

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

TUESDAY

2:00 P.M.

JUNE 24, 2008

PRESENT:

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

**Amy Harvey, County Clerk**  
**Katy Singlaub, County Manager**  
**Paul Lipparelli, Legal Counsel**

\* Commissioner Weber participated in the meeting via telephone.

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

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.

**08-679      AGENDA ITEM 3 - PUBLIC COMMENT**

**Agenda Subject: “Public Comment. Comment heard under this item will be limited to two minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to two minutes per person. Comments are to be made to the Commission as a whole.”**

Guy Felton spoke on the voting machines in the County.

Sam Dehne stated campaign billboards on trailers should have license plates. He spoke on the voting procedures in the County and the upcoming election.

08-680

**AGENDA ITEM 4 - COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS**

**Agenda Subject:** “Commissioners’/Manager’s Announcements, Requests for Information, Topics for Future Agendas and Statements Relating to Items Not on the Agenda. (No discussion among Commissioners will take place on this item.)”

Katy Singlaub, County Manager, stated Agenda Item 13, Recommendation to review, consider modifications and adopt, by Resolution, a Master Fee Schedule for 2008 as required by Article 906, Fees, Section 110.906.05, Fee Schedule, of the Washoe County Code Chapter 110 would be pulled and heard during the July 22, 2008 Commission meeting.

Commissioner Galloway said there were two Tahoe Regional Planning Agency (TRPA) meetings scheduled for discussion concerning the Placer County Kings Beach Community Plan Environmental Impact Study (EIS) proposed preferred alternative and the Shorezone Ordinance. Commissioner Galloway indicated the Code had been restructured and stated the chapters had been renumbered. He suggested edits for the Ordinance and explained when those edits were completed from reprographics he would provide copies to the Board.

Commissioner Jung distributed lapel pins to the Commissioners from the McQueen High School Marching Band who would be performing in the Tournament of Roses Parade in Pasadena, California. She indicated McQueen High School was the first Washoe County High School invited to the Rose Parade.

Chairman Larkin indicated he would participate in the grand opening of the La Posada/Eagle Canyon Road Improvement project scheduled for June 26, 2008. He commended the Regional Transportation Commission (RTC) on the success of that project. He announced July 1st marked the beginning of Artown and invited the public to enjoy many of the planned events.

08-681

**AGENDA ITEM 5 – PROCLAMATION**

**Agenda Subject:** “Proclamation--July, 2008 as Recreation and Parks Month--Regional Parks and Open Space. (All Commission Districts.)”

Commissioner Galloway read and presented the Proclamation to Doug Doolittle, Regional Parks and Open Space Director. Mr. Doolittle thanked the Board for the recognition.

Cliff Young, Regional Parks and Open Space Commission Chairman, thanked the Board for their support and encouragement.

In response to the call for public comment, Sam Dehne stated he was proud of the parks in the region; however, recently for an event at Bowers Mansion

Regional Park he was told that he would be unable to use an amplifier, but noted amplifiers were used at Bartley Ranch.

Commissioner Jung requested a report on the incident at Bowers Mansion concerning the use of amplifiers on the property and the permits needed.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Humke absent, Chairman Larkin ordered that Agenda Item 5 be adopted. The Proclamation for same is attached hereto and made apart of the minutes thereof.

**DISCUSSION OF CONSENT AGENDA – ITEMS 6A THROUGH 6N(3)**

**\*2:47 p.m.** Commissioner Humke arrived during the discussion of the consent agenda.

Commissioner Galloway requested Agenda Items 6B, 6E, 6L(1) and 6N(3) be pulled from the consent agenda for additional comments and separate votes.

In response to the call for public comment, Sam Dehne spoke on several items within the consent agenda. Gary Schmidt addressed the Board and stated he opposed the use of a consent agenda.

**08-682      AGENDA ITEM 6A**

**Agenda Subject: “Approve minutes for the Board of County Commissioners’ meeting of February 19, 2008.”**

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried, Chairman Larkin ordered that Agenda Item 6A be approved.

**08-683      AGENDA ITEM 6C – DISTRICT HEALTH**

**Agenda Subject: “Approve amendments [increase of \$88,184 in revenue and expenses] to the Pandemic Influenza Program (internal order # 10639); and if approved, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”**

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried, Chairman Larkin ordered that Agenda Item 6C be approved and directed.

**08-684            AGENDA ITEM 6D – HUMAN RESOURCES**

**Agenda Subject: “Approve reclassification requests submitted through the job evaluation and classification process [annual fiscal impact to General Fund \$9,359.91]. (All Commission Districts.)”**

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried, Chairman Larkin ordered that Agenda Item 6D be approved.

**08-685            AGENDA ITEM 6F – REGIONAL PARKS AND OPEN SPACE**

**Agenda Subject: “Accept cash donations [\$25,939.17] from various businesses, organizations and individuals for the Department of Regional Parks and Open Space programs and facilities; and if accepted, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”**

On behalf of the Board, Commissioner Galloway thanked the various donors for their generous donations.

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried, Chairman Larkin ordered that Agenda Item 6F be accepted and directed.

**08-686            AGENDA ITEM 6G – SENIOR SERVICES**

**Agenda Subject: “Accept cash donations [\$4,577.13] for the period April 1, 2007 through June 6, 2008 plus any new cash donations that might be received through June 30, 2008 for the fourth quarter of Fiscal Year 2007/08; and if accepted, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”**

On behalf of the Board, Commissioner Galloway thanked the various donors for their generous donations.

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried, Chairman Larkin ordered that Agenda Item 6G be accepted and directed.

**08-687            AGENDA ITEM 6H – SHERIFF’S OFFICE**

**Agenda Subject:** “Accept donations [\$50 from J. R. Merritt and \$30 from Glenda L. Walls] to the Washoe County Sheriff’s Office Search and Rescue Unit; and if accepted, direct Finance to make necessary budget adjustments. (All Commission Districts.)”

On behalf of the Board, Commissioner Galloway thanked J.R. Merritt and Glenda L. Walls for their generous donations.

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried, Chairman Larkin ordered that Agenda Item 6H be accepted and directed.

**08-688            AGENDA ITEM 6I – TREASURER’S OFFICE**

**Agenda Subject:** “Authorize continuation of Professional Services Agreement for billing/collections of special assessments between the County of Washoe and sole source vendor, Assessment Management Group, Inc. as originally approved by the Washoe County Commission on May 13, 2003; and if approved, authorize Purchasing and Contracts Administrator to execute the renewals upon the request of the County Treasurer and further authorize an initial two-year extension with three, one-year renewal options [no change to the rate schedule at this time]. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried, Chairman Larkin ordered that Agenda Item 6I be approved, authorized and executed.

**08-689            AGENDA ITEM 6J - TRUCKEE RIVER FLOOD MANAGEMENT PROJECT**

**Agenda Subject:** “Acknowledge receipt of Truckee River Flood Management Project Status Report for May 2008. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried, Chairman Larkin ordered that Agenda Item 6J be acknowledged.

**08-690            AGENDA ITEM 6K(1) – COMMUNITY DEVELOPMENT**

**Agenda Subject: “Appoint Francine Donschick as an At-Large (District 3) member to fill an unexpired term to June 30, 2009 and Sarah L. Chvilicek as an At-Large (District 5) member to June 30, 2010, on the North Valleys Citizen Advisory Board (Commission District 3, Commissioner Jung and Commission District 5, Commissioner Weber).”**

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried, Chairman Larkin ordered that Francine Donschick (District 3) be appointed as an At-Large member on the North Valleys Citizen Advisory (CAB) Board to fill an unexpired term ending June 30, 2009 and Sarah Chvilicek (District 5) be appointed as an At-Large member on the North Valleys CAB with a term ending June 30, 2010.

**08-691            AGENDA ITEM 6K(2) – COMMUNITY DEVELOPMENT**

**Agenda Subject: “Appoint Karen Gooch as an At-Large member to June 30, 2010, Bobbie Barlow as an At-Large member to fill an unexpired term to June 30, 2009 and Tina Walters as an At-Large Alternate to June 30, 2010 on the Gerlach/Empire Citizen Advisory Board (Commission District 5, Commissioner Weber).”**

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried, Chairman Larkin ordered that Karen Gooch be appointed as an At-Large member on the Gerlach/Empire Citizen Advisory Board (CAB) with a term ending June 30, 2010, Bobbie Barlow be appointed as an At-Large member on the Gerlach/Empire CAB to fill an unexpired term ending June 30, 2009 and Tina Walters be appointed as an At-Large Alternate on the Gerlach/Empire CAB with a term ending June 30, 2010.

**08-692            AGENDA ITEM 6K(3) – COMMUNITY DEVELOPMENT**

**Agenda Subject: “Reappoint Eric Arentz as an At-Large member to June 30, 2010 on the Cold Springs Citizen Advisory Board (Commissioner Weber, Commission District 5).”**

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried, Chairman Larkin ordered that Eric Arentz be reappointed as

an At-Large member on the Cold Springs Citizen Advisory Board with a term ending June 30, 2010.

**08-693            AGENDA ITEM 6K(4) – COMMUNITY DEVELOPMENT**

**Agenda Subject:** “Affirm Incline Village General Improvement District (IVGID) Board of Trustees’ recommendation and appoint Gerry Eick as the IVGID Alternate on the Incline Village/Crystal Bay Citizen Advisory Board with a term beginning June 24, 2008 and ending when IVGID recommends a different representative from its Board (Commissioner Galloway, Commission District 1).”

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried, Chairman Larkin ordered that Gerry Eick be appointed as the Incline Village General Improvement District (IVGID) Alternate with a term beginning June 24, 2008 and ending when IVGID recommends a different representative from its Board.

**08-694            AGENDA ITEM 6K(5) – COMMUNITY DEVELOPMENT**

**Agenda Subject:** “Appoint Andrea Manor to Board of Adjustment, term to be July 1, 2008 to June 30, 2012. (Commission District 5, Commissioner Weber.) Continued from June 10, 2008 County Commission Meeting.”

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried, Chairman Larkin ordered that Andrea Manor be appointed to the Board of Adjustment with a term beginning July 1, 2008 and ending June 30, 2012.

