

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

MONDAY

9:00 A.M.

NOVEMBER 13, 2006

PRESENT:

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

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

**ABSENT:**

**Pete Sferrazza, Commissioner**

The Board met in special 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:

**06-1225      AGENDA**

In response to the call for public comment, Sam Dehne requested a motion to increase public comment from two to three minutes. He said the Open Meeting Law prohibited a block vote.

Gary Schmidt stated a special meeting was noticed, but a regular meeting was being held. He said the agenda does not include a rule or agenda item prohibiting applause.

Chairman Larkin warned that anyone disrupting the meeting would be removed under the Attorney General's ruling.

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the agenda for the November 13, 2006 meeting be approved with the following change: **Delete** Item 24, a contract with AMEC Earth and Environmental, Inc., with comments allowed on the item.

06-1226

**RESOLUTION – 2006 SECRETARY OF DEFENSE EMPLOYER  
SUPPORT FREEDOM AWARD – SUN VALLEY GENERAL  
IMPROVEMENT DISTRICT**

Commissioner Weber encouraged local businesses to follow the example set by the Sun Valley General Improvement District (SVGID). She read the resolution and introduced the following SVGID representatives: Jim Ainsworth, Chairman; Margaret Reinhardt and John Jackson, Management; and Mike Ariztia, Field Supervisor. Chairman Larkin congratulated them. Mr. Ainsworth thanked the Board and recognized SVGID employees for their dedication while Mr. Ariztia was deployed with the Army National Guard.

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

Commissioner Galloway commended SVGID for going above and beyond legal requirements to keep our community strong. He also acknowledged Washoe County employees who are Guard members.

**RESOLUTION OF CONGRATULATIONS**

**WHEREAS,** The Sun Valley General Improvement District was selected as one of fifteen recipients nationally for the 2006 Secretary of Defense Employer Support Freedom Award; and

**WHEREAS,** The District is being honored on a local, state and national level for its exceptional support of the National Guard and Reserve forces of the nation's defense; and

**WHEREAS,** The District supported Army National Guard Sergeant and District employee Mike Ariztia by maintaining full benefits during his mobilization and providing a laptop computer to communicate with his family and the District while deployed; and

**WHEREAS,** Sun Valley General Improvement District Trustee Chairman Jim Ainsworth and National Guard Sergeant Mike Ariztia traveled to Washington, D.C. in September to accept the prestigious award and honor; now, therefore, be it

**RESOLVED,** That Washoe County recognizes the significance of this extraordinary recognition by the 2006 Secretary of Defense Employer Support Freedom Award and congratulates the Sun Valley General Improvement District for its employee support.

06-1227

**RESOLUTION – APPRECIATION TO DR. ROGER JACOBSON –  
WASHOE COUNTY WELL MITIGATION HEARING BOARD**

Steve Bradhurst, Water Resources Director, said the Well Mitigation Hearing Board was created in 2004 in response to controversial issues impacting municipal purveyors and domestic well owners. Mr. Bradhurst praised Dr. Roger Jacobson of the Desert Research Institute for his service to the community.

Commissioner Galloway read the resolution and recognized Dr. Jacobson's service. Dr. Jacobson thanked the Board for their foresight in providing a venue for citizens to be heard.

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

**RESOLUTION OF APPRECIATION**

**WHEREAS**, Roger Jacobson contributed significantly to Washoe County's quality of life while serving on the Washoe County Well Mitigation Hearing Board; and

**WHEREAS**, Roger served one year as Chairman and one year as Vice Chairman; and

**WHEREAS**, Roger's leadership during the Board's initial year helped Washoe County successfully create the first board of its kind in Nevada; and

**WHEREAS**, Roger contributed greatly to the Board's decision-making process while drawing on his extensive expertise in groundwater hydrology; and

**WHEREAS**, Roger demonstrated exceptional interpersonal skills while serving on the Board, valuing all parties' comments and treating each individual with the utmost respect; now, therefore, be it

**RESOLVED**, that Washoe County recognizes Roger Jacobson for his service on the Washoe County Well Mitigation Hearing Board and appreciates his dedication of service to Washoe County.

06-1228

**PRESENTATION – EXCELLENCE IN PUBLIC SERVICE  
AWARDS**

Katy Singlaub, County Manager, recognized the following individuals for successful completion of essential employee development courses administered by the

Human Resource Department: Jay Mannlein, Office Assistant II, Excellence in Public Service Essentials of Personal Effectiveness Certificate Program; Michelle Glodt-Mikoliczyk, Account Clerk, Excellence in Public Service Essentials of Support staff Certificate Program, and; Corrine Dickman, Library Branch Manager, Susan Dufva, Administrative Assistant, and Greg Cichara, Imaging and Records Supervisor, Excellence in Public Service Essentials of Management Development Certificate Program.

**06-1229      RESOLUTION - RECOGNITION AND APPRECIATION TO STEVE BRADHURST – WATER RESOURCES**

Katy Singlaub, County Manager, read the resolution. Ms. Singlaub praised Mr. Bradhurst's leadership on numerous difficult water issues.

Mr. Bradhurst reflected on his public service. He recognized his department for their professionalism and dedication in creating a unique model for the future of integrative water resource management. Mr. Bradhurst said he was pleased by the appointment of interim Water Resources Director Jerry McKnight. He encouraged the Board to continue to nurture and support the growth of the program.

Chairman Larkin and Commissioner Galloway thanked Mr. Bradhurst for his accomplishments.

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

**RESOLUTION OF RECOGNITION AND APPRECIATION**

**WHEREAS**, Steve Bradhurst has served as the Director of Water Resources for five years; and

**WHEREAS**, Steve Bradhurst's leadership has encouraged and enhanced partnerships throughout the County, other agencies and committees in developing, coordinating and moving the County forward in providing integrated water resource services for the region; and

**WHEREAS**, Steve Bradhurst's commitment and dedication have made him trusted, respected and appreciated by customers and employees; and

**WHEREAS**, Steve Bradhurst, through his commitment, dedication and support of staff, has developed a professional and progressive team in groundwater remediation, surface water management, groundwater management, storm water management, water and wastewater utility operation, flood control and flood early warnings; and

**WHEREAS**, Steve Bradhurst, through his dedication and leadership, has implemented the Central Truckee Meadows Remediation District program, the Spanish Springs Valley Program to Convert Septic Systems to a Community Sewer, and the Golden Valley artificial recharge program; and

**WHEREAS**, Steve Bradhurst, through his leadership and support of staff, has provided excellent administrative and technical support to the Regional Water Planning Commission; and

**WHEREAS**, Steve Bradhurst also demonstrated dedication, professionalism and leadership when he served as a Washoe County Commissioner and Commission Chairman; now, therefore be it

**RESOLVED**, That the Washoe County Board of Commissioners extends its sincere appreciation to Steve Bradhurst for his admirable leadership and dedication and the Board also wishes Steve every success and satisfaction in his future endeavors, both personal and professional.

#### **PUBLIC COMMENTS**

Katy Singlaub, County Manager, stated, “The Chairman and Board of County Commissioners intend that their proceedings should demonstrate the highest levels of decorum, civic responsibility, efficiency and mutual respect between citizens and their government. The Board respects the right of citizens to present differing opinions and views, even criticism; but our democracy cannot function effectively in an environment of personal attacks, slander, threats of violence, and willful disruption. To that end, the Nevada Open Meeting Law provides the authority for the Chair of a public body to maintain the decorum and to declare a recess if needed to remove any person who is disrupting the meeting, and notice is hereby provided of the intent of this body to preserve the decorum and remove anyone who disrupts the proceedings.”

Guy Felton opposed the two-minute rule for public comment. He said remarks after public comment were attacks against him, and secret codes in voting machines could not be trusted. Chairman Larkin warned Mr. Felton to limit his comments to two minutes or be removed for disrupting the meeting

Sam Dehne criticized Commissioners’ salaries. He blamed a corrupt voting system for his election defeat.

Gary Schmidt discussed vote tabulations. He said election paper trails did not prevent voting machines from being rigged.

## **COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS**

Commissioner Galloway requested a status report from Katy Singlaub, County Manager, for tracking issued permit records to avoid unintentional encroachment of public easements and trails.

Commissioner Galloway suggested a reasonable policy be adopted for applause when it's disruptive or adversarial between parties representing different views. In response to statements during public comment, Commissioner Galloway confirmed any computer system could be hacked. He reported the County is one of the few places in the country to implement recommendations by John Hopkins University for detecting fraud through a verified voter record.

Commissioner Weber thanked the voters for her re-election and noted the upcoming Nevada Association of Counties (NACO) conference in Las Vegas. She said a policy for applause is unnecessary, because the Chairman has authority to conduct meetings as he sees fit.

Commissioner Humke said the NACO meeting was essential in bringing officials together before the upcoming legislative session. He congratulated the Damonte Ranch High School for their first State Championship in volleyball.

Chairman Larkin announced the following events: groundbreaking for the Renovation Project for Sparks Victorian Square, November 13, 2006 at 10:30 a.m.; Flood Awareness Week sponsored by the Flood Control Project Coordinating Committee, November 13, 2006 at 1:30 p.m.; and groundbreaking for the North Spanish Springs Floodplain Detention Facilities, November 14, 2006 at 10:30 a.m.

### **06-1230      ORDINANCE NO. 1318, BILL NO. 1497 – AMENDING WCC CHAPTER 5 – TRAVEL MEALS AND TIPS**

**9:00 a.m.**      This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on November 3, 2006 to consider second reading and adoption of Bill No. 1497. Proof was made that due and legal Notice had been given.

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

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, it was ordered that Ordinance No. 1318, Bill No. 1497, entitled, **“AN ORDINANCE AMENDING WASHOE COUNTY CODE BY ELIMINATING SPECIFIED AMOUNTS PROVIDED FOR MEALS AND TIPS FOR COUNTY EMPLOYEES AND OFFICIALS WHILE TRAVELING IN CONNECTION WITH THE PUBLIC BUSINESS FOR THE COUNTY AND PROVIDING THAT AMOUNTS WILL BE**

**SET IN ACCORDANCE WITH THE INTERNAL REVENUE SERVICE'S 'REGULAR FEDERAL PER DIEM RATE METHOD' AND PUBLISHED ANNUALLY BY THE COUNTY COMPTROLLER AND OTHER MATTERS PROPERLY RELATING THERETO"** be approved, adopted and published in accordance with NRS 244.100.

**06-1231      ORDINANCE NO. 1319 BILL NO. 1498 – SPECIAL ASSESSMENT DISTRICT NO. 37 - SPANISH SPRINGS SEWER PHASE 1a PROJECT**

**9:00 a.m.**      This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on November 3, 2006 to consider second reading and adoption of Bill No. 1498. Proof was made that due and legal Notice had been given.

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

On motion by Commissioner Weber, seconded by Chairman Larkin, which motion duly carried with Commissioner Sferrazza absent, it was ordered that Ordinance No. 1319, Bill No. 1498, entitled, **“AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 37 (SPANISH SPRINGS SEWER PHASE 1a); ASSESSING THE COST OF SANITARY SEWER IMPROVEMENTS AGAINST THE ASSESSABLE TRACTS OF LAND BENEFITED BY THE IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH”** be approved, adopted and published in accordance with NRS 244.100.

