

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

JUNE 8, 2004

PRESENT:

Jim Shaw, Chairman
Bonnie Weber, Vice Chairman
David Humke, Commissioner*
Jim Galloway, Commissioner
Pete Sferrazza, Commissioner

Amy Harvey, County Clerk
Katy Singlaub, County Manager
Madelyn Shipman, Assistant District Attorney

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:

04-509A WORK CARD PERMIT APPEAL - CONTINUATION FROM
MAY 17, 2004 – PAUL CLAY

Paul Clay's appeal, continued from May 17, 2004, of the Sheriff's denial of his work card permit application was considered on Monday, June 7, 2004 prior to the Caucus meeting in the Commission Caucus Room, 1001 East Ninth Street, Second Floor, Reno, Nevada, with Commissioners Shaw, Humke, Galloway, and Weber present.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, the Board convened in closed session to hear testimony as to why the work card should or should not be granted.

The appellant, Paul Clay, as well as Nola Jones, Trinity Church Interfaith Activity Coordinator, were present to offer testimony during the closed session. Also present was Alice LeDesma, Washoe County Social Services, Child Care Licensing Division.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, the Board reconvened in open session and the following action was taken:

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Humke voting "no" and Commissioner Sferrazza absent, the Board ordered that the appeal be approved and that the work card permit be granted to Paul Clay.

04-509B AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Humke absent, Chairman Shaw ordered that the agenda for the June 8, 2004 meeting be approved with the following changes: **Delete** Item 9 Sierra Forest Fire Protection District and Item 10 Truckee Meadows Fire Protection District.

04-510 PUBLIC COMMENTS

Neal Cobb, Golden Valley Property Owners Association, requested enforcement to stop illegal dumping. He thanked the Board for their support, acknowledged the names of the organizations and people who helped in the North Valley cleanup, and said a total of approximately 230 yards of garbage was removed.

***2:07 p.m.** Commissioner Humke arrived at the meeting during public comment.

Jon Obester, member of the County Board of Equalization (BOE), said he was resigning from the BOE as of June 30, 2004.

Guy Felton, local resident, cited his handouts and his own mistreatment in the Washoe County jail as creating the need for a Citizens Police Review Committee in Washoe County.

Al Hesson, local resident, spoke on President Bush cutting veteran benefits, slashing VA hospital budgets and the rising casualties in the Iraq war.

Gary Schmidt, member of the County BOE, thanked Mr. Obester for serving on the BOE, especially since he changed his plans so he could attend the June workshop.

Sam Dehne, Reno City resident, said if he were elected Mayor of Reno, he would not move into the lavish new quarters. He also said there are problems with the voting system, and he believes no one will know if their vote was counted correctly or not.

Later in the meeting Chairman Shaw stated that J. Edward Parker, local resident, submitted a card for public comments after public comment was closed and has requested to speak. Mr. Parker said he is requesting that the Food Bank of Northern Nevada be recognized, perhaps giving them a proclamation of support, as a future agenda item.

MANAGER'S/COMMISSIONERS' COMMENTS

Commissioner Weber stated the North Valleys Neighborhood Watch Program is being stopped for the summer and will resume the first Monday in October. She also said the Verdi Citizen Advisory Board needs more members.

Katy Singlaub, County Manager, thanked all the adoptive parents, members of Family Court, and staff members who participated in Adoption Day, Saturday, June 5th. There are still 150 children in Washoe County that are waiting for adoption.

Commissioner Sferrazza said he has a conflict with the NACO Board meeting on June 18th at 10:00 a.m. and said Commissioner Galloway and Commissioner Weber would attend in his place. Commissioner Galloway replied they would have to leave after an hour to attend the Mills Lane dedication.

Chairman Shaw said he participated in the start of the 2004 Children's Summer Food Program at Miguel Rivera Park, which is part of a network of 32 sites that will provide lunch, Monday through Friday, at no cost to any child that shows up.