**08-695            AGENDA ITEM 6L(2) – DISTRICT ATTORNEY’S OFFICE**

**Agenda Subject:** “Approve Agreement for Professional Legal Services between the County of Washoe (District Attorney’s Office) and MDF Resources, LLC, for Fiscal Year 2008/09 [\$70,000] for the provision of legal services to the County Commission; and if approved, authorize Chairman to execute Agreement. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 6L(2) be approved, authorized and executed.

08-696

**AGENDA ITEM 6L(3) – DISTRICT ATTORNEY’S OFFICE**

**Agenda Subject:** “Approve payments [\$7,119] to vendors for assistance of 50 victims of sexual assault and authorize Comptroller to process same. NRS 217.310 requires payment by the County of total initial medical care of victims and of follow-up treatment costs of up to \$1,000 for victims, victim’s spouses and other eligible persons. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried, Chairman Larkin ordered that Agenda Item 6L(3) be approved and authorized.

08-697

**AGENDA ITEM 6M(1) – PUBLIC WORKS**

**Agenda Subject:** “Accept grant award [\$10,000 - no matching funds required] to Washoe County Regional Animal Services from Maddie’s Fund to support collection of shelter statistics, the public reporting of such statistics and to support other activities on behalf of lost, stray or homeless dogs and cats for calendar years 2006 through 2009; and if accepted, authorize Regional Animal Services Manager to administer obligations on behalf of Washoe County and direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

On behalf of the Board, Commissioner Galloway thanked Maddie’s Fund for their generous donation.

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried, Chairman Larkin ordered that Agenda Item 6M(1) be accepted, authorized and directed.

08-698

**AGENDA ITEM 6M(2) – PUBLIC WORKS**

**Agenda Subject:** “Approve and execute a 24-month Sublease between the County of Washoe (behalf of University of Nevada, Cooperative Extension) and CFA Inc., for occupancy of 1,888 square feet of space located at 1155 Corporate Boulevard for the period July 1, 2008 through June 30, 2010 [annual expense of \$38,516 will be funded through the University of Nevada Cooperative Extension (006-190018-710600). (Commission District 2.)”

There was no response to the call for public comment.



On motion by Commissioner Galloway, seconded by Commissioner Jung which motion duly carried, it was ordered that Agenda Item 6M(2) be approved and executed.

**08-699            AGENDA ITEM 6N(1) – WATER RESOURCES**

**Agenda Subject: “Award bid for constructing Idlewild Drive Sanitary Sewer Laterals to Conely Equipment & Leasing, LLC, the lowest, responsive, responsible bidder [\$57,351]; and if awarded, authorize the Chairman to execute the Agreement Form and authorize the Acting Engineering Manager to issue the Notice to Proceed.”**

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 6N(1) be awarded, authorized and executed.

**08-700            AGENDA ITEM 6N(2) – WATER RESOURCES**

**Agenda Subject: “Approve conveyance of 0.77 acre-feet of water rights from Truckee Meadows Water Authority (TMWA) to Washoe County in support of the David and Rosemary Bjorkman residence in the north Reno area and approve the associated Water Sale Agreement leasing said water rights back to TMWA; and if approved, authorize Chairman to execute the Water Rights Deed and the Water Sale Agreement and direct Water Rights Manager to record both documents. (Commission District 5).”**

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 6N(2) be approved, authorized, executed and directed.

**08-701            AGENDA ITEM 6B – ASSESSOR’S OFFICE**

**Agenda Subject: “Approve roll change request, pursuant to NRS 361.765, for error discovered for the 2007/2008 secured tax roll for Assessor’s Parcel Numbers 019-321-29 and 019-250-18, Peppermill Casinos Inc. [amount of increase \$268,383.72]; and if approved, authorize Chairman to execute the Order. (Commission District 2.)”**

Josh Wilson, Assessor, explained there were two errors that occurred on the property. He explained the first error was the placement of the new parking structure on the incorrect parcel. He said the primary error was the numbers transmitted to the Treasurer’s Office in the context of the property tax cap abatement. Mr. Wilson said new

construction was outside of the tax cap. In this particular instance it was not reported to the Treasurer's Office as new construction; therefore, all of the new value added to the roll was abated from the tax roll. He indicated this would correct the new construction figure and fix the placement of the parking structure on the correct parcel.

Commissioner Galloway asked how this error was discovered. Mr. Wilson commented the parcels were reviewed on an annual basis and this error was noticed in an abatement report. Commissioner Galloway asked if there were other systemic solutions to provide a better cross check. Mr. Wilson said his Office was always open to new ideas, but quality control usually caught these errors. Commissioner Galloway requested the Audit Committee schedule a discussion for comments and suggestions as to what could be done systemically.

Chairman Larkin asked if there was a way to know when abatement was applied. Mr. Wilson remarked this was a new parcel for the 2007/08 tax year; however, because of some Nevada Tax Commission regulations not all newly created parcels were new to the roll and were exempt from the abatement process. Chairman Larkin said economic development would have to occur, and then it could be evaluated in terms of the rules and regulations of the State Department of Taxation. He asked if those could have been known in advance. Mr. Wilson said they could not.

In response to the call for public comment, Gary Schmidt spoke on tax errors concerning his properties. Chairman Larkin reminded Mr. Schmidt to stay on topic, confine his comments to the agenda item and issued him a warning. Mr. Schmidt stated there was a systemic problem and that the County caught an error in the County's favor.

Mr. Wilson explained the Department was audited every three years by the Nevada Department of Taxation to ensure that the Assessor was discovering, listing and valuing property appropriately in conjunction with all the applicable statutes and regulations. Commissioner Galloway asked if an error was discovered three years after it occurred did the County still have the statutory authority to collect the tax. Mr. Wilson clarified for clerical errors the statute allowed the County to go back three years.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 6B be approved, authorized and executed.

**08-702            AGENDA ITEM 6E – JUVENILE SERVICES**

**Agenda Subject: “Accept Fiscal Year 2008-09 Juvenile Accountability Block Grant [\$71,310 - County match \$7,923.33] from the Juvenile Justice Commission to fund a Juvenile Services Support Specialist position; and if accepted, direct Finance to make necessary budget adjustments (All Commission Districts.)”**

Chairman Larkin asked if this established a new position. Katy Singlaub, County Manager, explained this was an on-going position supported by grants.

Carol Galantuomini, Juvenile Services Division Director, explained for many years a Juvenile Accountability Block Grant funded a Probation Officer (PO); however, a PO retired in December and the position shifted to fund a Juvenile Services Support Specialist. Chairman Larkin asked if the position was currently encumbered. Ms. Galantuomini replied it was not and a new person would be hired.

Chairman Larkin commented there seemed to be some confusion as to what a new position was. He explained because of the budget situation the establishment of any new position was against the Board's policy.

Melanie Purcell, Budget Manager, explained the Finance Department and Juvenile Services had been working closely in evaluating positions. She said this was brought forward as part of that review and in fact exchanged a higher level position for a lower level position. She said it was kept within the grant dollars rather than giving up the program. Chairman Larkin said a position was being eliminated, but in eliminating that position a new position was being created at a lesser cost. Ms. Purcell stated that was correct.

There was no response to the call for public comment.

On motion by Chairman Larkin, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 6E be accepted and directed.

**08-703      AGENDA ITEM 6L(1) – DISTRICT ATTORNEY'S OFFICE**

**Agenda Subject: “Adopt Resolution approving reconveyance of property acquired by eminent domain and approval of Reconveyance Agreement between the County of Washoe and Mt. Rose Development Company and Deed of Reconveyance for approximately 6.59 acres of property which is a portion of State Route 723 (near 21333 Mt. Rose Highway and Assessor's Parcel Number 048-112-09) to Mt. Rose Development Company; and if all approved, authorize Chairman to execute same. (Border of Commission Districts 1 and 2.)”**

In response to Commissioner Galloway, Paul Lipparelli, Deputy District Attorney, explained the Regional Parks and Open Space Department had been monitoring this transaction. He said it was a technical legal transaction involving the reconveyance of property obtained through eminent domain. He displayed a map, which was placed on file with the Clerk, indicating the location of the parcel. Mr. Lipparelli said it was part of the terminus of State Route 723 that extended from the Mt. Rose Highway across the front of Slide Mountain. He said when the Mt. Rose Development Company undertook the completion of the improvements that were part of the prior transaction it was discovered that the Nevada Department of Transportation (NDOT) believed it did not have title to the property. He said it was discovered that after the County obtained the

property and the road through eminent domain it gave an easement to NDOT for the construction of the road. He said when Mt. Rose Development approached NDOT about abandoning that unused area NDOT indicated the Mt. Rose Development needed to see the County. He said staff researched and confirmed that NDOT had an easement and the County owned the underlying property. Mr. Lipparelli clarified on the map the portion for reconveyance. Commissioner Galloway asked why the County would give back the property to Mt. Rose Development for little money without knowing what would be done with the property. Mr. Lipparelli said it involved the plans for a development of a lodge.

In response to Commissioner Galloway, Doug Doolittle, Regional Parks and Open Space Director, remarked there was a purchase of land from the Mt. Rose Development Company and he indicated a trailhead on the map. He said at some point there was a promise to the County to build a lodge to serve the skiing population. Commissioner Galloway asked if there was an agreement requiring the County to do this reconveyance. Mr. Lipparelli said there was not an agreement. He commented the County would retain easements from the end of the road to the trailhead. Commissioner Galloway asked how did he know that it would not be in the best interest of Washoe County recreation to have more parking in the future and, if the land were reconveyed, then the County did not have control over that piece of land. Mr. Lipparelli reiterated there was no agreement in place that required any particular improvement. Commissioner Galloway felt it was too loose and would not support a motion.

Commissioner Humke asked if it were necessary for NDOT to convey this parcel to a public entity or could they have conveyed the parcel to Mt. Rose Development. Mr. Lipparelli said NDOT determined they did not own the title and were placed in the position to request abandonment of the improved highway bulb. He said since the time the last transaction occurred with Mt. Rose Development Company, State law changed that now required if the County reconveyed property originally obtained through eminent domain, the price paid by the property owner to obtain their property back would be the same price the government paid when the condemnation occurred. He said in this instance the condemnation was completed in 1952 so there was no discretion to be used in determining the value. Commissioner Galloway stated he saw two possible uses for that property and said there was not a public purpose in reconveying this parcel to the Mt. Rose Development Company, but there could be if there was an agreement stating what Mt. Rose would do with the property.