**06-1232      PUBLIC HEARING – REFUND OUTSTANDING REVENUE BONDS - SIERRA PACIFIC POWER COMPANY - FINANCE**

**9:00 a.m.**      This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on October 28, 2006, to consider the proposal to issue refunding revenue bonds of the County in one or more series in the aggregate principal amount of not to exceed \$218,500,000 for the purpose of refunding all or a portion of a like principal amount of the County's revenue bonds previously issued for the purpose of financing or refinancing costs to Sierra Pacific Power Company (the "Company") of gas facilities and water facilities, all located in the County. The Company owns the gas facilities and Truckee Meadows Water Authority now owns the water facilities. These refunding bonds, when issued, will be special, limited obligations of the County. The principal of and interest on such bonds shall be payable solely out of the revenues derived from a financing agreement between the County and the Company. The bonds and interest thereon shall never constitute the debt or indebtedness of the County within the meaning of any provision or limitation of the statutes or Constitution of the State of Nevada, and

shall not constitute or give rise to a pecuniary liability of the County or a charge against its general credit or taxing powers. Proof was made that due and legal Notice had been given.

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

Sam Dehne said he did not oppose the plan, but information in the agenda and staff report was vague and contradictory.

Commissioner Galloway asked that the record identify who the responsible party would be and whether consumers would benefit from the plan. John Sherman, Finance Director, advised the County is merely processing this request under State and Federal law that allows certain entities to issue tax-exempt bonds. He confirmed these bonds are the sole obligation of Sierra Pacific Power Company (SPPCo).

Joe Morfano, Assistant Treasurer, Sierra Pacific Resources, explained SPPCo's objectives. He reported SPPCo was in the process of refinancing the bonds, and interest rates will be converted from a fixed rate to a lower auction rate or floating rate securities. Mr. Morfano said SPPCo expects to generate approximately five million pre-tax dollars. He emphasized their interests are very much aligned with the ratepayers in lowering costs.

Chairman Larkin urged anyone with questions or wishing to challenge SPPCo on what they intended to do with the lower refinance profit, to do so during the company's rate proposal public hearings. There being no further comment, the public hearing was closed.

**06-1233      RESOLUTION – FINANCING PLAN PROPOSAL AND  
AGREEMENTS – ISSUANCE OF BONDS - SIERRA PACIFIC  
POWER COMPANY – FINANCE**

In response to Commissioner Galloway, John Sherman, Finance Director, confirmed the resolution contained approval for all appropriate agreements to be signed.

Upon recommendation of John Sherman, Finance Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the following resolution be adopted, upon execution of the Bond Purchase Agreements, and the Chairman be authorized to execute the same:

**A RESOLUTION APPROVING A PLAN OF FINANCING; AUTHORIZING THE ISSUANCE AND SALE OF \$218,500,000 GAS AND WATER FACILITIES REFUNDING REVENUE BONDS, SERIES 2006A, B AND C FOR SIERRA PACIFIC POWER COMPANY TO REFUND BONDS PREVIOUSLY ISSUED TO FINANCE OR REFINANCE COSTS OF CERTAIN GAS AND WATER**

**FACILITIES FOR SIERRA PACIFIC POWER COMPANY; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE OF TRUST FROM WASHOE COUNTY TO THE BANK OF NEW YORK, AS TRUSTEE, WITH RESPECT TO EACH SERIES OF BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A FINANCING AGREEMENT BETWEEN SIERRA PACIFIC POWER COMPANY AND WASHOE COUNTY PROVIDING FOR THE REPAYMENT OF THE LOAN OF THE PROCEEDS OF EACH SERIES OF BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT WITH RESPECT TO THE BONDS BETWEEN WASHOE COUNTY AND CITIGROUP GLOBAL MARKETS INC., GOLDMAN, SACHS & CO., LEHMAN BROTHERS INC., MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED AND UBS SECURITIES LLC AS THE UNDERWRITERS OF THE BONDS; AUTHORIZING THE ACCEPTANCE OF AN INDUCEMENT LETTER FROM SIERRA PACIFIC POWER COMPANY WITH RESPECT TO THE BONDS; AND RELATED MATTERS.**

**WHEREAS**, Washoe County, Nevada (the "County") is a political subdivision of the State of Nevada authorized and empowered by the County Economic Development Revenue Bond Law, Sections 244A.669 to 244A.763 of the Nevada Revised Statutes, as amended (the "Act"), to issue revenue bonds to finance one or more projects, including any land, building, structure, facility, system, fixture, improvement, appurtenance, machinery, equipment, or any combination thereof or any interest therein, used by any corporation (including a public utility) in connection with the local furnishing of gas and water if available on reasonable demand to members of the general public, and to refund the same; and

**WHEREAS**, the Act provides that such revenue bonds shall be payable solely and only from the revenues derived from a project, including payments under a lease, agreement of sale or financing agreement or under notes, debentures, bonds and other secured or unsecured debt obligations executed and delivered by the obligor pursuant to such lease, agreement of sale or financing agreement; and

**WHEREAS**, the Act provides that such revenue bonds of the County shall be secured by a pledge of the revenues out of which such bonds shall be payable, and if title to or in such project remains in the obligor, such bonds shall also be secured by a pledge of one or more notes, debentures, bonds or other secured or unsecured debt obligations of the obligor;

**WHEREAS**, the County has heretofore issued its: \$45,000,000 aggregate principal amount Variable Rate Demand Gas and Water Facilities Refunding Revenue Bonds (Sierra Pacific Power Company Project) Series 1987 (the "Gas and Water Series 1987 Prior Bonds") for the purpose of refunding the Floating Rate Monthly Demand Gas and Water Facilities Revenue Bonds (Sierra Pacific Power Company Project) Series 1984 which were issued for the purpose of financing costs of certain facilities for the

furnishing of water and local furnishing of gas to be acquired, constructed and installed by Sierra Pacific Power Company (the "Company") in the County;

(a) \$75,000,000 aggregate principal amount Variable Rate Demand Water Facilities Revenue Bonds (Sierra Pacific Power Company Project) Series 1987 (the "Water Series 1987 Prior Bonds") for the purpose of financing improvements to the water utility system of the Company in the County;

(b) \$17,500,000 aggregate principal amount Variable Rate Demand Gas Facilities Revenue Bonds (Sierra Pacific Power Company Project) Series 1987 (the "Gas Series 1987 Prior Bonds") for the purpose of financing improvements to the gas utility system of the Company in the County;

(c) \$20,000,000 aggregate principal amount Gas Facilities Revenue Bonds (Sierra Pacific Power Company Project) Series 1990 (the "Series 1990 Prior Bonds") for the purpose of financing costs of facilities for the local furnishing of gas to be acquired, constructed and installed by the Company in the County;

(d) \$21,200,000 aggregate principal amount Gas Facilities Revenue Bonds (Sierra Pacific Power Company Project) Series 1992 (the "Series 1992 Prior Bonds") for the purpose of financing the costs of acquiring, improving and equipping facilities to be located in the County and used in connection with the furnishing of gas by the Company;

(e) \$30,000,000 aggregate principal amount Gas and Water Facilities Refunding Revenue Bonds (Sierra Pacific Power Company Project) Series 1993B (the "Series 1993B Prior Bonds") for the purpose of refunding the Collateralized Water Facilities Revenue Bonds (Sierra Pacific Power Company Project) Series 1979 which were issued for the purpose of financing the costs to the Company of acquiring, improving and equipping gas and water facilities located in the County; and

(f) \$9,800,000 aggregate principal amount Water Facilities Refunding Revenue Bonds (Sierra Pacific Power Company Project) Series 1993A (the "Series 1993A Prior Bonds") for the purpose of refunding Collateralized Water Facilities Revenue Bonds (Sierra Pacific Power Company Project) Series 1976 which were issued for the purpose of financing costs to the Company of acquiring, improving and equipping water facilities located in the County (collectively, the "Prior Bonds"), all of which are currently outstanding; and

**WHEREAS**, the Company has requested the County to issue its refunding revenue bonds (the "Bonds") in one or more series in the aggregate principal amount of not to exceed \$218,500,000 in order to refund all or part of the Prior Bonds; and

**WHEREAS**, pursuant to notice published in the "Reno Gazette Journal" on October 27, 2006, this Board conducted a public hearing (at the meeting at which this resolution is being adopted and prior to the adoption hereof) on the proposal to issue the Bonds for the purposes specified above; and

**WHEREAS**, all who appeared at such public hearing were given an opportunity to express their views for or against such proposal, and this Board has considered all oral and written statements, if any, in favor of the proposal and all oral and written objections, if any, against the proposal, and has determined that it is advisable to proceed with such proposal; and

**WHEREAS**, the proceeds of the County's Gas Facilities Refunding Revenue Bonds (Sierra Pacific Power Company Project) Series 2006A (the "Series A Bonds") in the principal amount of \$58,700,000 will be loaned to the Company for the purpose of refunding the Gas Series 1987 Prior Bonds, the Series 1990 Prior Bonds and the Series 1992 Prior Bonds pursuant to a Financing Agreement dated as of November 1, 2006 (the "Series A Financing Agreement"), by and between the Company and the County, whereby the Company will covenant and agree (i) to make payments (directly to the Series A Trustee hereinafter identified, as the County's assignee, pursuant to such Series A Financing Agreement) sufficient to provide for the payment of the principal of and interest and premium, if any, on the Series A Bonds, as and when the same become due and payable, and (ii) to make such other payments and satisfy such other obligations as may be required by the Act; and

**WHEREAS**, the proceeds of the County's Water Facilities Refunding Revenue Bonds (Sierra Pacific Power Company Project) Series 2006B (the "Series B Bonds") in the principal amount of \$75,000,000 will be loaned to the Company for the purpose of refunding the Water Series 1987 Prior Bonds pursuant to a Financing Agreement dated as of November 1, 2006 (the "Series B Financing Agreement"), by and between the Company and the County, whereby the Company will covenant and agree (i) to make payments (directly to the Series B Trustee hereinafter identified, as the County's assignee, pursuant to such Series B Financing Agreement) sufficient to provide for the payment of the principal of and interest and premium, if any, on the Series B Bonds, as and when the same become due and payable, and (ii) to make such other payments and satisfy such other obligations as may be required by the Act; and

**WHEREAS**, the proceeds of the County's Gas and Water Facilities Refunding Revenue Bonds (Sierra Pacific Power Company Project) Series 2006C (the "Series C Bonds") in the principal amount of \$84,800,000 will be loaned to the Company for the purpose of refunding the Gas and Water Series 1987 Prior Bonds, the Series 1993B Prior Bonds and the Series 1993A Prior Bonds pursuant to a Financing Agreement dated as of November 1, 2006 (the "Series C Financing Agreement"), by and between the Company and the County, whereby the Company will covenant and agree (i) to make payments (directly to the Series C Trustee hereinafter identified, as the County's assignee, pursuant to such Series B Financing Agreement) sufficient to provide for the payment of the principal of and interest and premium, if any, on the Series C Bonds, as and when the same become due and payable, and (ii) to make such other payments and satisfy such other obligations as may be required by the Act; and