04-511 PROCLAMATION – HONORING THE PROGRAM OF VOLUNTEERS OF SECRET WITNESS OF NORTHERN NEVADA

On motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, it was ordered that the following Proclamation, which Chairman Shaw read and presented to David Carbon, Secret Witness of Northern Nevada Chairman, be adopted and the Chairman be authorized to execute the same:

PROCLAMATION

WHEREAS, June 10, 2004 is the 25th anniversary of Secret Witness of Northern Nevada; and

WHEREAS, Secret Witness is a private volunteer organization dedicated to solving crimes by generating information, not otherwise available, that aids law enforcement in arresting and prosecuting suspects; and

WHEREAS, Secret Witness provides a hotline for callers to report crimes anonymously 7 days a week, 24-hours a day, 12 months a year and provides translation services in over 140 languages; and

WHEREAS, Secret Witness also provides a special School Hotline for middle and high school students to assist in reducing crime and violence at school, anonymously; and

WHEREAS, At its inception in 1979, the program was one of the first of its kind in the nation. Today, it serves as a model for more than 750 similar programs nationwide; and

WHEREAS, Secret Witness has grown from taking five or six calls a month to an average of 250. Tips have been critical in solving more than 700 crimes, including more than 20 murders; and

WHEREAS, Secret Witness continuously strives to keep our streets, homes, neighborhoods and community free from crime, now, therefore, be it

PROCLAIMED, By the Washoe County Board of Commissioners that June 20, 2004 is a day to honor the program and volunteers of Secret Witness of Northern Nevada.

Mr. Carbon thanked the Board of County Commissioners for the honor.

04-512 **RECOGNITION OF EMPLOYEES – EXCELLENCE IN TEAMWORK – STRATEGIC PLANNING**

John Slaughter, Strategic Planning Manager described the criteria used to choose the recipients from the 40 nominations. He said the four chosen would receive a scholarship to the 2004 Innovation Group Transforming Local Government Conference.

Chairman Shaw presented a *2004 Washoe County Excellence in Teamwork Award* to Nikki Robinson, Jennifer Budge, and Dave McNinch; Marynne Aaronson was not present to accept the award.

Mr. Slaughter stated each of the employees nominated would be presented with an *Excellence in Teamwork* recognition certificate by their department.

04-513 **MINUTES**

On motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the minutes of the February 10, 2004 meeting be approved.

04-514 **ACCEPTANCE OF GRANT – LIBRARY SERVICES AND TECHNOLOGY ACT ALLOCATIONS – ELECTRONIC MANAGEMENT SYSTEMS - LIBRARY**

Upon recommendation of Kathy Atkinson, Account Clerk, through Nancy Cummings, Library Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the Library Services and Technology Act (LSTA) allocation in the amount of \$30,000 for an Electronic Management System be accepted.

**04-515 ACCEPTANCE OF GRANT – LIBRARY SERVICES AND
TECHNOLOGY ACT ALLOCATIONS – SPECIALIZED LIBRARY
COLLECTIONS - LIBRARY**

Upon recommendation of Kathy Atkinson, Account Clerk, through Nancy Cummings, Library Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the Library Services and Technology Act (LSTA) allocation in the amount of \$50,000 for Specialized Library Collections be accepted.

**04-516 BUDGET ADJUSTMENTS – TRAVEL EXPENDITURES -
FINANCE**

Upon recommendation of John Sherman, Finance Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the amendments to the Fiscal Year 2003/2004 Travel Expense budget to accommodate travel expenditures in excess of the original budgets but within the individual Department's total budget be approved for the following expenditures:

1. \$1,800 – Public Works Department Telecommunications Division adjustment for travel to Virginia for training on the 800 MHZ system.
2. \$3,000 – Registrar of Voters adjustment for travel due to the implementation of HAVA.
3. \$500 – Clerk's office adjustment for attendance at the CFOA conference in Ely.
4. \$6,005 Senior Services adjustment for travel to conferences and training.
5. \$445 – Community Relations adjustment for travel to Miami for the 3CMA Board of Director's meeting.
6. \$450 – Sparks Justice Court adjustment for travel to the NCJIS Steering Committee meeting in Las Vegas.
7. \$2,000 – E911 Advisory Board adjustment for attendance at a seminar, which was approved by the Board on March 16, 2004.