Commissioner Galloway suggested Regional Parks and Open Space and legal staff be directed to craft a proposal under which the County would retain ownership and enter into a lease for the sole purpose of building a lodge and could convey the property later once a lodge was built with assurances that it would be compatible to the master plan. He would like this item continued for the stated purpose and to be consistent with the US Forest Master Plan which the Board participated in.

Commissioner Humke said this small parcel did not appear to be usable by the Parks Department, but since it was a legal issue it should be left to the District Attorney's Office.

In response to the call for public comment, Gary Schmidt spoke on the history of the subject parcel. Sam Dehne said it was valuable property and agreed with Commissioner Galloway.

Commissioner Weber agreed that the item should be continued.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that this item be continued to such time that the Regional Parks and Open Space Department, the Manager's Office and legal counsel arrive at a more detailed plan to insure that things proceed in a manner that had a positive benefit to the public of Washoe County for recreation and was consistent with the approved US Forest Service Master Plan for the Mt. Rose Ski Area.

**08-704            AGENDA ITEM 6N(3) – WATER RESOURCES**

**Agenda Subject: “The Western Regional Water Commission recommends the Board of County Commissioners approve and authorize the Chairman to execute upon receipt: 1) the Western Regional Water Commission Amended and Restated Joint Powers Agreement among the City of Reno, City of Sparks, South Truckee Meadows General Improvement District, Sun Valley General Improvement District, the Truckee Meadows Water Authority and Washoe County; and, 2) a Resolution approving the Amended and Restated Joint Powers Agreement among the City of Reno, City of Sparks, South Truckee Meadows General Improvement District, Sun Valley General Improvement District, Truckee Meadows Water Authority and Washoe County creating the Western Regional Water Commission and providing for other matters properly related thereto; and if approved, authorize submission of the Amended and Restated Joint Agreement to the Nevada Attorney General for approval. (All Commission Districts.)”**

Commissioner Galloway remarked the staff report stated that the Oversight Committee's attorney found some problems with the original agreement. He said consistent with that he would not support this item. He requested a point-by-point bullet comparison in the restated agreement showing what powers the Western Regional Water Commission (WRWC) had versus the default powers it would have had if no alternate entity had been formed. He also requested to see the actual reports by Randall Stevenson, Legislative Council Bureau attorney, assigned to the Oversight Committee.

There was no response to the call for public comment.

On motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried with Commissioner Galloway voting “no,” it was ordered that Agenda Item 6N(3) be approved, adopted, authorized and executed. The Resolution for same is attached hereto and made apart of the minutes thereof.

## **BLOCK VOTE**

Chairman Larkin recommended the following items be considered in a block vote: Agenda Items 7, 10, 11, 16, 17 and 25.

**3:23 p.m.** Commissioner Weber temporarily left the meeting and was absent for the block vote.

**3:56 p.m.** Commissioner Humke temporarily left the meeting and was absent for the block vote.

### **08-705 AGENDA ITEM 7 – RISK MANAGEMENT**

**Agenda Subject:** “Recommendation to authorize Finance Director to renew the Excess Workers’ Compensation Insurance Policy with Midwest Employers Casualty Insurance Company for one year at a premium of \$187,514 and renew the Property Insurance Policy with Affiliated FM Insurance Company for one year at a premium of \$390,756, plus an engineering fee of \$10,000.”

In response to the call for public comment, Sam Dehne voiced his opinion on insurance policies. Gary Schmidt inquired on the engineering fee that was listed and read the agenda item.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried with Commissioners Humke and Weber absent, Chairman Larkin ordered that Agenda Item 7 be authorized.

### **08-706 AGENDA ITEM 10 – PUBLIC WORKS**

**Agenda Subject:** “Recommendation to award Base Bid and Alternates One and Two for construction of a Restroom at Hidden Valley Regional Park to the lowest responsive and responsible bidder (staff recommends Gradex Construction) [\$156,662.50]; and if awarded, authorize Chairman to execute the contract documents. (Commission District 2.)”

In response to the call for public comment, Gary Schmidt objected to this item being placed in a block vote and read the agenda item.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried with Commissioners Humke and Weber absent, Chairman Larkin ordered that Agenda Item 10 be awarded, authorized and executed.

**08-707            AGENDA ITEM 11 – BUDGET**

**Agenda Subject:** “Update on Fiscal Year 2007/08 Budget and direction to staff to make the recommended changes in the operating budgets, including reducing the transfer to the Health Benefits Fund by \$3,506,000 and approval of a resolution to augment the Equipment Services Fund (669) in the amount of \$233,000 from the unrestricted net assets in the Equipment Services Fund to cover an unanticipated price increase in the cost of fuel and, upon approval, direct the Finance Department to make the appropriate budget adjustments. (All Commission Districts.)”

In response to the call for public comment, Sam Dehne spoke on the current budget situation. Gary Schmidt objected to this item being placed in a block vote and read the agenda item.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried with Commissioners Humke and Weber absent, Chairman Larkin ordered that Agenda Item 11 be approved and directed.

**08-708            AGENDA ITEM 16 – PUBLIC WORKS**

**Agenda Subject:** “Recommendation to approve and execute a 36-month Lease Agreement between the County of Washoe and Reno Technology Center I, LLC, to reduce the square footage occupied and provide uninterrupted operation for the Truckee River Flood Project at 9390 Gateway Drive, Reno, Nevada for the period July 1, 2008 through June 30, 2011 [annual Lease cost \$111,485 funded through the Truckee River Flood Project (21101-710600)]. (Commission District 1.)”

In response to the call for public comment, Gary Schmidt objected to this item being placed in a block vote and read the agenda item.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried with Commissioners Humke and Weber absent, Chairman Larkin ordered that Agenda Item 16 be approved and executed.

**08-709            AGENDA ITEM 17 – PUBLIC WORKS**

**Agenda Subject:** “Recommendation to award bid for the Animal Services Center – Large Animal Facility project to the lowest responsive and responsible bidder (staff recommends Concord Cornerstone [\$225,300]; and if awarded, authorize Chairman to execute contract documents. (All Commission Districts.)”

In response to the call for public comment, Gary Schmidt objected to this item being placed in a block vote and read the agenda item.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried with Commissioners Humke and Weber absent, Chairman Larkin ordered that Agenda Item 17 be awarded, authorized and executed.

**08-710            AGENDA ITEM 25 – MANAGER’S OFFICE**

**Agenda Subject: “Recommendation to approve the Fourth Amendment to Agreement for Conflict Legal Services between the County of Washoe and Robert Bell, Esq., for professional legal services in conflict criminal/family court/juvenile cases [not to exceed \$50,000 - for a total of \$400,000 for Fiscal Year 2007/08]; and if approved, authorize Finance to transfer \$50,000 from the General Fund Contingency and authorize the County Manager to execute the Amendment. (All Commission Districts.)”**

In response to the call for public comment, Gary Schmidt objected to this item being placed in a block vote and read the agenda item.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried with Commissioners Humke and Weber absent, Chairman Larkin ordered that Agenda Item 25 be approved, authorized and executed.

**4:00 p.m.**        The Board recessed.

**4:16 p.m.**        The Board reconvened with all members present.

**08-711            AGENDA ITEM 24 – MANAGER’S OFFICE**

**Agenda Subject: “Review, discussion and possible approval of: 1) an Interlocal Agreement between the County of Washoe County and the Reno-Sparks Convention and Visitors Authority (RSCVA) relating to the ownership of the 466 acre-feet of water rights in use at Northgate Golf Club and any possible sale, lease or disposal of the 255.20 acre-feet of these water rights which were purchased by the RSCVA; and, 2) Transfer Agreement transferring the 466 acre-feet of water rights in use at the Northgate Golf Club from Washoe County and RSCVA to the Nevada Land Conservancy; and if all approved, authorize initial payment of \$5,000 and additional payments to Nevada Land Conservancy in subsequent years in conformance with the terms of the Transfer Agreement for a total of \$25,000 from account number 663000-710100 and authorize Chairman to execute the Interlocal Agreement, the Transfer Agreement, and any other documents necessary to carry out the terms of the Agreements, including but not limited to, Lease Agreements, Deeds, and applications. (All Commission Districts.)”**

Commissioner Galloway said there was reference that the water rights would be transferred to the Nevada Land Conservancy to be reconveyed later at the request of the agency that transferred those rights. He asked for clarification of the necessity of this process and if this agreement was signed by the Nevada Land



Conservancy. Dave Childs, Assistant County Manager, explained one interlocal agreement was between Washoe County and the Reno-Sparks Convention and Visitors Authority (RSCVA). The second agreement was a series of agreements relative to the transfer of water rights and reconveyances, including a lease back to the RSCVA for the purposes of operating the Northgate Golf Course. He noted the Nevada Land Conservancy was a party to that agreement. He said at some future date if the RSCVA determined they would close Northgate Golf Course that property would revert back to the original property owners. Mr. Childs said when the land from those property owners was deeded to RSCVA there were no water rights. Commissioner Galloway asked why the County did not reconvey the RSCVA portion to RSCVA, the Washoe County portion to Washoe County and why the Nevada Land Conservancy needed to be involved. Mr. Childs remarked the County held the water rights on behalf of the RSCVA and the title to the Northgate Golf Course on the behalf of the RSCVA. He indicated if that property were to be reverted back at some point the County's water rights could be in question. Mr. Childs indicated this would avoid any possible confusion.

In response to the call for public comment, Gary Schmidt said he was in favor of avoiding confusion in the ownership of water rights.

On motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Agenda Item 24 be approved, authorized and executed.