**WHEREAS**, the Series A Bonds will be issued under and pursuant to, and are to be secured by, an Indenture of Trust dated as of November 1, 2006 (the "Series

A Indenture"), by and between the County and The Bank of New York, as trustee (the "Series A Trustee"); and

**WHEREAS**, the Series B Bonds will be issued under and pursuant to, and are to be secured by, an Indenture of Trust dated as of November 1, 2006 (the "Series B Indenture"), by and between the County and The Bank of New York, as trustee (the "Series B Trustee"); and

**WHEREAS**, the Series C Bonds will be issued under and pursuant to, and are to be secured by, an Indenture of Trust dated as of November 1, 2006 (the "Series C Indenture"), by and between the County and The Bank of New York, as trustee (the "Series C Trustee"); and

**WHEREAS**, the County proposes to enter into a Tax Exemption Certificate and Agreement (the "Series A Tax Agreement") among the County, the Company and the Series A Trustee in order to implement certain procedures with respect to the tax-exempt status of interest on the Series A Bonds; and

**WHEREAS**, the County proposes to enter into a Tax Exemption Certificate and Agreement (the "Series B Tax Agreement") among the County, the Company and the Series B Trustee in order to implement certain procedures with respect to the tax-exempt status of interest on the Series B Bonds; and

**WHEREAS**, the County proposes to enter into a Tax Exemption Certificate and Agreement (the "Series C Tax Agreement") among the County, the Company and the Series C Trustee in order to implement certain procedures with respect to the tax-exempt status of interest on the Series C Bonds; and

**WHEREAS**, it is proposed that the Bonds will be sold by the County to Citigroup Global Markets Inc., Goldman, Sachs & Co., Lehman Brothers Inc., Merrill Lynch, Pierce, Fenner & Smith Incorporated and UBS Securities LLC (the "Underwriters") pursuant to a Bond Purchase Agreement (the "Bond Purchase Agreement") between the County and the Underwriters; and

**WHEREAS**, it is proposed that the Company will deliver to the County and the Underwriters an Inducement Letter (the "Inducement Letter") setting forth certain representations, warranties and covenants of the Company in connection with the sale and purchase of the Bonds; and

**WHEREAS**, the County has received a five-year operating history from the Company;

**NOW, THEREFORE**, Be it Resolved by the Board of County Commissioners of Washoe County, Nevada, as follows:

## **PART I — PLAN OF FINANCING**

**Section 1.1.** That the plan of financing which contemplates the issuance of the Bonds by the County in one or more series in the aggregate principal amount of not to exceed \$218,500,000 to refund a like principal amount of the Prior Bonds, as referred to in the preamble hereof, is hereby approved in principle.

## **PART II — THE BONDS**

**Section 2.1.** That, in order to refund a like principal amount of the Prior Bonds previously issued for the purpose of refinancing costs of certain gas and water facilities (collectively, the "Projects") for the Company, the Series A Bonds, the Series B Bonds and the Series C Bonds be and the same are hereby authorized and ordered to be issued in the aggregate principal amount of \$218,500,000 pursuant to the Series A Indenture, the Series B Indenture and the Series C Indenture (collectively, the "Indentures") in substantially the forms presented to the Board at the time of the adoption of this resolution and containing substantially the terms and provisions set forth therein, and the forms, terms and provisions of the Bonds and the Indentures are hereby approved, and the Chairman of this Board and the County Clerk are hereby authorized and directed to execute, attest, seal and deliver the Indentures, and the Chairman of this Board, the County Clerk and the County Treasurer are hereby authorized and directed to execute, attest, countersign, seal and deliver the Bonds as provided in the Indentures, including the use of facsimile signatures on the Bonds, if appropriate. The Bonds shall (i) be in such denominations; (ii) bear such date; (iii) mature at such time not later than March 1, 2036; (iv) bear interest at such interest rates fixed or determined from time to time according to a specified standard and procedure, as provided in the Indenture; (v) be in such form; (vi) carry such registration privileges; (vii) be executed in such manner; (viii) be payable at such place or places within or without the State; (ix) be subject to such terms of redemption; and (x) be subject to such other terms and conditions, all as provided in the Indentures.

**Section 2.2.** That the County lend the proceeds of the Bonds to the Company to refund a like principal amount of the Prior Bonds pursuant to the Series A Financing Agreement, the Series B Financing Agreement and the Series C Financing Agreement (collectively, the "Financing Agreements") in substantially the form presented to the Board at the time of the adoption of this resolution and containing substantially the terms and provisions (including repayment provisions) set forth therein, and the form, terms and provisions of the Financing Agreements are hereby approved, and the Chairman of this Board and the County Clerk are hereby authorized and directed to execute, attest, seal and deliver the Financing Agreements.

**Section 2.3.** That the form, terms and provisions of the Series A Tax Agreement, the Series B Tax Agreement and the Series C Tax Agreement (collectively, the "Tax Agreements"), in substantially the form presented to the Board at the time of the adoption of this resolution, and containing substantially the terms and provisions set forth

therein, are hereby approved, and the Chairman of this Board is hereby authorized and directed to execute and deliver the Tax Agreements.

**Section 2.4.** That the sale of the Bonds to the Underwriters pursuant to the Bond Purchase Agreement, in substantially the form presented to the Board at the time of the adoption of this resolution and containing substantially the terms and provisions set forth therein, is hereby authorized, approved and confirmed, and the form, terms and provisions of the Bond Purchase Agreement are hereby approved, and the Chairman of this Board is hereby authorized and directed to execute and deliver the Bond Purchase Agreement.

**Section 2.5.** That the form, terms and provisions of the Inducement Letter, in substantially the form presented to the Board at the time of the adoption of this resolution and containing substantially the terms and provisions set forth therein, are hereby approved, and the Chairman of this Board is hereby authorized and directed to accept the Inducement Letter on behalf of the County by executing the same and delivering a copy thereof to the Company.

**Section 2.6.** That it is hereby found, determined and declared that the Bonds and interest and premium, if any, thereon shall never constitute the debt or indebtedness of the County within the meaning of any constitutional or statutory provision or limitation and shall not constitute nor give rise to a pecuniary liability of the County or a charge against its general credit or taxing powers, but each series of the Bonds and interest and premium, if any, thereon shall be payable solely and only from the revenues derived from the related Financing Agreement, including payments from the related municipal bond insurance policy described below.

**Section 2.7.** That the County hereby finds and determines that (i) the amount necessary in each year to pay the principal of and interest on each series of the Bonds is set forth in the related Financing Agreement as a formula which will insure that the Company is obligated to pay amounts sufficient to pay the principal of, interest and premium, if any, on, such Bonds and said formula is hereby found to be sufficient for such purposes; (ii) no reserves are necessary or advisable in connection with the retirement of the Bonds or the maintenance of the related Project if owned by the Company or for any other purpose; (iii) the Company has sufficient financial resources to meet its obligations under the Financing Agreements; (iv) the Company is obligated under each Financing Agreement to maintain the related Project and to carry all proper insurance with respect thereto for so long as it owns such Project, and the County shall have no obligation whatsoever in these regards; and (v) sufficient safeguards are provided by the Financing Agreements and the Indentures to assure that all money provided by the County through the issuance of the Bonds will be expended solely for the purpose of refunding the Prior Bonds.

**Section 2.8.** That the Series A Bonds and the Series B Bonds shall each be insured by a separate municipal bond insurance policy issued by Ambac Assurance

Corporation and the Series C Bonds shall be insured by a municipal bond insurance policy issued by MBIA Insurance Corporation.

### **PART III - OFFERING OF BONDS**

**Section 3.1.** That the use by the Underwriters of the Official Statement (as defined in the Bond Purchase Agreement) relating to the Bonds be and the same is hereby acknowledged; provided, that the County neither has nor assumes any responsibility as to the accuracy or completeness of any of the information contained in the final Official Statement, except as such information relates to the County.

### **PART IV - GENERAL**

**Section 4.1.** That the Chairman of this Board, the County Treasurer and the County Clerk, or any of them, are hereby authorized and directed to execute, attest, seal and deliver any and all documents, and do any and all things, deemed necessary to effect the issuance and delivery of the Bonds and the execution, delivery and acceptance of the instruments authorized hereby, and to carry out the provisions of such instruments and the intent and purpose of this resolution, including the preamble hereof.

**Section 4.2.** That the provisions of this resolution are hereby declared to be separable and if any section, phrase or provision shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions.

**Section 4.3.** That all resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4.4.** That this resolution shall become effective immediately upon adoption.

**Section 4.5.** At the time of delivery of the Bonds to the Underwriters thereof, the Company shall pay to the County an economic development revenue bond issuance fee of the lesser of 1/10 of 1% of the principal amount of the Bonds, or \$50,000 per series of Bonds. In addition, the Company shall be responsible for the fees and expenses of any consultants retained by the County in connection with the issuance of the Bonds and the County's bond counsel.

### **DISCUSSION ON CONSENT AGENDA**

Gary Schmidt criticized the amount of items in the Consent Agenda, block votes, and Citizen Advisory Boards.

**06-1234      MINUTES**

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the minutes of the regular meeting of September 26, 2006 be approved.

**06-1235      ACCEPT CASH DONATION – RENO POLICE DEPARTMENT – SHERIFF**

Upon recommendation of Greg Befort, Regional Public Safety Training Center (RPSTC) Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that a donation of \$30,000 from the Reno Police Department to the RPSTC toward the purchase of 30 laptop computers as part of Washoe County’s PC Refresh Program for use during basic academy and in-service training, be accepted with the gratitude of the Board. It was further ordered that Finance be directed to make the necessary budget adjustments as follows:

<b>Account</b>	<b>Amount Increased</b>
209000-484000	\$30,000
209000-711504	\$30,000

**06-1236      RESOLUTION - INCREASE CHANGE FUND – SPARKS JUSTICE COURT – TREASURER**

Upon recommendation of Lisa Mitchell, Chief Deputy Treasurer, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the following resolution be adopted and the Chairman be authorized to execute the same:

**RESOLUTION TO INCREASE CHANGE FUND  
FROM \$600 TO \$900 FOR THE SPARKS JUSTICE COURT**

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

**WHEREAS**, The Sparks Justice Court has requested an increase in their change fund from \$600.00 to \$900.00 to assist in the administration of that office; now, therefore, be it

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

1. That, pursuant to the provisions of NRS 354.609, the County Treasurer and the County Comptroller are hereby authorized and directed to take all

necessary steps to establish and account for a \$300.00 increase in the change fund (for a total of \$900.00) for the Sparks Justice Court.

2. That the above additional \$300.00 will be transferred from the Washoe County Treasurer's Commercial Bank Account.

3. That said change fund be used exclusively for transactions related to the Sparks Justice Court.

4. That the Court Administrator shall henceforth be held accountable for the change fund authorized by this resolution.

5. That the County Clerk is directed to distribute copies of this Resolution to the Washoe County Treasurer, Comptroller, Internal Auditor, Sparks Justice Court and the Nevada Department of Taxation.

