materials to the project.
90. A fuels management/reduction program encompassing 30 feet around all structures shall be developed and maintained in accordance with Uniform Fire Code Appendix II-A-16.
91. Clearance of vegetative growth along roadways shall be required in accordance with Uniform Fire Code Appendix II-A-17.
92. A fuels modification plan for the entire acreage shall be prepared, and shall include a minimum 20-foot fuel break along all property lines. The fuel breaks shall be done to the satisfaction of the Nevada Division of Forestry Resource Forester, and shall be completed prior to the approval of any final map.

93. All structures shall be constructed with fire retardant roofing materials in compliance with NRS472.100.
94. All cut banks, slopes of 2:1 where approved, drainage plans, creek crossings, and soil stabilization must be reviewed by the Nevada Division of Forestry Resource Forester (Phone: 775-849-2500, ext. 243).
95. A Timberland Conversion Certificate in compliance with NRS528.082 through 528.086 may be required prior to any ground breaking or start of construction on the project, as determined by the Nevada Division of Forestry Resource Forester.
96. A KNOX BOX shall be required on any gated community or emergency gates.
97. One fire hydrant shall be placed at the water tank for wild land/forest fire protection.

* * * * *

Based on the following findings, on motion by Commissioner Galloway, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that the appeal of John and Anita Hara, et al, be denied and Special Use Permit Case No. SW05-003 be approved subject to the conditions approved by the Planning Commission listed below:

FINDINGS

1. That the proposed tank and booster pump stations are consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the Southwest Truckee Meadows Area Plan;
2. That project will provide for adequate culinary water for the development, that 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. That the site is physically suitable for the construction of a water system and related works;
4. That issuance of the permit 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;
5. That the Planning Commission gave reasoned consideration to the information contained within the staff report and information received during the meeting; and

6. That the Washoe County Board of County Commissioners gave due 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 NUMBER SW05-003
HUNTER CREEK DEVELOPMENT**

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, his 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.

Washoe County reserves the right to review and revise the conditions of this approval should they 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.

CONDITIONS OF APPROVAL

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 complete construction of all structures used to further the operation within two years from the date of approval by the Washoe County Planning Commission.
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 site and/or the special use permit to meet with the Department of Community Development to review conditions of approval before the final sale of the site and/or the special use permit. Any subsequent purchaser/operator of the site and/or 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 plans 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. Following construction of the water tank, the access road, and on-site parking area shall be constructed with an all-weather surface to elevate dust and the tracking of mud onto subdivision roads. The County Engineering Division shall determine compliance with this requirement.

LANDSCAPING AND DESIGN

7. Landscaping and drip-irrigation plans for the two booster pump stations and the water tank site shall be prepared and wet stamped by a landscape architect registered in the State of Nevada, and shall be submitted to the Department of Community Development for approval. The plans shall be prepared in conformance with Article 412 of the Development Code. Native, drought-resistant plant species shall be preferred. All landscaping shall be planted in accordance with the submitted and approved landscaping plans as soon after completion of the booster stations and tank as feasible, concurrent with the spring or fall planting season. The Department of Community Development shall determine compliance with this condition.
8. A certification letter or a certification statement on the landscaping plans by a landscape architect registered in the State of Nevada shall be submitted to the Department of Community Development certifying that all applicable landscaping provisions of Article 412 of the Development Code have been met. The landscaping plans and the letter or certification shall be wet-stamped and submitted to the Department of Community Development before the issuance of a building permit. The Department of Community Development shall determine compliance with this condition.
9. All landscaping shall be planted in accordance with the submitted and approved landscaping plans as soon after completion of the booster stations and tank as feasible, concurrent with the spring or fall planting season. The Department of Community Development shall determine compliance with this condition.

10. 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 before issuance of the building permit. The plan shall be wet-stamped. The Department of Community Development shall determine compliance with this condition.
11. The proposed tank, fencing, and all associated facilities shall be painted or coated Sudan brown or other similar color approved by the Department of Community Development. The Department of Community Development shall determine compliance with this condition.

NEVADA DIVISION OF FORESTRY

12. One fire hydrant shall be located by the tank for wild land/forest fire protection at a site to be approved by the Nevada Division of Forestry. The Nevada Division of Forestry shall determine compliance with this condition.

ENGINEERING

13. Appropriate drainage facilities and easements for tank overflow and drainage shall be extended to a natural or improved drainage system and shall be collected within the subdivision storm drainage system. The easements shall be shown on the affected final subdivision plat before recordation. The County Engineer shall determine compliance with this condition.

VECTOR CONTROL

14. Rockery walls that are constructed as part of the booster pump stations or the water tank shall be designed according to vector control standards. The District Health Department shall determine compliance with this condition.