**08-712            AGENDA ITEM 26 – MANAGER'S OFFICE**

**Agenda Subject: "Recommendation to award a Contract to Robert C. Bell, Esq. for professional legal services as the Appointed Counsel Administrator [not to exceed \$150,000] pursuant to the Model Court Plan of the Second Judicial District filed with the Supreme Court under ADKT No. 411; and if approved, authorize the County Manager to execute same. (All Commission Districts.)"**

Paul Lipparelli, Legal Counsel, said the Chief Judge of the Second Judicial Court, Judge Connie Steinheimer, contacted him and said the new language was being proposed under number five as a new paragraph: "Appointed Counsel Administrator agrees that in no event will the Administrator be directly involved in representation of clients in court-appointed counsel cases or cases coming from the Alternative Public Defender. The Administrator shall select attorneys to provide legal counsel to indigent persons for cases transferred from the Alternate Public Defender in the manner provided by the Second Judicial District Court Model Plan including, without limitation, the requirement to select names from the qualified list in consecutive order. The attorneys selected by the Administrator and those appointed by the Court are not the employees or contractors of the Administrator. They will be contracting directly and separately with Washoe County and shall be paid by the County subject to the administrative functions of the Administrator as set forth in the agreement."

Commissioner Humke asked why the Court was attempting to direct the work of the Administrator. Mr. Lipparelli replied he did not believe the Court was endeavoring to direct the work of the Administrator as much as the Court was attempting to ensure this contract compared with the Model Court Plan that contained certain features to be used by the Administrator in carrying out the new duties. Commissioner Humke said the Board approved numerous contracts for all branches of government and asked if this contract represented a judicial or executive function. Mr. Lipparelli explained it was in the middle and noted the Court had a proper role for lawyers to represent indigent persons. He said the County's role of providing legal services to indigent persons who had a conflict of interest with the Alternate Public Defender was the same. Mr. Lipparelli explained this contract would offer one person to provide service to the Court and the County. He felt it was the most efficient way the County could manage the work of the lawyers who worked for indigent persons. Commissioner Humke asked if the Courts were supposed to stay out of the appointment process. Mr. Lipparelli remarked appointments of lawyers to represent people that could not be represented by the Alternate Public Defender would be because of a conflict. He commented under this contract the attorneys would be in a pool created by an appointed committee who would review the qualifications of the attorneys to work in that pool. He said their names would be placed on a list and then selected in consecutive order by Robert Bell, Appointed Counsel Administrator. He stated the Court would continue to make appointments of attorneys to represent people and the Court would continue to make those appointments with the difference being contracts with those lawyers that the Court appointed could also be arranged and paid for under this contract with Mr. Bell. He said pursuant to this contract Mr. Bell would no longer be able to represent people and would strictly be the Administrator.

Katy Singlaub, County Manager, said staff attempted to be responsive to the Court's direction as well as the needs of this service. John Berkich, Assistant County Manager, said this specifically went to the plan filed by the Court to avoid a conflict of interest and indicated Mr. Bell could not appoint himself for any case. Commissioner Humke believed Mr. Bell to be a confident, self-directed, professional practitioner and did not believe he should be told by the Courts how to run this practice and felt this item could be approved without the Court's language.

Commissioner Galloway requested the statement read by Mr. Lipparelli be presented to the Board in writing.

Mr. Lipparelli said from a legal stand point he was satisfied with either version.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that Agenda Item 26, as originally stated (without paragraph five), be approved, authorized and executed.

**4:30 p.m.** The Board convened as the Board of Directors for the Sierra Fire Protection District.

**5:00 p.m.** The Board convened as the Board of Trustees for the South Truckee Meadows General Improvement District.

**5:20 p.m.** The Board reconvened as the Board of County Commissioners with all members present.

**08-713            AGENDA ITEM 18 – WATER RESOURCES**

**Agenda Subject:** “Recommendation to award bid for monitoring well drilling (Phase 3) and construction in the Central Truckee Meadows to WDC Exploration & Wells, the lowest, responsive, responsible bidder [\$654,438]; and if awarded, authorize the Chairman to execute the Agreement Form and authorize the Program Manager to issue the Notice to Proceed. (Commission Districts 2 and 3.)”

Rosemary Menard, Water Resources Director, said the three contracts were related to the Central Truckee Meadows Water Remediation District. She explained this item was a well-drilling contract for 30 additional wells that were part of the groundwater monitoring program.

Chairman Larkin asked if there was verification of existence of the bidding companies and a disclaimer from the staff member visiting the site that they were not the originator of the contracts.

Chris Benedict, Program Manager, confirmed he was not the originator of the contracts and stated he participated in a competitive selection process with participants from outside stakeholder agencies. He explained, Kleinfelder West Inc., had a physical presence in Reno, and noted GeoMatrix had recently been purchased by another contractor, AMAC that had a physical presence in Reno, with which the County had a successful working relationship. He said there had been three successfully completed contracts with Hydro Geo Chem and noted they were located in Phoenix, Arizona, but staff had not verified their physical location. Mr. Benedict noted the County had two successful contract completions with Worley Parsons Komex who were located in Sacramento and Southern California, but staff had not physically verified those locations. He said the Department had successfully used WDC Wells Exploration in the past for well-drilling and added their location was out of the immediate area and staff had not verified their physical location.

Commissioner Galloway said there was no Request for Qualifications (RFQ) for the bid and asked if that item came with a bonding requirement. Mr. Benedict said a competitive bid request went out that did require bonding. Commissioner Galloway asked if there was a review committee for the selections that were consultant in nature. Mr. Benedict explained there was a selection committee for all the contracts.

In response to Commissioner Galloway, Chairman Larkin replied the Board was discussing agenda items 18, 22, 23.

Commissioner Galloway said in the consulting engineer services there was \$250,000 in support of the Central Truckee Meadows Remediation District Program and asked if that was the whole program. Mr. Benedict replied it was in support of the groundwater monitoring program, which was part of the Remediation District Program and that work was focused on the validation of the data generated from groundwater samples. Commissioner Galloway inquired how many other consultant contracts were involved in the Groundwater Remediation Program and requested a breakdown of that total cost.

Ms. Menard commented because the Remediation District staff was small consulting resources had been used as an extension of staff. Commissioner Galloway said at some point this should be mechanical and not involve so many consultants. Ms. Menard said the complexity of this particular kind of work was delineation and characterization of the plumes. She displayed a map, within the staff report, highlighting four specific areas that represented a plume in the aquifer. She said there was a lot of work completed that characterized what was happening with those plumes and how they were migrating. Mr. Benedict remarked water was treated at the wellhead; however, the groundwater monitoring results indicated there were several “hot spots” that contributed to the plumes. He said since the groundwater monitoring had been conducted the location and concentration in the “hot spots” had not changed over time, which suggested there was persistent Tetrachloroethylene (PCE) concentrations in the areas that fed the plumes. Commissioner Galloway asked if there could be a computer program to analyze the data so the number of people to write the program would diminish and then there would be efficiency. Mr. Benedict said the ability to write such a program was predicated solely on the ability to understand the complexity of the problem.

Commissioner Galloway requested the amount spent for consultants over the past 10 years to run the program.

**5:35 p.m.** Commissioner Weber temporarily left the meeting.

Commissioner Humke said the Remediation District was created during the 1991 Legislative session, and as a matter of policy, property owners would be held harmless because it was hard to define when the property changed hands. He added there were many uses of PCE and other offending chemicals which made it hard to quantify.

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber temporarily absent, it was ordered that Agenda Item 18 be awarded, authorized and executed.

**08-714            AGENDA ITEM 22 – WATER RESOURCES**

**Agenda Subject:** “Recommendation to approve and authorize the Chairman to execute an Agreement for Consulting Engineering Services between the County of Washoe and Worley Parsons Komex, for professional services in support of the Central Truckee Meadows Remediation District Program [\$242,357]. (All Commission Districts.)”

(See discussion under Agenda Item 18)

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber temporarily absent, it was ordered that Agenda Item 22 be approved, authorized and executed.

**08-715            AGENDA ITEM 23 – WATER RESOURCES**

**Agenda Subject:** “Recommendation to approve and authorize the Chairman to execute three Agreements for Consulting Engineering Services to investigate tetrachloroethylene (PCE) contamination in three separate potential source areas (PSA) with the following consultants: 1) Kleinfelder West, Inc. for PSA-1 [\$249,728]; 2) Hydro Geo Chem, Inc. for PSA-2 [\$247,045]; and 3) Geomatrix Consultants, Inc. for PSA-3 [\$250,000] in support of the Central Truckee Meadows Remediation District program. (Commission District 3.)”

(See discussion under Agenda Item 18)

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber temporarily absent, it was ordered that Agenda Item 23 be approved, authorized and executed.

**08-716            AGENDA ITEM 19 – WATER RESOURCES**

**Agenda Subject:** “Recommendation to approve and authorize a two-year sole source designation for Sierra Control Systems for preventative maintenance [\$40,205 for Fiscal Year 2008-09] and authorize Purchasing and Contracts Administrator to issue purchase orders in excess of \$50,000 for repair, replacement, emergency electrical service and purchase of Supervisory Control and Data Acquisition systems for the Washoe County Department of Water Resources’ utility operations for Fiscal Year 2008-09 and Fiscal Year 2009-10. (All Commission Districts.)”

Chairman Larkin indicated Agenda Items 19, 20 and 21 would be discussed together.

Rosemary Menard, Water Resources Director, explained the contracts and the authorization for the Purchasing Agent to expend more than the \$50,000 limit in emergency cases. She said Scott Smiley, Utility Worker Supervisor, visited the sites and verified their existence, but was not the originator of the request.

Katy Singlaub, County Manager, explained when there was an emergency request of this nature a review would be required by a supervisor.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that Agenda Item 19 be approved and authorized.

**08-717            AGENDA ITEM 20 – WATER RESOURCES**

**Agenda Subject: “Recommendation to approve and authorize a two-year sole source designation for Action Electric, Inc. for preventive maintenance [\$41,110 for Fiscal Year 2008-09] and authorize the Purchasing and Contracts Administrator to issue purchase orders in excess of \$50,000 for repair and replacement, and emergency electrical service for Fiscal Year 2008-09 and Fiscal Year 2009-10 for Washoe County Department of Water Resources’ Utility Operations. (All Commission Districts.)”**

**(See discussion under Agenda Item 19)**

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that Agenda Item 20 be approved and authorized.

**08-718            AGENDA ITEM 21 – WATER RESOURCES**

**Agenda Subject: “Recommendation to approve and authorize a two-year sole source designation for Carson Pump and authorize the Purchasing and Contracts Administrator to issue purchase orders in excess of \$50,000 for emergency services related to repair of the Department of Water Resources’ various pumping facilities for Fiscal Year 2008-09 and Fiscal Year 2009-10. (All Commission Districts.)”**

**(See discussion under Agenda Item 19)**

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that Agenda Item 21 be approved and authorized.