04-517 DONATION – PURCHASE SECURITY AND EMERGENCY EQUIPMENT AND BOAT CREW TRAINING – INCLINE VILLAGE SUBSTATION – SHERIFF

Upon recommendation of Lieutenant Gregg Lubbe, Incline Village Substation Commander, through Dennis Balaam, Sheriff, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that an anonymous donation of \$30,000 to cover the cost of purchasing necessary security and emergency equipment and for boat crew training for the Incline Village Substation be accepted with the Board’s gratitude and the Budget Division be directed to make the following account adjustments:

Account	Increase Amount
Revenue: 20004-484000	\$30,000
Expenditure: 20004-711504	\$27,500
20004-710509	\$ 2,500

04-518 DONATIONS – HOT AUGUST NIGHTS ORGANIZATION AND WASHOE COUNTY DEPUTIES ASSOCIATION, INC. - HONOR GUARD - SHERIFF

Upon recommendation of Lieutenant Todd Vinger, through Dennis Balaam, Sheriff, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the donations from the Hot August Nights Organization in the amount of \$5,000 and from the Washoe County Deputies Association, Inc. in the amount of \$500 be accepted with the Board’s gratitude. It was noted the funds are to assist in paying the Sheriff’s Office Honor Guard costs and expenses.

04-519 DONATIONS – 2004 TRANSFORMING LOCAL GOVERNMENT CONFERENCE – COMMUNITY RELATIONS

Upon recommendation of Kathy Carter, Community Relations Director, through Katy Singlaub, County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that donations to be used for the 2004 Transforming Local Government conference totaling \$19,250 be accepted with the Board’s gratitude and Finance be directed to make the following account adjustments:

Account	Increase Amount
Revenue: 20214-484000 Operating Contributions and Donations	\$19,250
Expenditure: 20214-710500 Other Expenses	\$19,250

The following are the contributions received to date:

Sierra Pacific Power Company	\$2,500
Bank of America	\$1,000
Charles Schwab	\$2,500
Beech Street Corp.	\$1,000
Eco:Logic, LLC	\$1,000
Sherman & Howard	\$500
Ariston Consulting	\$5,000
jnadeau	\$500
Clark & Sullivan	\$1,000
Hobbs, Ong & Assoc.	\$500
Reynen & Bardis Develop.	\$2,500
Bowling Mamola Group	\$1,000
Nevada Security Bank	\$250

04-520 REAPPOINTMENT – VERDI CITIZEN ADVISORY BOARD

On motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that Gene Gardella and Andrea Manor be reappointed as at-large representatives on the Verdi Citizen Advisory Board with terms from July 1, 2004 to June 30, 2006.

04-521 REAPPOINTMENT – SUN VALLEY CITIZEN ADVISORY BOARD

On motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that Angela Dazey, Garth Elliot, and Charles Woodland be reappointed as at-large representatives on the Sun Valley Citizen Advisory Board with terms from July 1, 2004 to June 30, 2006.

04-522 REAPPOINTMENT – REGIONAL WATER PLANNING COMMISSION

On motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that Michael DeMartini be reappointed as a voting member of the Regional Water Planning Commission representing domestic well owners for the term of July 1, 2004 to June 30, 2007.

04-523 NAMING OF UNNAMED EASEMENT – OUTBACK LANE – REGIONAL STREET NAMING COMMITTEE

Upon recommendation of the Regional Street Naming Committee, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the naming of an unnamed easement “Outback

Lane”, located north and south off Curnow Canyon Road east of the northern terminus of Sky Canyon Drive be approved effective June 8, 2004.

**04-524 NAMING OF UNNAMED EASEMENT – SALET LANE –
REGIONAL STREET NAMING COMMITTEE**

Upon recommendation of the Regional Street Naming Committee, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the naming of an unnamed easement “Salet Lane”, located north then west off Cantlon Drive approximately 0.9 mile west of the intersection of State Route 447 and Cantlon Drive and parallels the north side of Interstate 80 be approved effective June 8, 2004.

**04-525 NAMING OF UNNAMED EASEMENTS – SMITTEN LANE AND
MARCIE WAY – REGIONAL STREET NAMING COMMITTEE**

Upon recommendation of the Regional Street Naming Committee, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the naming of unnamed easements “Smitten Lane” and “Marcie Way” located south and west off State Route 447 approximately 60 miles northwest of Gerlach be approved effective June 8, 2004.