**06-1237**      **SPECIAL EVENTS/PUBLIC OUTREACH BUDGET – FLOOD PROJECT COORDINATING COMMITTEE - TRUCKEE RIVER FLOOD PROJECT**

Upon recommendation of Naomi Duerr, Truckee River Flood Management Project Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the recommendations of the Flood Project Coordinating Committee, for the Truckee River Flood Project's FY-07 Special Events/Public Outreach budget, be approved in an amount not to exceed \$42,350.

**06-1238**      **GRANT - NEVADA DIVISION OF WELFARE AND SUPPORTIVE SERVICES AND INDEPENDENT CONTRACTOR AGREEMENT/NANCY CLEAVES – DISTRICT COURT**

Upon recommendation of Phil Bushard, Family Court Mediation Program Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that an Access and Visitation Grant in the amount of \$31,000 [no match required] from the Division of Welfare and Supportive Services be accepted. It was further ordered that an Independent Contractor Agreement with Nancy Cleaves in an amount not to exceed \$28,000 for the period retroactive to October 1, 2006 through September 30, 2007, to provide mediation services pursuant to the contract, be approved and the Chairman be authorized to execute the same.

**06-1239**      **APPOINTMENT – JOINT OPERATING COMMITTEE OF WASHOE COUNTY 800 MHz REGIONAL COMMUNICATIONS SYSTEM - MANAGER**

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that David Childs, Assistant County Manager, be appointed to replace Tom Gadd as the alternate representative for Washoe County on the Joint Operating Committee of the Washoe County 800 MHz Regional Communications System.

**06-1240**      **APPOINTMENT – USERS COMMITTEE OF WASHOE COUNTY 800 MHz REGIONAL COMMUNICATIONS SYSTEM - MANAGER**

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that Cory Casazza, Department of Technology Services Chief Information Management Officer, be appointed to replace Tom Gadd as the third representative for Washoe County on the Users Committee of the Washoe County 800 MHz Regional Communications System.

**06-1241**      **APPOINTMENT – ACTING DIRECTOR OF WATER RESOURCES – MANAGER**

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that Jerry McKnight be appointed as Acting Director of Water Resources, with a 10% salary adjustment, effective November 16, 2006.

**06-1242**      **GRANT – NEVADA DIVISION FOR AGING SERVICES – SENIOR SERVICES**

Upon recommendation of Marietta Bobba, Senior Services Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that an Independent Living grant award from the Division for Aging Services for the Senior Services Representative Payee Program, in the amount of \$19,000 with a County match of \$2,850, for the period of October 1, 2006 through September 30, 2007 be accepted. It was further ordered that the Finance Department be directed to make the following budget adjustments:

<b>Account</b>	<b>Description</b>	<b>Amount (Decreased)</b>
10561-432100	ILG Rep Payee/State Grants	(\$1,000.00)
10561-701110	ILG Rep Payee/Base Salaries	(\$1,000.00)

**06-1243      GRANT – NEVADA DIVISION FOR AGING SERVICES – SENIOR SERVICES**

Upon recommendation of Marietta Bobba, Senior Services Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that an Independent Living grant award from the Division for Aging Services for the Senior Services Visiting Nurse Program, in the amount of \$37,138 with in-kind County match of \$5,571, for the period of October 1, 2006 through September 30, 2007, be accepted. It was further ordered that the Finance Department be directed to make the following budget adjustments:

<b>Account</b>	<b>Description</b>	<b>Amount (Decreased)</b>
10216-432100	ILG Visiting Nurse/State Grants	(\$1,862.00)
10216-701110	ILG Visiting Nurse/Base Salaries	(\$1,862.00)

**06-1244      CARRYOVER GRANT FUNDS – NEVADA DIVISION FOR AGING SERVICES – SENIOR SERVICES**

Upon recommendation of Marietta Bobba, Senior Services Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that carryover grant funds from the Division for Aging Services for the Caregiver Support (Single Entry Point) program, in the amount of \$23,068 with no County match, retroactive for the period of September 28, 2005 through September 27, 2006 be accepted. It was further ordered that the Finance Department be directed to make the following budget adjustments:

<b>Account</b>	<b>Description</b>	<b>Amount Increased</b>
10514-431100	Federal Grants	\$23,068.00
10514-701110	Base Salaries	\$ 4,508.00
10514-781004	Equipment > \$10,000	\$18,560.00

**06-1245      TRAVEL EXPENSE – JUVENILE DETENTION ALTERNATIVES INITIATIVE COMMITTEE CONFERENCE – JUVENILE SERVICES**

Upon recommendation of Carol Galantuomini, Juvenile Services Division Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that travel expenses for one non-County employee serving on the Juvenile Detention Alternatives Initiative (JDAI) Committee to New Orleans, Louisiana for a JDAI inter-site conference from November 28, 2006 to December 1, 2006 be approved. It was noted that the travel expense is estimated at \$460 and is to be paid from the JDAI Grant.

**06-1246      ACCEPT CASH DONATION – HONORARY DEPUTY SHERIFF’S ASSOCIATION – SHERIFF**

Upon recommendation of Jim Lopey, Assistant Sheriff, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that a cash donation of \$1,277.49 from the Honorary Deputy Sheriff’s Association to the Washoe County Sheriff’s Office Administrative Division to purchase one personal computer be accepted with the gratitude of the Board. It was further ordered that the Finance Department be directed to make the following budget adjustments:

<b>Account</b>	<b>Description</b>	<b>Amount</b>
<b>Increase Revenues:</b>		
150200-484000	Office of the Sheriff – Donations	\$ 1,277.49
<b>Increase Expenditures:</b>		
150200-711504	Office of the Sheriff – Equipment, Non-Capital	\$ 1,277.49

**06-1247      GRANT AND INTERLOCAL CONTRACT– UNITED STATES OFFICE OF NATIONAL DRUG CONTROL POLICY THROUGH LAS VEGAS METRO POLICE DEPARTMENT – SHERIFF**

In response to Chairman Larkin, Jim Lopey, Assistant Sheriff, discussed the nexus between emergency preparedness training last April and upcoming training for twenty-six critical care emergency responders in Las Vegas. Assistant Sheriff Lopey explained the need to become more professional and continually educate first responders in the hazardous materials arena.

Upon recommendation of David Butko, Detective Division Commander, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, it was ordered that grant funding of \$41,145 from the United States Office of National Drug Control Policy (ONDCP) through the Las Vegas Metro Police Department, to be used as reimbursement for overtime, training, travel, and investigative costs for participation of the Washoe County Sheriff’s Office in the Nevada High Intensity Drug Trafficking Area (HIDTA) Task Force, be accepted and the Chairman be authorized to execute the interlocal contract. It was further ordered that the Finance Department be directed to make the following budget adjustments:

Account	Description	Amount
<b>Increase Revenues:</b>		
10565-431100	HIDTA – Federal Grants	\$ 41,145.00
<b>Increase Expenditures:</b>		
10565-701300	HIDTA – Overtime	\$ 31,145.00
10565-711210	HIDTA – Travel	\$ 5,000.00
10565-710852	HIDTA - Investigation	\$ 5,000.00

**06-1248      AGREEMENT – COURT SERVICES, INC. – TEMPORARILY HOUSE IN-TRANSIT PRISONERS - SHERIFF**

Upon recommendation of Craig Callahan, Assistant Sheriff, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, it was ordered that an agreement between Washoe County (Sheriff’s Office) and Court Services, Inc. to temporarily house in-transit prisoners, which shall be in force and effect for an indefinite period of time, subject to cancellation by either party, with or without cause, upon thirty (30) days written notice, be approved and the Chairman be authorized to execute the same.

**06-1249      ACCEPT DONATIONS – ANNUAL INCLINE SHERIFF’S COMMUNITY PICNIC – SHERIFF**

Upon recommendation of Steven C. Kelly, Incline Substation Lieutenant Commander, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that \$950.00 in monetary donations and \$4,776.35 in products and services donated in support of the annual Incline Substation Sheriff’s Community Picnic held on September 24, 2006 be accepted with the gratitude of the Board.

**06-1250      RESIGNATION/APPOINTMENT – COLD SPRINGS CITIZEN ADVISORY BOARD – COMMUNITY DEVELOPMENT**

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that:

1. The resignation of Paul Herman from the Cold Springs Citizen Advisory Board (CAB) be accepted.
2. Eric Arentz be appointed to an unexpired term as an At-Large Member of the Cold Springs CAB, with a term beginning November 13, 2006 and ending June 30, 2008.
3. Frank A. Schenk, Jr. be appointed to fill an unexpired term as an Alternate Member of the Cold Springs CAB, with a term beginning November 13, 2006 and ending June 30, 2008.

**06-1251      APPOINTMENT – NORTH VALLEYS CITIZEN ADVISORY BOARD – COMMUNITY DEVELOPMENT**

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that Earl G. Walling, Jr. be appointed to fill an unexpired term as an At-Large Member of the North Valleys Citizen Advisory Board, with a term beginning November 13, 2006 and ending June 30, 2008.

**06-1252      APPOINTMENT – EAST WASHOE VALLEY CITIZEN ADVISORY BOARD – COMMUNITY DEVELOPMENT**

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that David Harrison be appointed to fill an unexpired term as an At-Large Member of the East Washoe Valley Citizen Advisory Board, with a term beginning November 13, 2006 and ending June 30, 2008.

**06-1253      GRANT AND EXPENDITURE – 2007 STATE EMERGENCY RESPONSE COMMISSION, HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS - HAZMAT EXPLO10 CONFERENCE – EMERGENCY MANAGEMENT**

Upon recommendation of Cathy Ludwig, Grants Coordinator, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that funding from the Nevada 2007 State Emergency Response Commission Hazardous Materials Emergency Preparedness Grant in the amount of \$19,872 be accepted. It was further ordered that the expenditure of those funds be authorized to allow County and certain non-County employees who are members of the Washoe County Local Emergency Planning Committee to attend the HazMat Explo10 Conference and Exposition in Las Vegas from November 13, 2006 to November 16, 2006 and that the Finance Department be directed to make the following budget adjustments:

<b>Account</b>	<b>Description</b>	<b>Amount</b>
<b>Increase Revenues:</b>		
TBD-431100	Federal Grant Revenue	\$ 19,872.00
<b>Increase Expenditures:</b>		
TBD-710119	Sub-Recipient Payment	\$ 19,872.00

**06-1254      GRANT-IN-AID – STATE OF NEVADA – LIBRARY**

Upon recommendation of Arnie Maurins, Library Associate Director-Operations, on motion by Commissioner Humke, seconded by Commissioner Weber,

which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that State Grant-In-Aid funds in the amount of \$4,311 for fiscal year 2007 for the augmentation of Library collections be accepted.

**06-1255      AGREEMENT – COMMUNITY CATS – USE OF REGIONAL ANIMAL SERVICES MEDICAL SUITE – PUBLIC WORKS**

Jean Ely, General Services Division Director, confirmed Community Cats would provide spay/neuter services free of charge in exchange for the use of the Animal Services facilities

Upon recommendation of Ms. Ely, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, it was ordered that an agreement between Washoe County (Regional Animal Services) and Community Cats, a non-profit organization, for use of a medical suite within Animal Services to administer medical treatment and provide spay/neuter services on feral and free roaming cats for the period of December 1, 2006 through November 30, 2008, be approved and that the Chairman be authorized to execute the same.