**5: 44 p.m.**        The Board recessed.

**6:21 p.m.**        The Board reconvened with all members present.

**5:30 p.m.**

**Agenda Subject:** “Appeal Case No. AX08-004 (Ann M. Nichols) - Appeal the Planning Commission’s approval of Abandonment Case No. AB08-001 (Boulder Bay, LLC). (Commission District 1.) *Continued from June 10, 2008 County Commission Meeting.* To abandon the streets, access easements and county right-of-way of the southernmost 1,060 linear feet of Wassou Road, the southernmost 113 linear feet of Lakeview Avenue, and all 418 linear feet of Reservoir Drive, as authorized in Article 806 of the Washoe County Development Code. The applicant proposes to create a new street alignment connecting Lakeview Avenue to Stateline Road and connecting the southern end of Wassou Road to Lakeview Avenue , and Variance Case No. VA08-001 (Boulder Bay, LLC).To vary the maximum slope of a southern facing street from 10% to 12.5% on the new proposed alignment of Lakeview Avenue as authorized in Article 436 of the Washoe County Development Code. The proposed variance will increase the slope on a length of road not to exceed 800 feet.”

Commissioner Galloway disclosed he met previously with both parties and had taken a walking tour around the present Biltmore Hotel and the surrounding roads. He said he was told by legal council this was to be based on the record of the Planning Commission and, if there were omissions presented to the Planning Commission, they could be addressed.

Paul Lipparelli, Legal Counsel, clarified normally with this type of hearing the Board would review what the Planning Commission considered and would have the benefit of an established record with exhibits and transcripts. However, explained the Board did not have that and was in the position to listen to the claims of the appellant to understand what errors or omissions the appellant believed were made by the Planning Commission. He said then the Board could use the information presented to evaluate whether there were any mistakes, errors or omissions made by the Planning Commission during their consideration. Mr. Lipparelli remarked it would not be fair to the process to expect the Board to make a brand new decision based on a brand new case and new evidence. He advised the Board to take all the evidence presented, but to place weight based on what the Board felt constituted the clarification or refinement of what was presented to the Planning Commission and use that information to evaluate whether errors or mistakes were made, but not to treat this hearing as a new application for a variance or a new application for an abandonment. Mr. Lipparelli said the Board was authorized by County Code to confirm, reverse or modify the action based on the Board’s interpretation of the findings required and the evidence submitted.

Chairman Larkin disclosed he met with the appellant, Ann Nichols, and received a phone call from Boulder Bay LLC, but had not returned that call. Commissioner Jung disclosed she met with the developer, the appellant, another Boulder Bay resident and their attorney Madeline Shipman.

Chairman Larkin explained the procedure and the decorum statement of the Board. He opened the public hearing on Appeal Case No. AX08-004 (Ann M. Nichols) - Appeal the Planning Commission's approval of Abandonment Case No. AB08-001.

Eva Krause, Planner, stated the property was located in Crystal Bay adjacent to the Biltmore Casino properties and this was an appeal of the Boulder Bay LLC abandonment and variance case. Ms. Krause referred to page eight of the staff report that indicated the proposed streets to be abandoned. She pointed out there were some issues with the alignments of the existing streets and the slopes, and showed the proposal to place the new street connecting Lakeview Avenue to Stateline Road and indicated where the proposed variance was located. She remarked the existing streets were not built to County standards, the roads were narrower and steeper than allowed by Code, the slope of the streets were in excess of 13 percent in several areas, the intersections did not line up and the streets sloped at the intersections, which created stopping hazards. Ms. Krause reviewed the maps that were in the staff report and the proposed street alignments where Wassou Road would be directed back to Lakeview Avenue and then Lakeview Avenue would be reduced from where the project began and then back to Stateline Road. Ms. Krause said the proposal for the new street would bring the slope to 12.5 percent and make the street widths comply with County standards, stormwater treatment, curbs and gutters and a reduced slope at the intersection when entering State Highway 28. She said the conditions of approval stated if the two roads, Wassou Road and Reservoir Drive, were removed the developers would replace those with a secondary access. She said both a Washoe County Engineer and the North Lake Tahoe Fire Protection District stated the proposed road would be in better alignment and a better street than Reservoir Drive. She said the proposed secondary access would reduce the slopes on the new portion of the road and bring the street to County standards and noted the applicant would be responsible for the removal of the vacated roads. Ms. Krause indicated the Citizen Advisory Board (CAB) of the area recommended approval, but requested a traffic study be conducted for the project, which was completed and submitted to the County Engineer for review, but it was based on speculation on what would be there when the project was completed. She noted as part of the abandonment a revised traffic study was one of the conditions requested by the Engineer when the project came forward.

Commissioner Galloway asked if the new portions of the road would be built to County standards with the exception of the variance. Ms. Krause clarified with the exception of the 12 percent slope, they would be in compliance with the width, curbs, gutters and stormwater.

Commissioner Jung asked if the County performed any verification when an applicant provided engineering data to staff. Kimble Corbridge, Senior Licensed Engineer, replied when reports were received staff reviewed them to see if there were any issues outside of County Code or requirements. He said in this case it was an abandonment process where the County would not receive a traffic report; however, with the knowledge of an upcoming project one was requested. Commissioner Jung inquired if



there was any verification performed to justify a 13 percent grade. Mr. Corbridge remarked the County did not survey that grade. Commissioner Jung said the County relied on the trust and the applicant's data to make the decision. Mr. Corbridge stated that was correct.

Chairman Larkin said besides the obvious mathematical difference between a 12.5 percent and a 13 percent slope what was the effective difference in terms of operation of an automobile. Mr. Corbridge said it would be a 5 percent difference in the ability to stop.

Commissioner Jung asked if there was a quantified number by the County which indicated this was an improvement to the road. Ms. Krause replied there was not a number that staff reviewed, but reviewed where the 13 percent was located in the road and the percentage for stopping distance at the intersection. Commissioner Jung inquired if the applicant was asked to provide an additional public road so there was parity with what was lost. Ms. Krause explained typically for abandonment nothing was asked for in return; however, in this case an optional exit was requested out of the subdivision.

Commissioner Galloway asked what the other proposed location of Reservoir Drive was that had been rejected by the Fire Department. Ms. Krause explained the applicant considered realigning Reservoir Drive to come out further down on the Mariner site that consisted of turns and switchbacks not conducive for the Fire Department.

In response to Commissioner Galloway, Mr. Lipparelli clarified the underlying discretion of the Planning Commission included the ability to make the order of abandonment conditional; and the discretion of the County Commission in deciding the appeal included the ability to confirm, reverse or modify actions based on the interpretation of the findings. He said if there was a condition imposed by the Planning Commission and the Board was persuaded that it was an error or not rigorous enough, the Board could modify the decision.

Commissioner Humke asked if this was a textbook style of redevelopment for the infrastructure. Ms. Krause commented the infrastructure was completed as part of the project and explained this was part of the surrounding structure. Mr. Corbridge explained planners reviewed what was needed for land and pointed out there would be other ways for the existing development to get to State Route 28.

Chairman Larkin asked how many residents lived in the affected areas. Ms. Krause replied there were 89 individual owners.

Ann Nichols, appellant, conducted a PowerPoint presentation, which was placed on file with the Clerk, highlighting the abandonment/variance case, Tahoe Mariner Deed Restrictions to Open Space, engineering opinions, North Stateline Community Plan Map, incorrect Boulder Bay slope map and abandonment reference map, conceptual profile for Reservoir Drive, Crystal Bay map without abandoned roads

and Boulder Bay plans showing the new casino. She said she represented petitioners who were requesting Washoe County deny the application for abandonment.

Ms. Nichols stated the citizens hired attorney Craig Luciani for the legal aspect and Bill Quesnel, Acumen Engineering, to conduct a report on the abandonment and the consequences. She indicated a wildland fire expert was hired from Fire Cause Analysis who stated “the roads that were slated for closure in the Boulder Bay project served in the Angora Fire to provide safe evacuation for thousands of persons affected and any reduction in access should be viewed with the greatest of skepticism if movement capacity was reduced, especially when the population was to be dramatically increased by the development proposed. If a new project could affect public safety then it should be evaluated within the full scope of its impact.”

Ms. Nichols said the Planning Commission’s approval was based on incorrect data and clarified the intersection at Reservoir/Wassou Road was a 7 percent slope, not greater than 13 percent. She indicated the Reservoir/State Route 28 stopping grade was 8.3 percent, not greater than 13 percent. She said the proposed road of realignment was not safer than the existing roads to be abandoned. Ms. Nichols said the intersection of the proposed Wassou/Lakeview Road was a 130 degree downhill left turn as opposed to the current 90 degree left turn onto Reservoir Drive. She remarked the proposed Wassou/Lakeview Road would have 700 feet of sustained 12.7 percent grade as opposed to the current 400 feet with an average grade of 9.4 percent. Ms. Nichols indicated Reservoir Drive was not a detriment to public safety. She said the alternative routes, which were not safe accesses, would be Amagosa Road and Beowawie Road.

Ms. Nichols said the Planning Commission was told the project and abandonment variance was within the North Stateline Community Plan, as indicated in Attachment 4; however, they were not. She explained the Tahoe Regional Planning Agency (TRPA) was reluctant to increase the size of the Community Plan at the request of Boulder Bay. Ms. Nichols said the proposed 90,000 square foot, 85 foot high Building D-1 would shade the Lakeview/Stateline connection causing slick conditions in the wintertime. She said the traffic study that was required was invalid because the revised proposal of the Casino area was 240 percent greater than the original assumption and the original study was requested by the CAB to evaluate the abandonment variance. Ms. Nichols suggested a new study be completed under the new assumptions. She said the Planning Commission’s approval was not supportive by objective findings because the design of the Boulder Bay project provided only an internal road system leaving the non-Boulder Bay public no ability to avoid gridlock along the Boulder Bay property. She said Boulder Bay’s offer of Boulder Way was not sensible for the public since it was neither a two-way road nor a public road. Ms. Nichols stated during public comment at the Planning Commission meeting, business associates of the developer failed to disclose their financial interests and conflicts. She said essentially the Planning Commission referred responsibility to TRPA for the issues raised because “TRPA would be adequate to handle issues from the residents.” Ms. Nichols said TRPA did not handle public safety issues for Washoe County. She said from a legal and practical stand point the issues

raised were substantial and needed to be addressed by the County before the abandonment or the variance could be allowed.