DEPARTMENT OF WATER RESOURCES

15. Since the tentative map is outside the City of Reno's Sphere of Influence but is sewerage to the Truckee Meadows Water Reclamation Facility, the Developer shall obtain approval from the City of Reno Council for the entire project to utilize treatment capacity. Approval must be obtained prior to approval of the final map. The Department of Water Resources shall determine compliance with this condition.

9:20 p.m. The Board recessed.

9:47 p.m. The Board reconvened with all members present.

**RECONSIDER APPOINTMENTS – REGIONAL WATER
PLANNING COMMISSION**

Chairman Weber stated the Regional Water Planning Commission (RWPC) position was of utmost importance to the Board. Katy Singlaub, County Manager, said the first action would be to vote on a motion to reconsider; and, if that passed, the Board could then have a discussion at a future meeting. Chairman Weber said reconsideration did not mean someone would be removed, but it would allow a Commissioner to have input.

Commissioner Galloway said he would not support the motion. Commissioner Sferrazza said he was concerned with setting a precedent. He stated due process was needed; and he asked Melanie Foster, Legal Counsel, if there was a procedure for removing someone once they were appointed. Ms. Foster said she would need to look at statute. She said the Board should determine whether they wanted to reconsider appointments; and, if they did, they would need to look at notice of possible administrative action.

Steve Bradhurst, Water Resources Director, said Dr. Donaldson and Dr. Krenkel were notified regarding this discussion.

Commissioner Sferrazza said all future applicants should be told there would be a possibility their appointment could be reconsidered at the next Board meeting. Commissioner Humke said he did not believe that a meeting of the RWPC had occurred, and he said the Board should exercise appropriate power and control over that Commission.

In response to Commissioner Humke, Mr. Bradhurst said the role of the RWPC was advisory to the Board who had the ultimate say in the expenditure of funds as well as approval of any of their documents. He confirmed no meeting had been held since the appointments were made.

Ms. Foster noted statutes did not address removal of a member of the RWPC. In response to Chairman Weber, Commissioner Humke said he would like to be involved with the discussion of the appointment.

Ms. Singlaub said the RWPC would meet next Wednesday; therefore, the Board would need to conclude this item at their next meeting.

Commissioner Sferrazza said it would send a bad message and set a bad precedent. Commissioner Galloway believed it would lead them into murky waters. Chairman Weber stated it was the right thing to do since the appointees served at the Board's discretion.

On motion by Commissioner Larkin, seconded by Chairman Weber, which motion duly carried with Commissioners Galloway and Sferrazza voting "no," Chairman Weber ordered that this item be agendaized for the next meeting.

Commissioner Larkin said discussion on appointments would be held when Dr. Krenkel could be in the audience. Chairman Weber stressed all four applicants should be notified of the next meeting.

Commissioner Sferrazza said if there was no real likelihood of two of the four being appointed, they should not have to attend. Chairman Weber said if Commissioner Humke was to be involved, all applicants should at least be notified.

05-1187 AGREEMENT – NATIONAL ASSOCIATION OF COUNTIES AND ADVANCE PCS HEALTH, L.P. – PRESCRIPTION DISCOUNT CARD PROGRAM – RISK MANAGEMENT

On motion by Commissioner Sferrazza, seconded by Commissioner Larkin, which motion duly carried, it was ordered that the National Association of Counties and Advance PCS Health, L.P. Prescription Discount Card Program be approved and staff be authorized to develop and implement a plan to provide the program to the citizens of Washoe County.

05-1188 BILL NO. 1458 - AMENDING WCC CHAPTER 5 – FAMILY MEDICAL LEAVE ACT – HUMAN RESOURCES

Commissioner Sferrazza asked if he had already taken 12 weeks of leave in this calendar year, would he be able to take another 12 weeks beginning in January. Steve Watson, Labor Relations Manager, said that was correct. He said under the amendment employees would receive a 60 day notification of the change to a rolling calendar. He said that would mean if someone ended FMLA in November, they would not be eligible again until the following November. Katy Singlaub, County Manager, stated it would help to prevent potential abuse by employees.

Commissioner Sferrazza asked if there were any exceptions. Mr. Watson said each person's situation would be evaluated; however, FMLA only provided for 12 weeks. He noted that if a person had other leave they could use, that would be taken into consideration.

Bill No. 1458, entitled, "AN ORDINANCE AMENDING VARIOUS PROVISIONS OF CHAPTER 5 OF THE WASHOE COUNTY CODE TO AMEND THE METHOD FOR DETERMINING THE 12-MONTH PERIOD UNDER THE FAMILY MEDICAL LEAVE ACT (FMLA), PROVIDE A 60-DAY NOTIFICATION TO ALL EMPLOYEES OF THE CHANGE FROM A CALENDAR YEAR TO ANY 12-MONTH PERIOD, AND UPDATE THE WASHOE COUNTY FAMILY AND MEDICAL LEAVE POLICY TO INCLUDE CHANGING THE METHOD FOR TRACKING 12 WEEKS OF LEAVE DURING

ANY 12-MONTH PERIOD," was introduced by Commissioner Larkin, the title read to the Board and legal notice for final action of adoption directed.