**04-526 RESOLUTION – DONATE MISCELLANEOUS USED SURPLUS
AUTOMOTIVE LAW ENFORCEMENT EQUIPMENT - WASHOE
COUNTY SCHOOL DISTRICT – EQUIPMENT SERVICES**

Upon recommendation of Jean Ely, General Services Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Shaw be authorized to execute the same:

RESOLUTION

WHEREAS, Equipment Services was established to provide fleet services including acquisition, maintenance and disposal of fleet vehicles and equipment and to provide management and administration of related fleet services for Washoe County; and

WHEREAS, Equipment Services is disposing of several pieces of surplus used miscellaneous law enforcement equipment (not vehicles) such as light bars, siren controllers, amber directional controllers, speakers, cages, racks, etc; and

WHEREAS, The Washoe County School District, School Police Department, is in need of certain items of miscellaneous law enforcement equipment; now, therefore, be it

RESOLVED, That the Washoe County Board of Commissioners support the needs of the Washoe County School District and declare:

Section 1. NRS 244.1505, Section 2.a. empowers the Board of County Commissioners to donate to other government entities certain commodities, supplies, materials and equipment that the Board determines to have reached the end of their useful life.

Section 2. The above-mentioned County owned surplus used miscellaneous law enforcement equipment will be donated in “as is” condition to the Washoe County School District.

Section 3. This Resolution shall be effective on passage and approval by the Board of County Commissioners.

Section 4. The County Clerk is hereby directed to distribute copies of this Resolution to the Comptroller’s Office, Finance, Purchasing and Equipment Services.

04-527 FEE WAIVER - MARTIN LUTHER KING PARK COMMUNITY CENTER - REUNION HONORING HELEN WESTBROOK – PARKS

Reverend Thurman Carthen, Grandview Terrace General Improvement District (GVTGID) Water District Chairman, said he does not think it is fair for people in the community to be charged so much to use the community park when they were the ones who did all of the work on the park buildings.

May Carthen, member of the GVTGID, said it hurts that the Grand View Terrace Water District does not have a space in the community center considering its contribution to the community.

Upon recommendation of Karen Mullen, Parks Director, through Michelle Poche, Assistant County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the request for fee waiver of \$120 per day for use of the Martin Luther King Park Community Center on July 22-25, 2004 for a reunion event honoring Helen Westbrook be approved.

04-528 AGREEMENT – EL DORADO COUNTY - CORONER

Upon recommendation of Vernon McCarty, Coroner, through Risk Management and the District Attorney, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Agreement for Services #561-SO311 between Washoe County and El Dorado County, California, concerning use of the Coroner’s laboratory, be renewed and Chairman Shaw be

authorized to execute two documents entitled Amendment 1; which provide for renewal of the existing contract.

04-529 FACILITY USE AGREEMENT – VETERANS OF FOREIGN WARS, VERDI POST 10053 – GENERAL SERVICES

Upon recommendation of Jean Ely, General Services Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the 12-month Facility Use Agreement between the Veterans of Foreign Wars of the United States Verdi Post No. 10053, a Nonprofit Nevada Corporation (Lessor), and Washoe County (Lessee) for lease of space in the VFW Building in Verdi, Nevada for continued use by the Verdi Township Citizen Advisory Board from July 1, 2004 through June 30, 2005 in the amount of \$720 annually be approved and Chairman Shaw be authorized to execute the same.

04-530 AGREEMENT – STANTEC CONSULTING, INC. – TESTING AND INSPECTION SERVICES - 2004/05 STREET PAVING PROJECT – PUBLIC WORKS

Commissioner Weber disclosed her husband is employed by Stantec Consulting, Inc., but she did not believe there was any financial impact and had been informed by Legal Counsel at yesterday's Caucus that it would not be a conflict.

Upon recommendation of David Price, County Engineer, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the agreement between Washoe County and Stantec Consulting, Inc. for Testing and Inspection Services for the 2004/05 Paving of Selected Streets Project in the amount of \$60,758 be approved and Chairman Shaw be authorized to execute the contract documents upon presentation.