Mr. Luciani said it was unclear why there was such a rush to have this resolved since there were existing items of a legal nature that needed to be addressed. He said TRPA had a direct impact on the situation as the inevitable variance would be a result of the abandonment. He said in order to make the change in the road the relocation of the coverage and the effect of the class 1A sensitive area was mandatory and required TRPA findings that the coverage would go to an equal or superior area; however, TRPA had not yet made such an assessment or determination. Mr. Luciani said the amendment of the North Stateline Community Plan to expand the boundaries to allow the proposed use was a problem and TRPA already indicated a reluctance to recommend such an amendment. He said TRPA needed to conditionally release deed restrictions on the former Tahoe Mariner property. Mr. Luciani said the abandonment and variance did not provide access to the community for a safe public ingress and egress to their homes. He said the proposed variance provided a modification of an existing road, but in exchange would be the loss of a critical access and egress point for the safety of the community.

Ms. Nichols said the citizens were hoping for an alternate plan. She said the citizens were not against a project or improvements, but wanted smart developers. Ms. Nichols recommended approving the appeal and deny the abandonment without prejudice, which would enable the developers to go back and develop a proposal that would be more conducive.

Lou Feldman, Feldman and Shaw, representing Boulder Bay LLC, conducted a PowerPoint presentation, which was placed on file with the Clerk, highlighting the application approval, reviews completed, existing conditions, Reservoir Drive, Wassou Road, Lakeview Road, North Stateline Community Plan, other scenarios evaluated during planning, proposed alignment, new Wassou Road, adjusted Lakeview/Stateline Road, Planning Commission comments, design benefits, traffic signal report, traffic study, secondary access point, fire and rescue access and the existing fire service map.

Brian McCray, Site Engineer, clarified the developers referred to the stopping conditions at Wassou Road in the 8 percent range. He said the Washoe County Code explicitly stated that stopping conditions at intersections shall be 4 percent over a distance of 50 feet. Mr. McCray explained how the percentage figures for the slope of the road were calculated and said the question was that State Route 28 grade could not be changed, but Wassou Road could meet County standards.

In response to Commissioner Galloway, Ms. Nichols explained the developers showed a different map; however, she used a map that was provided by the developer and part of the Board's packet, which was incorrect. She displayed a map, which was placed on file with the Clerk, that indicated the floor plan for the proposed project and that the 24,000 square feet was not just for gaming purposes. She could not understand if there was a 24,000 square foot casino how that could reduce traffic by

saying it was 10,000 square feet. Commissioner Galloway clarified it was reducing potential traffic.

Brian Helm, Project Manager for Boulder Bay LLC, outlined areas where either tables or electronic gaming would be. He said where the gaming would be conducted was 22,400 square feet, but did not include the Café, the Steakhouse, the accounting room, back-up bar, gift shop, lobby space, walk through area, stairwell, or meeting space. He said in the new facility there would be 24,000 square feet of public space, and 10,000 of gaming space. Commissioner Galloway asked for comment on the road slopes. Mr. Helm remarked the map was different than the one presented to the Planning Commission because that map was revised in recognition of the exact road conditions.

Commissioner Galloway asked if there was much difference of whether the slope was real steep or steeper a short distance up hill. Adrian Freund, Community Development Director, said in essence that was critical within the stopping box. He said it should be flatter further back, which was what the Code required.

Paul Reynolds said he lived next to the proposed development. He suggested the appeal be denied and the Planning Commission's decision be upheld. He felt the road needed to be realigned for safety.

John Sell said the proposed road, variance and abandonment of Reservoir Drive and portions of Wassou Road were not needed. He suggested the actions of the Planning Commission be overturned.

Joyce Anacker stated she objected the plan and urged the Board to overturn the action of the Planning Commission.

Patricia Wallup said she used Wassou Road down to Reservoir Drive to enter and exit her home. She commented if those accesses were removed her alternative would be to use Amagosa Road or Beowawie Road which were not safe. She was in favor of overturning the Planning Commission's decision.

Jack McAuliffe said the safest access from his home was Stateline and Reservoir Drive and urged the Board to overturn the decision of the Planning Commission.

Steve Mayo stated he was not aware there was a problem with the roads and noted Wassou Road and Reservoir Drive were critical to the neighborhood and wished the decision would be overturned.

Steve Teshara said the heartbeat of any community was the business community and said a change was needed to improve the infrastructure and the road system. He urged the Board to deny the appeal.

Bob Heacock spoke on the affected roads and hoped the Board would not choose to remove an access from the area. He suggested the decision be overturned.

Liza Casey said the topography was a problem and noted the area was a steep peninsula. She said to design a road that paralleled the peninsula was a problem. She was in favor of the Planning Commission's decision being overturned.

Frank Wright stated tonight it was learned the Planning Commission did not do a dual application where the project and the abandonment came in together. He said this was a megastructure and a development with the size of Crystal Bay possibly doubling. He said the Board needed to review the implications involving the influx of new people with less access to State Route 28. Mr. Wright was opposed to the decision made by the Planning Commission.

Steve Clayton was concerned that the Planning Commission approved a project without an independent traffic or engineering analysis. He urged the Board to overturn the decision because there had been no consideration of the community for this project.

Royce Johnson stated he was against the variance and the abandonment and felt the appeal should be approved.

Sally Kotnik said her home was located on Wassou Road. She stated Crystal Bay was built on a steep mountainside and there could not be a design for a traffic system that did not require variances. Ms. Kotnik remarked if the new road were built it would direct residents uphill to an elevation higher than Lakeview Road, which would be a major concern during the winter. She was opposed to the decision made by the Planning Commission.

Terry Moore said he studied every aspect of the road abandonment and the realignment, and because it made sense he strongly supported it.

Bill Quesnel said the roads were not a continuous grade and noted variations within those elevations. He said the average grade of Reservoir Drive to Lakeview was less than the presented percentages. He remarked he was in favor of the appeal.

Coleman Munch emphasized since the abandonment was conditioned on the first two conditions, relocation of coverage and amendment of the North Stateline Community Plan must be met before the abandonment could proceed. He stated in regard to the variance, there were certain findings that needed to be made and he did not feel there was a legal hardship requiring this variance.

Scott Tieche read a letter from Norman Songey, retired Incline Village/Crystal Bay Firefighter, which was placed on file with the Clerk, highlighting the

road conditions presently located in the area and noted as a driver of a fire engine he never encountered any memos or information regarding that the roads were hazardous.

Bill Eadington said public policy was intended to fulfill a number of priorities such as public safety of the residents of Crystal Bay. He said the proposed abandonment would lose Reservoir Drive and gain access to Stateline. However, in a crisis, the only reasonable exit that would lie between the existing residents and State Route 28 along Stateline would have 420 Tourist Accommodation Units built between them and the highway. He could not see how this could be viewed as a material improvement to the safety of the residents.

Gary Schmidt stated the Board should listen to public opinion concerning the issue.

Chairman Larkin closed the public hearing.

Commissioner Humke asked why the traffic study would come after the grant of the variance. Ms. Krause said the abandonment was not speaking on the increase of traffic by the project. She said the project would increase traffic since it was an allowed use. Ms. Krause said until the project went through the full review with the Environmental Impact Study (EIS) and TRPA, staff would not know the density amount. She said the present traffic study was completed on the estimates of the maximum proposal. Commissioner Humke asked if it were common of an EIS to have an element concerning the traffic study. Ms. Krause replied in this case the EIS may have a traffic element required by TRPA. Commissioner Humke said several citizens cited that the routes of possible ingress and egress were being limited and asked if that constituted an emergency access problem. Ms. Krause explained there were different options that would be reviewed as part of the EIS.

Chairman Larkin asked if the proposed alignment had been presented to the public. Mr. Feldman said this was submitted to TRPA along with the application. Chairman Larkin said abandonment for the lower portion of Reservoir Drive was not being requested since an access point would still be maintained. Mr. Feldman commented it was not proposed to retain Reservoir Drive it was being proposed to create a bypass in response to some public comment that provided an egress where Reservoir Drive used to be. Chairman Larkin asked if the citizens would feel safe leaving the area because what he heard tonight they did not. Mr. Feldman said the evidence brought forth was uncontroverted and had been embraced by those who knew about fire protection and felt it would be an enhancement. Chairman Larkin clarified he was not talking about fire protection he was speaking about public safety, and he had not heard that the proposed alignments would satisfy the public's concerns. Mr. Feldman said by constructing the new roadway to County standards the volume of cars exiting would be doubled because there would be two lanes of traffic coming out of the area. Chairman Larkin did not disagree; however, was concerned about the elimination of an exit route.

Commissioner Galloway said this created three exit points for the two subdivisions, but did eliminate one. Mr. Feldman commented that was correct. Commissioner Galloway said in the event of a conflagration this new route could take two lanes of traffic and asked would there not be a similar traffic direction on Amagosa Road and Beowawie Road for those residents. Mr. Feldman stated that was correct. Commissioner Galloway said the Fire Department stated they recommended this proposed alignment as an improvement.

Commissioner Galloway said the findings in the staff report did not use the word "hardship," but used the words "special circumstances." Mr. Freund replied in some jurisdictions those words were used interchangeably. Commissioner Galloway asked if the Board had to go by the findings made because of the special circumstances applicable to the property. Mr. Freund clarified that was the correct finding on the variance. Commissioner Galloway said if the current roads did not meet standards and there was no way to build an alternative that would meet standards did that qualify as a hardship under this finding. Mr. Freund said the Planning Commission was responsible for making and determining those findings. He said in this case the Planning Commission was able to make the special circumstance finding due to topographic conditions and the creation of a safer roadway. Commissioner Galloway asked if the Planning Commission recognized that the existing roads did not meet Code and other roads would not entirely meet Code either. Mr. Freund remarked that was recognized. He said because there would be such extreme cuts and/or fills it would be virtually impossible to create a new system that would meet Code in every condition.

In response to Commissioner Galloway, Ms. Nichols commented one less exit meant one less option for the residents.