**06-1256      GRANT OF WATERLINE EASEMENT – SOUTH MEADOWS COMMERCIAL PROPERTIES – WATER RESOURCES**

Upon recommendation of Thomas Kelly, Senior Engineer, and Paul Orphan, Engineering Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that a waterline easement for the construction of water lines associated with the South Truckee Meadows Water Treatment Plant from South Meadows Commercial Properties be accepted. It was further ordered that the Chairman be authorized to execute the Grant of Easement, that a payment be authorized for the easement in the amount of \$55,000, and that the Engineering Manager be directed to record the Grant of Easement at the Office of the County Recorder.

**06-1257      TEMPORARY LICENSE AGREEMENT – CITY OF RENO – CENTRAL TRUCKEE MEADOWS REMEDIATION DISTRICT PROGRAM - WATER RESOURCES**

Upon recommendation of Chris Benedict, Remediation District Program Manager, and Jeanne Ruefer, Water Resources Planning Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, it was ordered that a temporary license agreement between Washoe County and the City of Reno for the Central Truckee Meadows Remediation District Program's monitoring wells, soil borings and soil vapor samplers located on City property and utilized by the Department of Water Resources be approved and the Chairman be authorized to execute the same.

**06-1258      AWARD OF BID – SAGE HILL ROAD WATERLINE EXTENSION  
– WATER RESOURCES**

This was the time to consider award of the bid for the Sage Hill Road Waterline Extension.

Bids were received from the following vendors:

Hard Line Excavating, Inc.  
Mike's Trenching, Inc.  
Sierra Dirt Works, Inc.  
Northern Nevada Excavating, Inc.  
A & K Earth Movers, Inc.  
Wes Construction  
Cruz Excavating, Inc.  
Petersen Construction, Inc.  
Peavine Construction, Inc.

Upon recommendation of Joe Stowell, Licensed Engineer, and Paul Orphan, Engineering Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the bid for constructing the Sage Hill Road Waterline Extension for the Water Resources Department be awarded to the lowest responsive and responsible bidder, Hard Line Excavating, Inc., in the amount of \$60,263 and the Chairman be authorized to execute contract documents for the same upon receipt. It was further ordered that the Engineering Manager be authorized to issue the Notice to Proceed.

**06-1259      2007 FEE SCHEDULE – WASHOE COUNTY GOLF COURSES –  
PARKS**

Upon recommendation of Al Rogers, Assistant Parks Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the 2007 fee schedule for the Washoe County Golf Courses operated by the Department of Regional Parks and Open Space be approved.

**06-1260      AGREEMENT RENEWAL – BELL-MEN GOLF – WASHOE GOLF  
COURSE – PARKS**

In response to the call for public comment, Sam Dehne asked if the subject golf course is the one near the airport.

Katy Singlaub, County Manager, and Al Rogers, Assistant Parks Director, confirmed the golf course is on Plumas Street. Mr. Rogers said the Brookside Golf Course near the airport was a City of Reno course that closed in September 2006.

Upon recommendation of Mr. Rogers on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that renewal of the agreement with Bell-Men Golf for golf professional services at Washoe Golf Course from January 1, 2007 through December 31, 2011, be approved.

**06-1261      AGREEMENTS – WONDERWORKS AND MACE LOFTUS – WILBUR D. MAY MUSEUM EXHIBITIONS – PARKS**

Upon recommendation of Kristy Lide, Recreation Specialist III, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the Exhibit Agreement between Washoe County and WONDERWORKS for the 2007 Spring exhibit entitled “Ssnakes Alive!” in the amount of \$46,000 and the Exhibit Agreement between Washoe County and Mace Loftus for “Curation and Provision of Live Snakes” in the amount of \$22,500 at the Wilbur D. May Museum be approved and the Chairman be authorized to execute the same.

**06-1262      CORRECTION OF FACTUAL ERRORS - ASSESSOR**

Upon recommendation of Ivy Diezel, Department Systems Support Analyst, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the following Roll Change Requests correcting factual errors and the Order directing the Treasurer to correct the errors be approved and the Chairman be authorized to execute the same.

<b>PROPERTY OWNER</b>	<b>PARCEL #</b>	<b>AMOUNT</b>	<b>ROLL</b>
Golden Road Motor Inn Inc. ETAL	024-040-08	[-\$8,728.97]	2006 Secured
Sohaib & Sara Abbasi	122-162-21	[-\$3,826.17]	2006 Secured
Mt. Rose Development Co.	048-112-08	[-\$3,254.37]	2006 Reopen.
Marco A. & Cathy A. Mendez TR	122-162-26	[-\$2,254.40]	2006 Secured
Peppermill Casinos Inc.	019-250-16	[-\$1,911.23]	2006 Secured
George J. & Harriet G. Maini TRET	400-040-06	[-\$1,576.83]	2006 Secured
Fieldcreek Ranch Development LLC	142-200-15	[-\$1,528.63]	2006 Secured
Henry Bonnenfant TR ETAL	012-121-12	[-\$1,457.57]	2006 Secured
Dave Linnell	019-543-03	[-\$1,103.99]	2006 Secured
Ali Hadjari ETAL	044-020-04	[-\$823.75]	2006 Secured
Robert G. & Helen L. Levesque	025-062-06	[-\$774.63]	2006 Secured
Robert E. & Alice R. Balfrey TR	130-203-25	[-\$756.96]	2006 Secured
Jean Leahey	025-030-25	[-\$736.42]	2006 Secured
Robert & Linda Martelli	124-032-04	[-\$707.53]	2006 Secured
Gregory S. & Lori J. Montalvo TR	038-790-12	[-\$662.89]	2006 Secured
Kenneth F. Santor Sr. TR	018-093-17	[-\$644.39]	2006 Secured
Melvin T. & Susan L. Adkins	036-183-03	[-\$623.70]	2006 Secured
Theodore C. & Katherine Harding TR	039-385-15	[-\$592.33]	2006 Secured

<b>PROPERTY OWNER</b>	<b>PARCEL #</b>	<b>AMOUNT</b>	<b>ROLL</b>
Thomas M. & Barbara L. Clifton	086-771-09	[-\$574.15]	2006 Secured
James E. Pockrus Jr. TR	402-183-04	[-\$479.04]	2006 Secured
Wildcreek Plaza	026-011-14	[-\$457.20]	2006 Secured
Joseph R. Winchester Jr.	534-302-03	[-\$435.92]	2006 Secured
David M. & Susanne L. Scafani	130-211-40	[-\$429.74]	2006 Secured
Janice Siecker	082-235-01	[-\$406.86]	2006 Secured
Janice Siecker	082-235-01	[-\$376.72]	2005 Secured
Janice Siecker	082-235-01	[-\$400.49]	2004 Secured
Fred M. & Nancy S. Corchero	076-340-15	[-\$266.08]	2006 Secured
Fred M. & Nancy S. Corchero	076-340-15	[-\$258.33]	2005 Secured
Nathan & Kristy Wetherbee	526-040-25	[-\$206.06]	2006 Secured
Nathan & Kristy Wetherbee	526-040-25	[-\$200.05]	2005 Secured
Richard D. Oakerson	028-412-02	[-\$76.85]	2006 Secured
Robert & Ella L. Smith	552-081-14	[-\$67.43]	2006 Secured
Gerald M. Gruen	538-063-05	[-\$67.40]	2006 Secured
Burton W. & Daisy P. Smith ETAL	004-233-06	[-\$66.00]	2004 Secured
Burton W. & Daisy P. Smith ETAL	004-233-06	[-\$65.23]	2003 Secured
Kathryn D. Larson	124-830-03	[-\$58.98]	2006 Secured
Kathryn D. Larson	124-830-03	[-\$55.24]	2005 Secured
Kathryn D. Larson	124-830-03	[-\$49.10]	2004 Secured
Kay A. Spain	010-181-31	[-\$37.59]	2006 Secured
Robert A. & Karen J. Johan, TR	162-111-03	[-\$36.06]	2006 Secured
Bonnie C. Miller	080-415-11	[-\$33.70]	2006 Secured
Ginger E. Ridley	017-350-19	[-\$33.69]	2006 Secured
George E. & Toni A. Lacombe III	162-074-11	[-\$0.00]	2006 Secured
Frederico M. & Vera C. Miranda Jr.	162-172-01	[-\$0.00]	2006 Secured
Gwendolyn D. Wood	162-111-04	[-\$0.00]	2006 Secured
Anthony W. & Rebecca E. Czarnik, Jr.	162-071-06	[-\$0.00]	2006 Secured
RPD Development Co. LLC	510-120-30	N/C	2005 Secured
Don B. & Melba J. Ellis	035-102-04	[-\$0.00]	2005 Secured
Don B. & Melba J. Ellis	035-102-04	[-\$0.00]	2006 Secured

**06-1263      AWARD OF BID – FOX MOUNTAIN MICROWAVE FACILITY-  
BID NO. 25503-07 - PURCHASING**

This was the time to consider award of the bid for the Fox Mountain Microwave Tower, Buildings and Generator. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on August 29, 2006. Proof was made that due and legal Notice had been given.

Commissioner Galloway questioned if the engineer's estimate conformed with the bid quotes and the circumstances for the sole bid, and he recommended a policy of extending future bids when there is only one bid. Tom Gadd, Public Works Director, responded the engineer's estimate conforms with earlier quotes by three potential vendors

in conjunction with their site visit to the project. Bids were anticipated from the participating vendors; only Alcatel USA Marketing, Inc., responded to the bid request; and a late bid by Saber Communications was disqualified.

John Balentine, Purchasing and Contracts Administrator, confirmed every attempt had been made to keep an even playing field, and the bid specifications were perfectly clear that late bids would not be considered. Melanie Foster, Assistant District Attorney, emphasized the need to consult with counsel before extending bid deadlines to ensure such extension is defensible.

Bids were received from the following vendors:

Alcatel USA Marketing, Inc.  
Saber Communications (disqualified – late bid)

Upon recommendation of Michael Sullens, Senior Buyer, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the bid for the new microwave tower, buildings and generator be awarded to the sole, responsive and responsible bidder, Alcatel USA Marketing, Inc., in the estimated amount of \$308,473.00 and the Purchasing and Contracts Administrator be authorized to execute the agreement.

**06-1264      RESOLUTION OF BID PROTEST/AWARD OF BID – LIBERTY  
CENTER CHILLER AND BOILER REPLACEMENT PROJECT –  
PUBLIC WORKS**

This was the time to consider the bid protest filed by Gardner Engineering, Inc., and award the bid for the Liberty Center Chiller and Boiler Replacement project. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on February 22, 2006. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

J. W. McClenahan Company  
Gardner Engineering, Inc.

Katy Singlaub, County Manager, said Gardner Engineering, Inc., asserted the party signing the competitive bid lacked the authority to sign on behalf of J. W. McClenahan Company. Ms. Singlaub acknowledged a written statement was received from them confirming that the bid was properly signed.