**05-1189 ORDINANCE NO. 1278 - BILL NO. 1459 – AUTHORIZE
ISSUANCE OF GENERAL OBLIGATION WATER BONDS
SERIES 2005 – WATER RESOURCES**

Steve Bradhurst, Water Resources Director, said nested within the ordinance was the Longley Lane Water Treatment Facility funding for a portion of the system associated with the plant. He said a staff document from Truckee Meadows Water Authority (TMWA) was brought to his attention, and it was disturbing in that it questioned why the Longley Lane facility was being built.

Commissioner Larkin asked about the plant appearing to be substantially more expensive to build and operate than other available options. Mr. Bradhurst said this was what was chosen as the best option stating, after discussion with TMWA, it was the least costly option.

In response to Commissioner Larkin, Mr. Bradhurst said the water received from TMWA was County water that had been parked on Hidden Valley Well #4; but in 1995 the Health Department said that the well was pretty close to the river, and they felt it was under the influence of the river. He said the Health Department told the County they would need a surface water treatment plant, so the County moved water rights to TMWA, and TMWA then sold the water wholesale to the County. Mr. Bradhurst noted the County received about 1,200 gallons of water a minute from TMWA. He said the issue was whether the County wanted to continue to have wholesale water given the cost. He said this plant would treat the water from Hidden Valley Well #4 as well as water from two other wells. He noted one well with arsenic levels above 10 parts per billion would need to be blended to reduce those levels.

Commissioner Sferrazza said he served on the TMWA Board, and he did not think that Board had ever discussed issues brought up in the memo and did not think there was any proposal to charge Washoe County retail costs. He said the proposal was to charge the actual cost of providing the service to Washoe County, and Washoe County would take care of the billing. He asked if it would be cheaper if the County delivered water rather than buying it wholesale from TMWA. He also asked about the \$5,000,000 in the ordinance.

Mr. Bradhurst said the total cost for the plant was a little over \$10 million, the contract for the various infrastructures was \$5 million, and \$14 million was already financed through State revolving funds. He said by going through this plant the County would be providing water at a lower cost. He noted that by blending the water with the well with high arsenic levels, even more new capacity was created since, without blending, that well would no longer be usable.

Mr. Bradhurst said the plant was very important to the community. He said if there were ever a chemical spill on the river or a great creek erosion event, the County would have their own water.

In response to Commissioner Sferrazza, Commissioner Larkin said he received the TMWA memo via fax and followed up on it. Commissioner Sferrazza said he would bring it back to TMWA since he was concerned with the document.

In response to Commissioner Larkin, Ms. Singlaub said a representative from TMWA was invited to this meeting; however, they declined.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Weber ordered that Ordinance No. 1278, Bill No. 1459, entitled, "**AN ORDINANCE DESIGNATED AS THE "2005 WATER AND SEWER BOND ORDINANCE"; PROVIDING FOR THE ISSUANCE BY WASHOE COUNTY OF ITS REGISTERED GENERAL OBLIGATION (LIMITED TAX) WATER AND SEWER BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2005 IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$65,000,000; FOR THE PURPOSE OF FINANCING THE FOLLOWING PROJECTS IN THE FOLLOWING APPROXIMATE PRINCIPAL AMOUNTS: LONGLEY LANE WATER TREATMENT FACILITY--\$5,000,000, HIDDEN VALLEY WATER SYSTEM--\$1,400,000, LEMMON VALLEY WATER SYSTEM--\$1,150,000, SOUTH TRUCKEE MEADOWS WATER TREATMENT FACILITY--\$41,000,000, SPANISH SPRINGS WATER SYSTEM--\$7,750,000, PLEASANT VALLEY INTERCEPTOR--\$4,200,000, SPANISH SPRINGS WASTEWATER TREATMENT CAPACITY--\$2,000,000 AND OTHER WATER SYSTEM IMPROVEMENTS--\$2,500,000; PROVIDING DETAILS CONCERNING THE BONDS, THEIR FORM AND THEIR SALE; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL GENERAL (AD VALOREM) TAXES FOR THE PAYMENT OF THE BONDS; ADDITIONALLY SECURING THEIR PAYMENT BY A PLEDGE OF REVENUES DERIVED FROM THE OPERATION OF THE COUNTY'S UTILITY SYSTEM; AND PROVIDING FOR ADOPTION OF THE ORDINANCE AS IF AN EMERGENCY EXISTS,"** be approved, adopted and published in accordance with NRS 244.100.

**05-1190 REDISTRICTING WASHOE COUNTY COMMISSION
ELECTION DISTRICTS – MANAGEMENT SERVICES**

After discussion, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Weber ordered that this item be continued one week.