In response to a question posed by Commissioner Humke, Mr. Lipparelli remarked the Enterprise Citizen Case from a 1996 Nevada Supreme Court Case involved the opposition of a neighborhood group to a zone change for a sand and gravel pit in Clark County. He said the matter went to the District Court which upheld the granting of the variance. He said when it reached the Supreme Court the issue was whether there was substantial evidence to support the finding of a variance, hence the discussion of what variance standards were. He said the quoted language in the materials provided by "Friends of Crystal Bay," was an excerpt from a Wisconsin Board of Appeals case and not the language of the Nevada Supreme Court.

Chairman Larkin said he was not opposed to the proposed alignment, but agreed with the residents that an exit should not be eliminated. He was not disposed to abandon the Reservoir Drive exit and was not against abandoning the southern portion of Wassou Road, but was hesitant of the disposal of the northern part of Wassou Road. He said he needed help in understanding why the County would want to abandon Wassou Road.

Commissioner Galloway said the property owners did not have to justify their use of the road, but simply had to prove that it was consistent with the policies and

actions of the comprehensive plan that there was no detriment, that existing easements could easily be relocated and that the Board gave reasoned consideration. He explained the key was no detriment. He listed the negatives as the loss of one exit out of four and a 130 degree turn. He said the positives were removal of two intersections in which there were stopping condition problems, removal of a misalignment and a sloping intersection, direction of traffic to the intersection, reduction of some of the steepest slopes, reduction of traffic away from a parking lot condition, two cars could pass on the replacement road in an emergency and the road repaired due to erosion. Commissioner Galloway stated with the negatives there were still three exits and the numerous positives points. He believed the special circumstance could be made because it was impossible to build any road to meet Code. He added he was inclined to deny the appeal.

Commissioner Jung agreed with Chairman Larkin concerning public safety. She felt there was a detriment and suggested sending this back to the Planning Commission and asking the developer to provide an additional public road to parallel what was presently in the area. Commissioner Jung said she would support to approve the appeal. She said she was concerned that applicant's data was taken at face value and felt that should be reviewed.

Commissioner Humke commented Ms. Shipman stated the abandonment request was not for the benefit of the residents of Crystal Bay, but solely for the Boulder Bay investors. He said the improvements to the road had been praised by the Planning Department, the Engineering Department, the Roads Department and the North Lake Tahoe Fire protection District; however, that was the only alternative to review. He felt the County could do better for the citizens in the Incline Village/Crystal Bay area.

Chairman Larkin said in terms of the egress for the area there was more work needed with the citizens. He said the applicant was willing to provide the State Route 28 exit for the design of the facility and requested that same opportunity be available to the residents of the area. He said he was inclined to send this back to the Planning Commission with that direction. He said he was not opposed to the Wassou Road abandonment, but felt it was a package deal. Chairman Larkin asked legal counsel for the best way to return this to the Planning Commission with that direction.

Mr. Lipparelli explained NRS 110.804.40 described the role and action the Board was permitted to take. He reiterated the Board may use the record and any additional evidence relative to the application to confirm, reverse or modify the appealed actions based on the interpretation of findings required in the evidence submitted. Mr. Lipparelli said it was within the Board's purview to modify the appeal and direct that the Planning Commission further examine an alternative connection to State Route 28. Mr. Lipparelli said if it were to be sent back to the Planning Commission, Community Development staff would appreciate specific direction with regard to the job the Board requested the Planning Commission to complete.

Commissioner Galloway said the Planning Commission could be given more latitude if the Board were to deny without prejudice. Commissioner Humke



remarked it would seem to deny without prejudice would provide the greatest possibilities for the developer to arrive at a fourth exit for the residents.

Chairman Larkin indicated he wanted to make sure that maximum flexibility was given to the developers and the residents to have four exits maintained; however, not have that exit so close to Stateline that it mooted the question and not be conducive to everyone. Commissioner Galloway said if the remaining Board members could not find the no detriment finding because an exit would be lost in the event of an emergency, he asked if the failure to make the no detriment finding be enough to deny the appeal.

Mr. Lipparelli said State law required the Board make a finding that there was no material injury to the public and then Code further refined the process to add some things that could be examined, but if the detriment issue was in favor of denying the application for the abandonment because there was a material injury to the public then that was fatal to approving the abandonment. He said a denial without prejudice to him meant if the appeal was being denied, then the Planning Commission's decision was being upheld, which would result in the issuance of an order of abandonment.

Chairman Larkin clarified he did not want to uphold the Planning Commission's decision because of the detriment finding which would lead to a material injury to the residents. Mr. Lipparelli said if a majority of the Board felt that the material injury finding meant the abandonment should not be granted than the proper procedure would be to grant the appeal without prejudice allowing the developer to return to the Planning Commission with a new application involving a new alignment that satisfied the connection to State Route 28 as a matter of public safety.

Commissioner Jung moved to grant the appeal without prejudice allowing the developer to return to the Planning Commission with a new application involving a new alignment that satisfied the connection to State Route 28 as a matter of public safety. Commissioner Humke seconded the motion.

Commissioner Galloway said the findings needed to be clarified. He asked if the motion would include that findings one, three and four of the abandonment be made, but finding number two, no detriment, could not be made and include, substantially because the elimination of one exit to State Route 28. Commissioner Jung accepted the amendment. Commissioner Humke preferred that the Board remain silent as to the other findings to preserve the greatest amount of options to all concerned and did not approve the amendment.

Chairman Larkin indicated the seconder did not agree so that requirement was not met.

Commissioner Galloway said there had to be some reference to the findings or there would not be a valid motion. He suggested stating the finding of no detriment could not be made.

Commissioner Jung said the finding of no detriment could not be made, but she did not want to tie the hands of the Planning Commission; however, she was concerned that an egress would be lost and would like to grant the appeal without prejudice. The seconder agreed with that language.

Mr. Lipparelli said there were two decisions from the Planning Commission that were appealed and asked if there would be another motion on the variance or dispose of the entire matter with one motion. Chairman Larkin said the Board would return with the variance issue and were disposing of the issue relating to the abandonment.

Commissioner Galloway said the variance issue was moot without the abandonment and asked why any necessary action was needed. Mr. Lipparelli said the variance application was to vary from the slope on a certain segment of road realignment. Commissioner Galloway suggested the majority of the Board deny the variance to be sure it was closed.

On call for the question to grant the appeal without prejudice, the motion passed with a 4 to 1 vote with Commissioner Galloway voting “no” because he could make the finding of no detriment.

In reference to the issuance of the variance, Commissioner Humke moved that the appeal be granted without prejudice, the applicant be allowed to return to the Planning Commission citing the fact that the finding of no detriment could be made and to reasons citing access difficulties for emergency and day-to-day use. Chairman Larkin seconded the motion.

Commissioner Galloway said what if the applicant returned with a solution to the fourth exit, but still wanted the road and the Board had already found that no detriment could be made. He suggested that no detriment could be found in the absence of an alternative fourth exit. Commissioner Humke and Chairman Larkin agreed.

On call for the question, the motion passed with a 4 to 1 vote with Commissioner Galloway voting “no.”

**9:34 p.m.** Commissioner Weber left the meeting.

**9:35 p.m.** The Board recessed.

**9:50 p.m.** The Board reconvened with Commissioner Weber absent.

**08-720            AGENDA ITEM 29 – ORDINANCE NO. 1376 - BILL NO. 1556 -  
AMENDING WASHOE COUNTY CODE CHAPTER 110**

**5:30 p.m.**

**Agenda Subject:** “Second reading and adoption of an Ordinance amending provisions relating to Washoe County Code Chapter 110, Article 314, Manufactured Home Parks, by deleting the requirement that a Manufactured Home Park’s water service must connect to a master water meter, and other matters properly relating thereto (Bill No. 1556). (All Commission Districts.)”

Chairman Larkin 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 Jung, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that Ordinance No. 1376, Bill No. 1556, entitled, "AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, ARTICLE 314, MANUFACTURED HOME PARKS, BY DELETING THE REQUIREMENT THAT A MANUFACTURED HOME PARK’S WATER SERVICE MUST CONNECT TO A MASTER WATER METER, AND OTHER MATTERS PROPERLY RELATING THERETO. (BILL NO. 1556)," be approved, adopted and published in accordance with NRS 244.100.

**08-721            AGENDA ITEM 30 – COMMUNITY DEVELOPMENT**

**5:30 p.m.**

**Agenda Subject:** “Recommendation for approval of the 2008 Washoe County Regional Open Space and Natural Resource Management Plan to include the Implementation Component and the staff recommended changes to the draft plan and approve County Commission responses to both Reno and Sparks City Councils. (All Commission Districts.)”

Bill Whitney, Senior Planner, distributed a revised staff report, which was placed on file with the Clerk.

Chairman Larkin opened the public hearing by calling on anyone wishing to speak for or against the recommendation for approval of the 2008 Washoe County Regional Open Space and Natural Resource Management Plan.

Mr. Whitney stated these were technical corrections with one exception. He said Attachment 3 added a paragraph because the Reno City Council endorsed the Plan, but stipulated that some language needed to be added since there was one sentence that did not work well with the Plan or any future funding options. He clarified this particular issue was related to the funding of the Open Space Plan portion of the NRS statute and not the regulatory affect of the Open Space Plan.

Michon Eben, Reno-Sparks Indian Colony representative, thanked staff for encouraging the Colony's participation. She was concerned that Map 10 indicated specific areas that were proposed as trailheads and asked that those be removed from the maps to discourage the use of off-road vehicles. Ms. Eben stated there were some resource studies being conducted in that area as well as many traditional cultural practice areas.

Chairman Larkin closed the public hearing.

In response to Commissioner Humke, Ms. Eben said there were cultural resource surveys being conducted and said the Tribe was conducting an ethno-historian interview and requested those trailheads be removed from the map.

Commissioner Galloway asked if the proposed trailheads were for motorized vehicles. Mr. Whitney said this was a Regional Plan and they were not designated as either. He explained the specifics for the trailhead would come later when the planning was complete.

Commissioner Jung said it was important that the County be sensitive to the needs of that community.

Chairman Larkin asked if three trailhead locations would be eliminated. Lynda Nelson, Planning Manager, clarified five trailheads would be eliminated.