Upon recommendation of David Solaro, Capital Projects Division Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the bid protest filed by Gardner Engineering, Inc., be rejected and the contract for the Liberty

Center Chiller and Boiler Replacement for the Public Works Department be awarded to the lowest responsive, responsible bidder, J. W. McClenahan Company, in the amount of \$769,000 and that the Chairman be authorized to execute the contract documents upon presentation.

**06-1265      PAYMENT – ESTIMATED ANNUAL ASSESSMENT – WASHOE COUNTY SELF-FUNDED WORKERS’ COMPENSATION PROGRAM - FINANCE**

Upon recommendation of Jim Jeppson, Risk Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that payment of the estimated annual assessment for Washoe County’s self-funded workers’ compensation program for fiscal year 2006/07 to the State of Nevada Division of Industrial Relations, in the amount of \$106,865.77, in four installments of \$26,716.44 each, be approved. It was further ordered that the Finance Department be directed to make the appropriate budget adjustments.

**06-1266      APPROVE SETTLEMENT – EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT - JANICE BLUE - FINANCE**

In response to the call for public comment, Sam Dehne criticized the amount of information in the staff report and agenda item.

Gary Schmidt alleged the item was placed in a block vote to conceal it from public scrutiny.

In response to Commissioner Galloway’s inquiry on the extent of information, Melanie Foster, Assistant District Attorney, advised the staff report contained all information available to the public under federal law.

Upon recommendation of Jim Jeppson, Risk Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, it was ordered that settlement of the Equal Employment Opportunity Commission complaint, filed by Janice Blue against Washoe County in the amount of \$250,000, be approved and the Finance Department be directed to make the appropriate budget adjustments.

**06-1267      AMENDMENT – SHELTER PLUS CARE GRANT AWARD – MANAGEMENT SERVICES**

Upon recommendation of Gabrielle Enfield, Community Support Administrator, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the Amendment to the Shelter Plus Care Grant award from the United States Department of Housing and Urban Development in the amount of \$286,080, with matching funds by

Washoe County in the amount of \$286,080, at \$57,216 per year for five years, be accepted and the Chairman be authorized to execute the Amendment. It was noted the Amendment shifts the components of the grant from Sponsor-Based Rental Assistance to Tenant-Based Rental Assistance.

**06-1268      JOINT FUNDING AGREEMENT – U.S. GEOLOGICAL SURVEY –  
GROUNDWATER ANALYSIS – WATER RESOURCES**

Upon recommendation of Jeanne Ruefer, Water Resources Planning Division Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the Joint Funding Agreement to contract with the National Water Quality Lab through the U.S. Geological Survey, to provide analysis of ground-water samples for the calendar years 2007 and 2008 in the amount of \$120,000, be approved and the Chairman be authorized to execute the same.

**06-1269      EMPLOYMENT CONTRACT – FLOOD PROJECT DIRECTOR –  
MANAGER**

Katy Singlaub, County Manager, noted a revised copy of the staff report was provided to the Board in place of the initial copy, because it inadvertently contained an incomplete version of the severance provision of the Employment Contract.

Upon recommendation of Katy Singlaub, County Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the Board consent to action taken by the Truckee River Flood Management Project Coordinating Committee to approve an employment contract with Naomi Duerr, Flood Project Director, increasing her annual salary to \$140,000 retroactive to July 26, 2005, and granting benefits as specified in the employment and other provisions thereof.

**06-1270      COMPREHENSIVE ANNUAL FINANCIAL REPORT AND  
MANAGEMENT LETTER FOR YEAR ENDING JUNE 30, 2006 -  
COMPTROLLER**

Kathy Garcia, Comptroller, introduced Trish Gonzales, Chief Deputy Comptroller. Ms. Garcia remarked it has been an honor to serve the citizens of Washoe County. Commissioner Galloway praised her accomplishments.

Ms. Gonzales thanked the Board for the opportunity to maintain the high standards set by Ms. Garcia. She conducted a PowerPoint presentation of the Comprehensive Annual Financial report (CAFR) for the year ended June 30, 2006, presenting the highlights of revenues, expenditures, assets and debts, in total and by category or function. She advised the report represented a sound financial position for the County. Ms. Gonzales noted the audit of federal grants would be done separately from the financial audit and presented to the Board at a later date. She also noted that by

approving the report, the Board was authorizing the augmentation to the current fiscal year's budget for the commitments existing June 30, from encumbrances and reserves related to unperformed contracts. A copy of the PowerPoint presentation was placed on file with the Clerk.

In response to the call for public comment, Gary Schmidt commented on overtaxing and overspending. He said the public should be asked if they wanted sales taxes lowered. He alleged scare tactics for the proposed sales tax increase for more police and firefighters. Chairman Larkin warned Mr. Schmidt to limit his comments to the CAFR.

Felicia O'Carroll, Partner, Kafoury Armstrong & Co. addressed the Board concerning the Management Letter and Auditor's Opinion. She acknowledged conformance with statutory and administrative code constraints, with the exception of six potential violations listed on page 44 of the CAFR. Ms. O'Carroll confirmed that Kafoury audited the information in the CAFR and issued an unqualified opinion, the highest level of assurance offered by the accounting profession; and the CAFR fairly presented the financial position and results of operations in conformity with generally accepted accounting principles. Ms. O'Carroll noted optional suggestions in the Management Letter to increase efficiency.

In response to Chairman Larkin's request to elaborate on significant improvements in federal grant accounting, Ms. O'Carroll said the new grants accounting position in the Comptroller's Office greatly enhanced the County's ability to efficiently account for all federal monies it received.

Upon recommendation of Kathy Garcia, Comptroller, and Felicia O'Carroll, Kafoury Armstrong & Co., on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the Washoe County Comprehensive Annual Financial report (CAFR), Auditor's report and Management Letter for the fiscal year ended June 30, 2006, as placed on file with the Clerk, be accepted. It was further ordered that the Comptroller's Office be authorized to proceed with distribution of the CAFR for public record as required by law.

**11:05 a.m.** The Board took a brief recess.

**11:25 a.m.** The Board reconvened.

**06-1271 AWARD OF PROFESSIONAL SERVICES CONTRACT –  
DOWNTOWN PARKING FACILITY DESIGN– PUBLIC WORKS**

Katy Singlaub, County Manager, advised the Professional Services Contract with HMC Architects only covered the design of the downtown parking facility and did not bind the County to a construction contract.

In response to the call for public comment, Chairman Larkin requested the record reflect that Sam Dehne left the meeting prior to this issue.

Gary Schmidt said this was an example of government not listening to the will of the people and suggested a more appropriate use of the downtown Truckee River Corridor.

Daryl Drake, Drake Realty, Inc., said his business was primarily in the downtown redevelopment area. He asked the Board to put this item on hold in order to see what developed to benefit the project. Mr. Drake said awarding the contract at this time could adversely affect a potential public/private partnership on the project.

Commissioner Galloway remarked he would be reluctant to issue a bid for the facility without at least one option for additional spaces beyond what was currently needed, because he was concerned about the County's future parking needs. He asked if the design would depend on whether the City intended to contract with the County to build additional parking for downtown redevelopment needs and suggested an option be included in the design contract to ballpark the City's needs to avoid the expense of amending it later.

Tom Gadd, Public Works Director, reported the design contract contained an option for between 700 and 1,000 spaces, contingent on needs and funding. He indicated the County's needs were slightly below 700 spaces, including public parking and some retail space on the first floor, because the facility was in the redevelopment core. Mr. Gadd advised it would still be possible to augment the facility to accommodate the City, and the County had been engaged in discussions with them regarding potential additional parking spaces and other features for the facility.

Commissioner Galloway asked if there was any interest from private parties for commercial space at the top of the parking facility and if the specifications required that the structure be able to support additional commercial floors. He requested Mr. Gadd follow-up on the cost of building a structure strong enough to support additional commercial floors. Mr. Gadd reported a total lack of interest in any commercial spaces. He said meetings with the Reno Redevelopment Agency and solicitations with developers and private-sector parties have not been productive.

Chairman Larkin inquired about the implications of a 30-day continuance of this item and how the design contract would be affected by input from outside parties should a private/public partnership arise. Mr. Gadd advised a continuance would merely delay the project, and the design contract would need to be renegotiated. He explained that any modifications to the design contract, in the event of a private/public partnership, could be done in the form of a change order.

Katy Singlaub, County Manager, asked the record to reflect that the parking facility issue had been before the Board for years. She advised a continuance would be entirely a policy decision and recommended that the Board provide a definitive

timeline for such continuance. She emphasized the County had been moving forward to break ground for the much needed parking facility by the end of this fiscal year, if possible. She advised the property was purchased with tax-exempt bonds; and the County was severely restricted in what could be done in the way of private enterprise on the site, unless a private party came forward to buy-out the County's interest in the property. Ms. Singlaub confirmed the County would be finished paying for the \$13.5 million dollar property by August 2010, but no private party proposal had been received.

Chairman Larkin stressed the importance of Homeland Security issues with a private/public parking facility. In response to Chairman Larkin, Mr. Gadd stated there would always be parking underneath the courthouse that was exclusive to Judges and people working in the court facility.

Commissioner Humke said he opposed a continuance because other government entities may complain the County was not doing its part to build the parking facility in a timely fashion. He recommended proceeding with the planned approach as quickly as possible in order to provide citizens with much needed parking.

Commissioner Weber said she supported a continuance in order to have further discussions with the other government entities and any interested private parties.

Chairman Larkin remarked a continuance would be a critical link for an adequate parking facility. He suggested a notice in the newspaper to solicit municipal and private party interests, a workshop within 30 days, and a final decision to award a renegotiated contract to the specified architect, HMC Architects, within sixty days.

On motion by Commissioner Galloway seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that there be a 60-day continuation of this item; a workshop be held within thirty days of November 13, 2006, the date of this meeting; and, a renegotiated contract for the parking facility be before the Board within thirty days of commencement of the workshop.

Ms. Singlaub confirmed December 12, 2006 at 2:00 p.m. as the tentative date for the workshop.

**12:05 p.m.** At Commissioner Weber's request the Board temporarily convened as the Truckee Meadows Fire Protection District Board of Fire Commissioners.

**1:42 p.m.** The Board reconvened.

**06-1272      APPOINTMENTS - VERDI TOWNSHIP CITIZEN ADVISORY BOARD - COMMUNITY DEVELOPMENT**

In response to the call for public comment, Gary Schmidt said he opposed such appointments because citizen advisory board members should be elected.

On motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that H. Barry Spraggins be appointed as an at-large member to the Verdi Township Citizen Advisory Board with a term beginning November 13, 2006 and ending June 30, 2007. It was further ordered that Richard Loverde be appointed as an At-Large alternate to the Verdi Township Citizen Advisory Board, with a term beginning November 13, 2006 and ending June 30, 2008.

**06-1273      COMPENSATION - SALARY ADJUSTMENT - MEMORANDUM OF UNDERSTANDING - JUSTICES OF THE PEACE – RENO, SPARKS, INCLINE AND WADSWORTH TOWNSHIPS – MANAGER**

Chairman Larkin remarked the Board was being asked to accept, reject or modify recommendations in a study by the National Center for State Courts (NCSC) concerning salaries for Justices of the Peace and to consider a Memorandum of Understanding (MOU).