**PROCESS FOR APPOINTMENTS/REAPPOINTMENTS TO
VARIOUS BOARDS AND COMMISSIONS**

On motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried with Commissioner Galloway absent, Chairman Weber ordered that this item be continued to another agenda.

WASHOE COUNTY MANAGER'S 2005/06 GOALS

On motion by Commissioner Sferrazza, seconded by Commissioner Larkin, which motion duly carried, Chairman Weber ordered that this item be continued to another agenda.

**REPORTS/UPDATES FROM COUNTY COMMISSION
MEMBERS**

Chairman Weber asked if the Board could get an updated schedule for all Citizen Advisory Board meetings.

Katy Singlaub, County Manager, said Senator Reid was successful in getting the language the Truckee River Flood Project Coordinating Committee requested into the energy and water appropriations bill. She said one suggestion was the ability to include the 6,700 acre feet of water rights no later than the effective date of the Truckee River Operating Agreement to be included as fully credited to Washoe County's share of the project. She said the second suggestion, for the purpose of benefit cost ratio calculations in the Corps general revaluation report, was that the Truckee Meadows Flood Control Project would be defined as a single unit and non separable, which meant the downtown reach could not be separated and separately found ineligible.

05-1192 2002 REGIONAL PLAN SETTLEMENTS

Michelle Poché, Assistant County Manager, said the staff reports from the Cities of Reno and Sparks explained staff would bring this forward to their Councils although she had no date for that and noted it was also submitted to Judge Hardesty. She said on November 3, 2005 County planning staff met with the Reno and Sparks planning staff to work toward a joint report. Ms. Poché said at that meeting the City of Reno staff presented a new map County staff had not seen that had some significant changes. County staff explained they did not have the authority to agree to any of the changes without taking it to the Board of County Commissioners. She said the City of Sparks staff explained they were also working on a map. Ms. Poché said all staff agreed they should meet again in mid-November, but noted the Cities had chosen to move the information to their Councils without County edits. She also said the information would include the map with the City of Reno changes and additions from Sparks that County staff had never seen.

Ms. Poché said there were additional edits to the memo that indicated new policy issues that County staff were not familiar with. She said the Cities' staff report stated County staff would not be able to participate in the preparation of the report and felt this was a misunderstanding. She said County staff was still committed to working with City staffs in a collaborative fashion.

Chairman Weber said at this point it should no longer be staff negotiating the plans. She noted staff had done a great job, but it was now time to move it up to the elected officials.

Commissioner Galloway said he was disappointed with the miscommunication. He said when the negotiators last met, they had a map that reflected common ground in some areas that could be proposed. He noted the City of Reno had agreed to some sidebar agreements, namely the County would be allowed to have, for the time being, more area than its normal allocation. He said they did not need to come up with the 9,000-acre shortfall, just make substantial progress. Then there would be areas on the map outside of the County that would be available for future expansion of those service areas. He said he would like a chance to sit down with the negotiators and work things out.

In response to Commissioner Larkin, Chairman Weber said Exhibit 1 from the Reno staff report had not gone before the negotiators. Commissioner Larkin thanked all the staff that worked on the agreement. He was uncomfortable with the map and wanted a public process. He also wanted the negotiating team to reconvene.

Chairman Weber supported Commissioner Larkin's comments and noted the Citizen Advisory Boards were concerned that the public had not been kept apprised of what was happening. She suggested the Board have a public meeting with the Cities to look at the maps next week.

Melanie Foster, Legal Counsel, said this item was scheduled for the next meeting; and, if there was a time change, it would need to be posted. Chairman Weber said it could be time certain. Commissioner Galloway said he would like to continue the item.

Commissioner Humke understood the County staff report and map roughly portrayed the consensus map. He said the Cities' staff report dated November 4, 2005 contained a somewhat different map and had been filed as a pleading with Judge Hardesty. Ms. Foster said the County would submit the November 11 report and noted the map attached had been submitted on October 20, 2005.

Chairman Weber said she and Commissioner Galloway were committed to being available to negotiators. Adrian Freund, Community Development Director, characterized the map as a snapshot.

Commissioner Galloway said to fully get the snapshot, it was agreed by negotiators that the St. James rollback was not an absolute must. In response to Commissioner Sferrazza, Ms. Poché said that it was unclear at this point when the report would be referred to the Cities. Commissioner Sferrazza said he would like to have a Commissioner at those meetings.

Chairman Weber said the mediators (elected officials) should be the ones to attend those meetings and noted she would report on this at the next meeting.

* * * * *

There being no further business to come before the Board, the meeting adjourned at 11:20 p.m.

BONNIE WEBER, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Lori Rowe, Deputy County Clerk
Jill Shelton, Deputy County Clerk*