On motion by Commissioner Jung, seconded by Commissioner Galloway, which motion duly carried with Commissioner Weber absent, it was ordered that Agenda Item 30 be approved, authorized and executed. It was further ordered that the changes proposed by the Reno-Sparks Indian Colony to eliminate the five trailhead locations be implemented.

**08-722      AGENDA ITEM 8 – DISTRICT HEALTH DEPARTMENT**

**Agenda Subject: “Request for approval to authorize issuance of Request for Proposal for the Washoe County Health District to bid Media Buying Services [approximate amount \$359,855]; and if approved, Washoe County Purchasing will administer a Bid Solicitation Package to obtain the required media buying services under the best possible financial arrangements. (All Commission Districts.)”**

Katy Singlaub, County Manager, explained this item was to issue the Requests for Proposals.

On motion by Commissioner Humke, seconded by Commissioner Jung, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that Agenda Item 8 be approved, authorized and administered.

**08-723            AGENDA ITEM 9 – DISTRICT HEALTH DEPARTMENT**

**Agenda Subject:** “Recommendation to approve amendments [increase of \$145,098 in revenue and expenses] to the Public Health Preparedness Program (internal order #10640); and if approved, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

On motion by Commissioner Humke, seconded by Commissioner Jung, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that Agenda Item 9 be approved and directed.

**08-724            AGENDA ITEM 12 – COMMUNITY DEVELOPMENT**

**Agenda Subject:** “Recommendation to appoint a Washoe County Planning Commissioner to Regional Planning Commission for a term July 1, 2008 to July 1, 2011, or until a successor is appointed. (All Commission Districts.)”

Following discussion, on motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that Roger Edwards be appointed from the Washoe County Planning Commission to the Regional Planning Commission for a term beginning July 1, 2008 and ending July 1, 2011, or until a successor was appointed.

**08-725            AGENDA ITEM 14 – AMENDING WASHOE COUNTY CODE**

**Agenda Subject:** “Introduction and first reading of an Ordinance amending provisions relating to Washoe County Code, Chapter 110, Article 218, Sun Valley Area, by adding a section that allows the secondhand sales use type outright in the neighborhood commercial regulatory zone in Sun Valley (Development Code Amendment Case Number DCA08-002). (Commission Districts 3 and 5.)”

Following discussion, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that this item be continued to the July 8, 2008 Board of County Commission meeting when Commissioner Weber would be present. The affected ordinance was located in District 5.

**08-726            AGENDA ITEM 15 – COMMUNITY DEVELOPMENT/COMMUNITY OUTREACH COORDINATORS**

**Agenda Subject:** “Discussion and possible direction to staff regarding the restructuring of Citizen Advisory Board meeting schedules and establishing Community Forums to improve citizen engagement and achieve cost efficiency (All Commission Districts.)”

Dave Childs, Assistant County Manager, explained this was in response to the current budget situation and explained with 150 Citizen Advisory Board (CAB) annual meetings and the expectations of the residents in the CAB areas that their Commissioner attend regularly it became difficult for some Commissioners. He said staff was exploring ways to enhance the functionality of the CAB's. He said the proposal reduced the number of CAB meetings from monthly to every other month, added a function called "Community Forum," which was not bound by the Open Meeting Law to allow better exchange between the people attending and the presenter. Mr. Childs commented this was driven for better attendance and connection with the community and to implement ways to make CAB meetings more functional and operational. He said following a survey distributed throughout the CAB's, approximately 70 percent indicated the duties could be fulfilled with meetings held every other month, 90 percent were in favor of a community forum, 65 percent felt that informational only items made sense at a community forum rather than a CAB meeting and 78 percent of CAB members stated they served on other boards.

Chairman Larkin said there was nothing in this proposal that would prevent CAB's from doing what was being proposed. Mr. Childs stated direction was needed from the Board for the number of meetings.

Commissioner Jung appreciated the survey; however, she would like staff to go to the CAB's and see what they preferred and, if they believed they could get their business completed with less meetings, possibly combine with other CAB's. She said she did not want to make that decision. Commissioner Jung also would like a policy implemented for each CAB member to fill out a standardized form on these issues after they had heard all the options.

Commissioner Galloway stated some CAB's dealt with many variances and felt if they met every other month some of these variances could not be heard in a timely manner.

Adrian Freund, Community Development Director, said staff reviewed the schedules and synchronized the CAB meetings with the Planning Commission and the Board of Adjustment meetings. He explained the 60 days could be met in every case and, if not, a special meeting would be evoked. Commissioner Galloway asked what was the statutorily regulation on variances and land use revocations. Mr. Freund replied there was a 60-day turnaround, but in most cases the applicant waived the time schedule.

Chairman Larkin indicated this item needed further discussion. Commissioner Jung suggested including Commissioner Humke's proposal to direct staff to go to the CAB's for their formal opinions on how they would like to save money as a CAB.

There was no response to the call for public comment.

There was no action taken on this item.

08-727            **AGENDA ITEM 32**

**Agenda Subject:** “Reports/updates from County Commission members concerning various boards/commissions they may be a member of or liaison to (these may include, but not be limited to, Regional Transportation Commission, Reno-Sparks Convention & Visitors Authority, Debt Management Commission, District Board of Health, Truckee Meadows Water Authority, Organizational Effectiveness Committee, Investment Management Committee, Citizen Advisory Boards).”

Commissioner Humke discussed upcoming meetings that he would be attending. He said in the future he may ask the Board for an agenda item to change the ordinance concerning air quality.

Commissioner Galloway said he submitted the Shorezone Ordinance edits to the Tahoe Regional Planning Agency (TRPA) and distributed copies of those edits to the Board and placed a copy on file with the Clerk.

\*   \*   \*   \*   \*   \*   \*   \*   \*   \*

**10:42 p.m.**    There being no further business to come before the Board, on motion by Commissioner Humke, seconded by Commissioner Jung, which motion duly carried with Commissioner Weber absent, Chairman Larkin ordered that the meeting be adjourned.

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**ROBERT 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:  
Stacy Gonzales, Deputy County Clerk*

## PROCLAMATION

WHEREAS, Public parks and recreation systems are dedicated to enhancing the quality of life for millions of residents in communities around the world through recreation programming, leisure activities and conservations efforts; and

WHEREAS, Parks, recreation activities and leisure experiences provide opportunities for young people to live, grow and develop into contributing members of society; create lifelines and continuous life experiences for older members of the community; generate opportunities for people to come together and experience a sense of community; and, pay dividends to communities by attracting business and jobs and increasing housing values; and

WHEREAS, Washoe County Department of Regional Parks and Open Space's mission is to provide exceptional parks, open space and recreations opportunities while preserving our natural, historical, and cultural resources; and

WHEREAS, The National Recreation and Park Association celebrates the month of July as Recreation and Parks Month and calls upon park and recreation supporters to join in recognizing the importance of our nation's parks and recreation facilities; now, therefore, be it

PROCLAIMED, By the Washoe County Board of Commissioners that July 2008 is designated as "Recreation and Parks Month" and the Board urges all residents of the Truckee Meadows to enjoy what this community has to offer by taking part in their favorite sports, visiting the outdoors, spending time with family and friends or just relaxing.

ADOPTED THIS 24<sup>th</sup> day of June, 2008.

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Robert M. Larkin, Chairman



RESOLUTION NO. 08-704

**A RESOLUTION APPROVING THE AMENDED AND RESTATED JOINT POWERS AGREEMENT AMONG THE CITY OF RENO, CITY OF SPARKS, SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT, SUN VALLEY GENERAL IMPROVEMENT DISTRICT, TRUCKEE MEADOWS WATER AUTHORITY AND WASHOE COUNTY CREATING THE WESTERN REGIONAL WATER COMMISSION AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.**

\* \* \* \* \*

WHEREAS, Senate Bill 487, codified as the Western Regional Water Commission Act, Chapter 531, Statutes of Nevada 2007 (Special Acts), establishes the Western Regional Water Commission to be effective on April 1, 2008; and

WHEREAS, Section 24 of Senate Bill 487, codified as the Western Regional Water Commission Act, Chapter 531, Statutes of Nevada 2007 (the "Act"), provides that by entering into a cooperative agreement pursuant to NRS 277.080 to 277.180, inclusive, the City of Reno, City of Sparks, Washoe County, Sun Valley General Improvement District, South Truckee Meadows General Improvement District and Truckee Meadows Water Authority may jointly authorize the Regional Water Commission to exercise such powers, privileges or authority that each of those entities may individually exercise pursuant to the laws of this State; and

WHEREAS, the Amended and Restated Joint Powers Agreement is to implement Section 24 of the Act; and

WHEREAS, the County of Washoe is authorized to enter into a joint powers agreement for the performance of any governmental function pursuant to the provisions of NRS 277.080 to 277.180; and

WHEREAS, on January 22, 2008, the Board of County Commissioners approved the Joint Powers Agreement; and

WHEREAS, on May 16, 2008, the Western Regional Water Commission approved the action to amend and restate the Joint Powers Agreement; and

WHEREAS, the Board of County Commissioners desires to approve the Amended and Restated Joint Powers Agreement; and

NOW, THEREFORE, BE IT RESOLVED by the County of Washoe, that the Amended and Restated Joint Powers Agreement Among the City of Reno, City of

Sparks, South Truckee Meadows General Improvement District, Sun Valley General Improvement District and Truckee Meadows Water Authority for the purpose of creating the Western Regional Water Commission is hereby approved, and is attached in full hereto as an exhibit.

Upon motion by Commission member Weber, seconded by Commission member Hanke, the foregoing Resolution was passed and adopted this 24 day of June, 2008, by the following vote:

ADOPTED this 24<sup>th</sup> day of June, 2008 by the following vote:

AYES: Weber-Hanke-LARKIN-GALLOWAY-Jung

NAYS: none

ABSENT: none

ABSTAIN: none

Robert M Larkin  
Robert M. Larkin, Chairman  
Washoe County Commission

STATE OF Nevada )  
 ) ss:

COUNTY OF Washoe )

On this 24<sup>th</sup> day of June, 2008 before me a Notary Public in and for the County of Washoe, State of Nevada, personally appeared ROBERT M. LARKIN known to me to be the person(s) described herein and who executed the foregoing instrument and who acknowledged to me that they executed the same freely and voluntarily on behalf of Washoe County, for the uses and purposes therein mentioned.

Rita Lencioni  
Notary Public