04-531 AGREEMENT - NORTECH GEOTECHNICAL CONSULTANTS – TESTING AND INSPECTION SERVICES - 2004/05 SLURRY SEAL PROJECT – PUBLIC WORKS

Upon recommendation of David Price, County Engineer, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the agreement between Washoe County and Nortech Geotechnical Consultants for Testing and Inspection Services for the 2004/05 Slurry Seal of Selected Streets Project in the amount of \$46,983 be approved and Chairman Shaw be authorized to execute the contract documents upon presentation.

04-532 AGREEMENT - TERRACON - TESTING AND INSPECTION SERVICES - INCLINE VILLAGE LIBRARY - PUBLIC WORKS

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the agreement between Washoe County and Terracon for testing and inspection services for the Incline Village Library in the amount of \$73,500 be approved and Chairman Shaw be authorized to execute the contract documents upon presentation.

04-533 AMEND INDEPENDENT CONTRACTOR AGREEMENT – NIKI LINN – EDITORIAL SERVICES - COMPREHENSIVE REGIONAL WATER MANAGEMENT PLAN UPDATE – WATER RESOURCES

Upon recommendation of Jim Smitherman, Water Management Planner Coordinator, and Jeanne Ruefer, Planning Division, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the amendment to the Independent Contractor Agreement for Services between Washoe County and Niki Linn for editorial services on the Washoe County Comprehensive Regional Water Management Plan update in the additional amount of \$10,000 for Fiscal Year 2003/04 be approved and Chairman Shaw be authorized to execute the same.

04-534 HIDDEN VALLEY WATER SYSTEM FACILITY PLAN - WATER RESOURCES

Commissioner Weber disclosed her husband is employed by Stantec Consulting, Inc., but she did not believe there was any financial impact and had been informed by Legal Counsel at yesterday's Caucus that it would not be a conflict.

Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the Hidden Valley Water System Facility Plan prepared by Stantec Consulting Inc. be approved.

04-535 CENTRAL TRUCKEE MEADOWS REMEDIATION DISTRICT 2003 ANNUAL REPORT - WATER RESOURCES

Upon recommendation of Jeanne Ruefer, Planning Division, and Chris Benedict, Remediation District Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the Central Truckee Meadows Remediation District 2003 Annual Report be approved.

**AGREEMENT – RENO/SPARKS/WASHOE COUNTY SKYFIRE
AND STAR SPANGLED SPARKS - PARKS**

Commissioner Galloway said instead of seeing the amount contributed go up and down as it has in the past he would like to determine a set amount to be contributed each year. He recommended the \$10,000 be split between the Skyfire and Star Spangled Sparks with the park fee waived for Skyfire.

Commissioner Weber said she agreed with Commissioner Galloway that \$20,000 plus the park fee waiver is too much money and maybe future events could be combined. Commissioner Humke stated he agreed.

Chairman Shaw, said since it is so close to the event, he wanted to fund both events, and the Board should look at making a policy statement next year about the total amount and how to divide it up.

Stan Sherer, City of Sparks Parks and Recreation Director, said Star Spangled Sparks is a daylong event that is currently a partnership between downtown businesses, the Chamber of Commerce, and the City of Sparks.

Commissioner Galloway asked if alternating the events had ever been discussed. Mr. Shear said no. He said the large crowds during the last few years would be a burden on any individual site.

Mr. Johnson, Skyfire Inc., provided the history of the Skyfire event. The amount budgeted for the event is \$49,000 with only \$39,000 contributed. He said they are \$6,000 in the hole from last year; and, even if the County contributed \$10,000, they would still be short \$7,000 for this year. He felt it is doubtful the \$12,000 could be raised in the next 20 days, which means businesses that extended credit to this nonprofit organization would not be paid. He said the Skyfire Board would have to decide how far in debt to go.

J. Edward Parker, local resident, suggested the events alternate yearly.

Commissioner Sferrazza said America's Birthday is the most important community event the County celebrates. He supports full funding for both events.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that funding for Skyfire 2004 in the amount of \$5,000 and funding for Star Spangled Sparks in the amount of \$5,000 be approved. It was further ordered that the fee waiver to Skyfire for the use of Rancho San Rafael Regional Park in the amount of \$2,000 be approved.