Melanie Foster, Assistant District Attorney, explained the objectives in the MOU were to review and adjust the minimum compensation for the Justices of the Peace of Reno, Sparks, Incline and Wadsworth Townships.

Darin Conforti, Reno Justice Court Administrator, confirmed the cost with NCSC to conduct the study was \$6,000; and that costs for future updates would be negotiated with NCSC on a case-by-case basis, depending on the scope of work to be performed.

In response to Commissioner Galloway, John Berkich, Assistant County Manager, confirmed the NCSC study was a recommendation only, not a binding agreement. He said it found that Justices of the Peace in Washoe County were generally compensated 10 percent less than the comparative courts, and that the Judge's salaries in some of those courts had already increased since the study was done. He said recommendations in the staff report were the result of the NCSC study and joint negotiations between the County and the Justice Courts. He added the MOU recommended that subsequent salary adjustments be considered every two years. In that regard, an updated study would be presented to the Board in two-year increments beginning in 2008.

Chairman Larkin said the methodology recommended in the study was acceptable because it provided an amicable way to arrive at a starting figure for Justice's salaries in parity with other courts.

Commissioner Galloway commented on the Board members' reluctance to approve a 10 percent pay increase when other counties were not getting the same increase.

Commissioner Galloway moved to approve staff's recommendation with the caveat the County was not bound in future years to more than consideration of the NSCS recommendation; therefore, he would like to use cost of living increases as a reality check in any such recommendation. Chairman Larkin seconded the motion. He believed the NCSC study did not account for the educational level of the Justices of the Peace in comparison with District Court Judges. The motion duly carried, with Commissioner Sferrazza absent; and it was ordered that the minimum compensation for the Justice of the Peace for the Townships of Reno, Sparks, Incline, and Wadsworth in accordance with NRS 4.040 effective retroactive to July 1, 2006 be established, approval of a 5 percent salary adjustment establishing a minimum compensation of \$128,835.20 for Justice of the Peace Reno Township and Sparks Township; a minimum compensation of \$115,939.20 for Justice of the Peace Incline Township, and a minimum compensation of \$67,579.20 for the Justice of Peace Wadsworth Township; and effective July 1, 2007 an additional 5 percent salary adjustment establishing a minimum compensation of \$135,283.20, for Justice of the Peace Reno Township and Sparks Township, a minimum compensation of \$121,742.40 for Justice of the Peace Incline Township, and a minimum compensation of \$70,948.80 for Justice of Peace Wadsworth Township be approved;

It was further ordered that the Memorandum of Understanding between Washoe County and the Justices of the Peace of Reno, Sparks, Incline Village and Wadsworth Townships, regarding the process to be used for future salary adjustments, be approved and the Chairman be authorized to execute the same.

**06-1274      DISCUSSION – PROCEDURE – WATER RIGHTS APPLICATION  
PROTESTS – WATER RESOURCES**

Katy Singlaub, County Manager, advised this item provides for a possible procedure for filing protests on inter-basin transfers of groundwater rights. She said the Washoe County Comprehensive Plan adopted by the Board included statements prohibiting mining of groundwater and approval of groundwater transfers that exceed the documented resources available in basins. She indicated staff was seeking the Board's direction on that process.

In response to the call for public comment, Gary Schmidt said the County should bring all inter-basin transfer applications before the respective citizen advisory boards.

Chairman Larkin advised he requested discussion on this item as a result of increased applications for inter-basin transfers. He said the art and science of groundwater was evolving, and documentation of available water resources was essential. Chairman Larkin said most applications were based on limited, but scientific data, from the United States Geological Survey (USGS). He envisioned a policy that would accede to the USGS as a primary source of data, but not as the sole source.

In response to Chairman Larkin, Vahid Behmaram, Water Rights Manager, advised the USGS was often the sole, published source of data in groundwater conflicts. He said the question was whether to appear before the State Engineer, who is equipped to make a judgment call on the availability of resources. Without the protests, the State would not have the opportunity to make the necessary judgment calls.

Steve Bradhurst, Water Resources Director, confirmed Mr. Behmaram's assertions. He said the County currently had a team of expert hydrogeologists on board. Mr. Bradhurst reported the USGS had a program for updating its studies; and staff considers all available data, but uses the best, unbiased data in deciding whether to protest an application. He said the County's primary concern was in using the resource in the best possible manner. He believed most citizens were content that the County's policy did not endorse groundwater mining, as evidenced by an earlier meeting in Red Rock on March 1, 2006.

In response to Commissioner Galloway, Mr. Behmaram described procedures in place when deciding to protest an application. Commissioner Galloway suggested that each Commissioner be immediately notified when a timely protest is going to be filed to allow Commissioners the option of having an agenda item to withdraw or modify that protest. He said he doesn't want to prevent Water Resources from missing a deadline to file a protest before the State Engineer because Water Resources did not have approval from every single Commissioner.

Katy Singlaub, County Manager, questioned if there was a procedure by which the County could request review by the State Engineer's Office based on the County having substantial questions as to the availability of resources or data.

Commissioner Galloway said he doesn't want a scenario where the State Engineer would be conducting two reviews. He said there might be a misunderstanding as to why the County files protests. Protests are filed when there was insufficient data to prove water could be transferred without groundwater mining. He said the County could add some words to any protest it files that it welcomes new information.

Mr. Behmaram advised the County may not be able to do that as it would be considered pre-determination of action. The State Engineer may tell the County to come to the hearing, and the State will decide it there.

Chairman Larkin summed up the current procedure. He said a three-member panel of experts selected by the Water Resources Director from the membership

of the Washoe County Regional Water Planning Commission is put together. Then the battle will be comprised of the members representing the utility perspective, scientific, and domestic well owners. If the panel is able to meet in time to review the project before the end of the statutory time frame and a majority of the panel members support the County's recommendation, then a protest would be filed. If there was insufficient time to meet, County staff would file a protest, and the process will be implemented retroactively. If there is no majority support among the panel, then a protest will not be filed; or if already filed, it will be withdrawn.

Mr. Behmaram said that is the proposed, or interim policy, to either adopt or to keep the status quo. He said the interim policy has been implemented in Red Rock, and it has worked well; but in staff's opinion, the status quo before the interim policy also worked well.

Chairman Larkin said the old process was not working well. It may have been working well from a hydrogeologist's standpoint, but the science is sorely lacking because of the inadequacy of the data. Mr. Behmaram agreed it is not an exact science; but taking into consideration the outcome of the hearings, the majority of them were consistent with the County's position. Chairman Larkin said a geopolitical issue exists in that the County is going to get more, not less, of these. He said it behooves the County to have an open, measurable and consistent policy in terms of how to evaluate these applications. He would like to see Water Resources continue to work on this and bring its evaluation of the process back to the Board in a fair period of time, as well as other folks involved, and provide recommendations.

Commissioner Galloway said the County should err on the side of caution. He said it is not good to introduce the political element into this important issue. He said the current system works; and, with the notification to Commissioners immediately upon the filing of a protest by staff, the current system could be maintained. He said he sensed Water Resources has implemented the chosen procedures to ensure they are on the safe side. He did not see a need to modify the procedures.

Ms. Singlaub requested criteria to evaluate whether the new procedure is working and a timeframe to bring the procedure back to the Board for review with some possible options. Commissioner Humke said it would be difficult to set up a time frame, but perhaps staff can propose the method to measure the protests. Ms. Singlaub suggested providing the Board with a quarterly or semi-annual report on applications received, whether protests were filed, and what action the State Engineer took. Mr. Behmaram said that could be accomplished, but it would all depend on the filing of the applications.

As a result of discussion on this item, Katy Singlaub, County Manager, confirmed the outcome of discussion in this item. She said staff would continue with the process, work to make the language as nonadversarial as possible, add language where appropriate that insufficient data may exist to prove that adequate resources would permit an inter-basin transfer, and report back to the Board in six months on what protests were

filed and their outcome. Ms. Singlaub indicated she would inform the State the problem is due to a lack of information.

**06-1275**      **ACCEPT TEMPORARY EASEMENTS – PLEASANT VALLEY INTERCEPTOR PHASE 1 – WATER RESOURCES**

Upon recommendation of Thomas Kelly, Water Resources Senior Engineer, and Paul Orphan, Engineering Manager, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the Temporary Construction Easements for the Pleasant Valley Interceptor Phase 1 from Louis Damonte/Nevada Tri Partners be accepted; that the Chairman be authorized to sign the Grants of Easement; that a payment of \$14,160 for the three easements be authorized; and that the Engineering Manager be directed to record the Grants of Easement at the Office of the County Recorder.

**06-1276**      **ACCEPT EASEMENT AGREEMENT – PLEASANT VALLEY INTERCEPTOR – WATER RESOURCES**

Upon recommendation of Thomas Kelly, Senior Engineer, and Paul Orphan, Engineering Manager, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the Easement Agreement for temporary construction easements and permanent sanitary sewer easements on APN's 017-011-02, 017-011-03, and 017-011-23 from Reno Land Holdings, LLC, for Pleasant Valley Interceptor Project Phase 1 be accepted; the Chairman be authorized to execute the Easement Agreement; that a payment of \$798,900 for the easements be authorized; and that the Engineering Manager be directed to record the Easement Agreement at the Office of the County Recorder.

**06-1277**      **RESOLUTIONS – ACQUISITION OF EMINENT DOMAIN EASEMENTS – PLEASANT VALLEY INTERCEPTOR PHASE 1 – WATER RESOURCES**

Katy Singlaub, County Manager, advised that proof of service for the proceedings in this item is on file in the County Manager's Office.

Steve Bradhurst, Water Resources Director, reported on the two remaining easements, KB Homes and Lewis Operating Corp. He confirmed the Board gave clear direction at its October 24, 2006 meeting that Water Resources move forward with the eminent domain proceedings, even if it did not have all agreements at-hand. He said his staff continued to work with Pioneer Parkway Holdings and KB homes. He asked the Board to adopt a resolution for acquisition of the parcels by eminent domain to effectuate the construction of Phase 1 of the Pleasant Valley Interceptor by February of 2007.

Commissioner Galloway recommended continued negotiations with the remaining parties to achieve settlement in lieu of an appearance before the Magistrate.

Commissioner Galloway made a motion to adopt the resolutions. Commissioner Humke said he would second the motion based on language in the staff report that negotiations are continuing with all owners; that the requested authorization will not be utilized if the proposed agreements are finalized; and that even if legal proceedings become necessary, negotiations can and will continue. Commissioner Humke said the statement was important given the current political environment.

Chairman Larkin said the Commission is prepared to use eminent domain where appropriate; that it encourages negotiations to the ultimate end; but sometimes this is what is needed to bring the parties to the table.

Upon recommendation of Thomas Kelly Senior Engineer, and Paul Orphan, Engineering Manager, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the following Resolutions to authorize proceedings for acquisition by eminent domain of temporary and permanent easements necessary for construction of Phase 1 of the Pleasant Valley Interceptor on APN's 140-010-32, 016-411-24, 016-400-69, 143-040-07 (formerly 016-420-31), 143-040-06 (formerly 016-420-19), 017-011-02, 017-011-03, and 017-011-23 be adopted, with the understanding that negotiations with the property owners would continue, and the Chairman be authorized to execute the same:

**RESOLUTION AUTHORIZING PROCEEDINGS FOR  
ACQUISITION, BY EMINENT DOMAIN, OF A PORTION OF  
APN 140-010-32 FOR PERMANENT AND TEMPORARY  
CONSTRUCTION EASEMENTS (THE "EASEMENTS") FOR THE  
PLEASANT VALLEY SEWER INTERCEPTOR ("PVI")**

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

1. The acquisition of the real property hereinafter described is in the best interest of the general public.
2. The construction of the proposed PVI, by securing the real property described in item 3 below, is compatible with the greatest public good and the least private injury.
3. The Washoe County Department of Water Resources, in conjunction with the Washoe County District Attorney's Office is hereby authorized to commence and prosecute, in a court of competent jurisdiction, condemnation proceedings to enable Washoe County to acquire the Easements for the PVI upon, over, across and through all of that real property situated in Washoe County, Nevada, being more particularly described in Exhibits "A" and "B" attached hereto.

4. The Washoe County District Attorney's Office is hereby authorized to apply to the court in accordance with the provisions of N.R.S. 37.100 for an order permitting the Washoe County Department of Water Resources to occupy and use the real property as may be necessary for the construction of the PVI prior to entry of judgment.

**RESOLUTION AUTHORIZING PROCEEDINGS FOR  
ACQUISITION, BY EMINENT DOMAIN, OF A PORTION OF  
APN 016-411-24 FOR PERMANENT AND TEMPORARY  
CONSTRUCTION EASEMENTS (THE "EASEMENTS") FOR  
THE PLEASANT VALLEY SEWER INTERCEPTOR ("PVI").**

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

1. The acquisition of the real property hereinafter described is in the best interest of the general public.

2. The construction of the proposed PVI, by securing the real property described in item 3 below, is compatible with the greatest public good and the least private injury.

3. The Washoe County Department of Water Resources, in conjunction with the Washoe County District Attorney's Office is hereby authorized to commence and prosecute, in a court of competent jurisdiction, condemnation proceedings to enable Washoe County to acquire the Easements for the PVI upon, over, across and through all of that real property situated in Washoe County, Nevada, being more particularly described in Exhibits "A" and "B" attached hereto.

4. The Washoe County District Attorney's Office is hereby authorized to apply to the court in accordance with the provisions of N.R.S. 37.100 for an order permitting the Washoe County Department of Water Resources to occupy and use the real property as may be necessary for the construction of the PVI prior to entry of judgment.

**RESOLUTION AUTHORIZING PROCEEDINGS FOR  
ACQUISITION, BY EMINENT DOMAIN, OF A PORTION OF  
APN 016-400-69 FOR PERMANENT AND TEMPORARY  
CONSTRUCTION EASEMENTS (THE "EASEMENTS") FOR  
THE PLEASANT VALLEY SEWER INTERCEPTOR ("PVI").**

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

1. The acquisition of the real property hereinafter described is in the best interest of the general public.

2. The construction of the proposed PVI, by securing the real property described in item 3 below, is compatible with the greatest public good and the least private injury.

3. The Washoe County Department of Water Resources, in conjunction with the Washoe County District Attorney's Office is hereby authorized to commence and prosecute, in a court of competent jurisdiction, condemnation proceedings to enable Washoe County to acquire the Easements for the PVI upon, over, across and through all of that real property situated in Washoe County, Nevada, being more particularly described in Exhibits "A" and "B" attached hereto.

4. The Washoe County District Attorney's Office is hereby authorized to apply to the court in accordance with the provisions of N.R.S. 37.100 for an order permitting the Washoe County Department of Water Resources to occupy and use the real property as may be necessary for the construction of the PVI prior to entry of judgment.

**RESOLUTION AUTHORIZING PROCEEDINGS FOR ACQUISITION,  
BY EMINENT DOMAIN, OF A PORTION OF APN 143-040-07,  
FORMERLY APN 016-420-31, FOR PERMANENT AND TEMPORARY  
CONSTRUCTION EASEMENTS (THE "EASEMENTS") FOR  
THE PLEASANT VALLEY SEWER INTERCEPTOR ("PVI").**

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

1. The acquisition of the real property hereinafter described is in the best interest of the general public.

2. The construction of the proposed PVI, by securing the real property described in item 3 below, is compatible with the greatest public good and the least private injury.

3. The Washoe County Department of Water Resources, in conjunction with the Washoe County District Attorney's Office is hereby authorized to commence and prosecute, in a court of competent jurisdiction, condemnation proceedings to enable Washoe County to acquire the Easements for the PVI upon, over, across and through all of that real property situated in Washoe County, Nevada, being more particularly described in Exhibits "A" and "B" attached hereto.

4. The Washoe County District Attorney's Office is hereby authorized to apply to the court in accordance with the provisions of N.R.S. 37.100 for an order permitting the Washoe County Department of Water Resources to occupy and use the real property as may be necessary for the construction of the PVI prior to entry of judgment.

**RESOLUTION AUTHORIZING PROCEEDINGS FOR ACQUISITION,  
BY EMINENT DOMAIN, OF A PORTION OF APN 143-040-06,  
FORMERLY APN 016-420-19, FOR PERMANENT AND  
TEMPORARY CONSTRUCTION EASEMENTS (THE "EASEMENTS")  
FOR THE PLEASANT VALLEY SEWER INTERCEPTOR ("PVI").**

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

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

**RESOLUTION AUTHORIZING PROCEEDINGS FOR  
ACQUISITION, BY EMINENT DOMAIN, OF A PORTION OF  
APN 017-011-02 FOR PERMANENT AND TEMPORARY  
CONSTRUCTION EASEMENTS (THE "EASEMENTS") FOR THE  
PLEASANT VALLEY SEWER INTERCEPTOR ("PVI").**

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

1. The acquisition of the real property hereinafter described is in the best interest of the general public.
2. The construction of the proposed PVI, by securing the real property described in item 3 below, is compatible with the greatest public good and the least private injury.

3. The Washoe County Department of Water Resources, in conjunction with the Washoe County District Attorney's Office is hereby authorized to commence and prosecute, in a court of competent jurisdiction, condemnation proceedings to enable Washoe County to acquire the Easements for the PVI upon, over, across and through all of that real property situated in Washoe County, Nevada, being more particularly described in Exhibits "A" and "B" attached hereto.

4. The Washoe County District Attorney's Office is hereby authorized to apply to the court in accordance with the provisions of N.R.S. 37.100 for an order permitting the Washoe County Department of Water Resources to occupy and use the real property as may be necessary for the construction of the PVI prior to entry of judgment.

**RESOLUTION AUTHORIZING PROCEEDINGS FOR  
ACQUISITION, BY EMINENT DOMAIN, OF A PORTION OF  
APN 017-011-03 FOR PERMANENT AND TEMPORARY  
CONSTRUCTION EASEMENTS (THE "EASEMENTS") FOR  
THE PLEASANT VALLEY SEWER INTERCEPTOR ("PVI").**

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

1. The acquisition of the real property hereinafter described is in the best interest of the general public.

2. The construction of the proposed PVI, by securing the real property described in item 3 below, is compatible with the greatest public good and the least private injury.

3. The Washoe County Department of Water Resources, in conjunction with the Washoe County District Attorney's Office is hereby authorized to commence and prosecute, in a court of competent jurisdiction, condemnation proceedings to enable Washoe County to acquire the Easements for the PVI upon, over, across and through all of that real property situated in Washoe County, Nevada, being more particularly described in Exhibits "A" and "B" attached hereto.

4. The Washoe County District Attorney's Office is hereby authorized to apply to the court in accordance with the provisions of N.R.S. 37.100 for an order permitting the Washoe County Department of Water Resources to occupy and use the real property as may be necessary for the construction of the PVI prior to entry of judgment.

**RESOLUTION AUTHORIZING PROCEEDINGS FOR  
ACQUISITION, BY EMINENT DOMAIN, OF A PORTION OF  
APN 017-011-23 FOR PERMANENT AND TEMPORARY  
CONSTRUCTION EASEMENTS (THE "EASEMENTS") FOR  
THE PLEASANT VALLEY SEWER INTERCEPTOR ("PVI").**

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

1. The acquisition of the real property hereinafter described is in the best interest of the general public.

2. The construction of the proposed PVI, by securing the real property described in item 3 below, is compatible with the greatest public good and the least private injury.

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**06-1278      BILL NO. 1499 - AMENDING WCC CHAPTER 5 -  
COMPOSITION OF JOB EVALUATION COMMITTEE  
MEMBERS – MANAGER**

Bill No. 1499, entitled, "**AN ORDINANCE AMENDING WASHOE COUNTY CODE BY CHANGING THE NUMBER AND COMPOSITION OF MEMBERS FOR THE JOB EVALUATION COMMITTEE**" was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

**06-1279      DISCUSSION - LEGISLATIVE ISSUES/BILL DRAFT REQUESTS  
– 2007 LEGISLATIVE SESSION – GOVERNMENT AFFAIRS**

Katy Singlaub, County Manager, advised there was nothing on this item to be presented to the Board at this meeting.

In response to the call for public comment, Gary Schmidt said an overwhelming number of voters are disenfranchised. He requested bill draft proposals concerning County Commissioners, Planning Commissioners, and the Citizen Advisory Boards.

In response to Chairman Larkin, Ms. Singlaub confirmed the end of August is the cut-off for submitting Bill Draft Requests to the State Legislature. Chairman Larkin said any future discussion under this item should be limited to items the County has already submitted to the State Legislature, unless it is an emergency item.

**06-1280      REPORTS/UPDATES COUNTY COMMISSION MEMBERS**

Chairman Larkin indicated an alternate would not be necessary for the Regional Transportation Commission meeting on the Friday after the NACO Conference.

Commissioner Humke acknowledged the Flood Control Meeting at 1:00 p.m. on Friday, November 16, 2006.

Commissioner Humke acknowledged a Proclamation from Dr. Robin Palmer, a District 2 constituent who holds a Ph.D. in genetics. A copy of the Proclamation was placed on-file with the Clerk. He said the United States Surgeon General declared Thanksgiving Day 2004 as the First Annual National History Day. Commissioner Humke commented on "My Family Health Portrait," a website for tracking family medical history that can be downloaded free of charge at [www.hhs.gov/familyhistory](http://www.hhs.gov/familyhistory). Under the Proclamation, Commission Humke recognized November 23, 2006 as National Family History Day.

Commissioner Weber said she has been serving on the NACO Steering Committee for selection of a new Executive Director. She reported the Committee is down to three candidates with the option to make the final selection in December 2006.

Commissioner Galloway said the long awaited draft of the preferred alternative for the TRPA Lake Tahoe Shore Zone Ordinance is to be unveiled on Wednesday, November 14, 2006. He said the substance of the draft on this long overdue ordinance was expected to be approved soon.

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There being no further business to come before the Board, the meeting adjourned at 1:45 p.m.

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**ROBERT M. LARKIN**, Chairman  
Washoe County Commission

**ATTEST:**

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

*Minutes Prepared by*  
*Margaret Bixby*  
*Deputy County Clerk*