RESOLUTION – AUGMENT REGIONAL PUBLIC SAFETY TRAINING CENTER BUDGET - FINANCE

Upon recommendation of Ron Steele, Fiscal Analyst II, through John Sherman, Finance Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Shaw be authorized to execute the same:

RESOLUTION

A RESOLUTION TO AUGMENT THE REGIONAL PUBLIC SAFETY TRAINING CENTER (RPSTC) – SPECIAL REVENUE FUND

WHEREAS, The County has taken over operations of the Regional Public Safety Training Center for the benefit of local public safety agencies.

WHEREAS, The existing funds of the RPSTC transferred to Washoe County’s Regional Public Safety Training Center – Special Revenue Fund created to separate the Training Center from other County financial activities; and

WHEREAS, NRS 354.598005 (1b) requires the County Commission adopt by majority vote of all members of the Commission, a Resolution authorizing the expenditure of the transferred funds at a regularly scheduled meeting of the Commission.

WHEREAS, The County will annually budget resources and disbursements to operate the Regional Public Safety Training Center, now, therefore be it

RESOLVED, By the Washoe County Board of Commissioners that:

Section 1. The budget of the Regional Public Safety Training Center – Special Revenue Fund be augmented as follows:

<u>Increase Revenues</u>		
209000/433300	Local Contributions	\$317,000
 <u>Increase Expenditures</u>		
2009000/701110	Base Salaries	\$67,000
2009000/710100	Professional Services	\$50,000
2009000/710300	Operating Supplies	<u>\$200,000</u>
Total		\$317,000

Section 2. This Resolution shall be effective upon passage and approval.

Section 3. The County Clerk is hereby directed to distribute executed copies of the Resolution to the Department of Taxation, the Comptroller, and the Budget Division.

04-538

RESOLUTION – AUGMENT INDIGENT TAX LEVY FUND
BUDGET - FINANCE

Upon recommendation of Karen Wallace, Fiscal Analyst, through John Sherman, Finance Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Shaw be authorized to execute the same:

RESOLUTION

To Augment the Indigent Tax Levy Fund (Fund 021)

WHEREAS, total resources of the Indigent Tax Levy Fund were budgeted to be \$9,867,051 on July 1, 2003; and

WHEREAS, the total available resources are now determined to be \$10,350,109; and

WHEREAS, said additional resources in the amount of \$483,058 are a result of the Indigent Tax Levy Fund’s FY 2002/2003 actual ending fund balance; and

WHEREAS, there is a need to apply these previously unbudgeted resources to the Indigent Tax Levy Fund.

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

Section 1. That the budget of the Indigent Tax Levy Fund be augmented as follows:

<u>Increase Revenues</u>		
Unappropriated Opening Fund Balance		<u>\$483,058</u>
		\$483,058
<u>Increase Expenditures</u>		
021-21010-710722	Clinic Services	<u>\$483,058</u>
		\$483,058

Section 2. This Resolution shall be effective on passage and approval.

Section 3. The County Clerk is hereby directed to distribute copies of this Resolution to the Department of Taxation, the Comptroller, and the Budget Division within the Washoe County Finance Department.

RESOLUTION – BALLOT QUESTION VECTOR BORNE DISEASES PROGRAM TAX - FINANCE

Upon recommendation of John Sherman, Finance Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Shaw be authorized to execute the same:

RESOLUTION

A RESOLUTION DESIGNATED AS THE "WASHOE COUNTY DISTRICT HEALTH DEPARTMENT'S VECTOR BORNE DISEASES PROGRAM TAX RESOLUTION;" DECLARING THE NECESSITY OF SUBMITTING A QUESTION AT THE GENERAL ELECTION ON TUESDAY, NOVEMBER 2, 2004 ASKING THE ADVICE OF THE REGISTERED VOTERS RESIDING IN WASHOE COUNTY WHETHER AN EXISTING TAX SHOULD BE CONTINUED TO BE IMPOSED IN WASHOE COUNTY FOR VECTOR CONTROL; PRESCRIBING THE QUESTION AND OTHER DETAILS IN CONNECTION WITH THE ELECTION; RATIFYING ACTION PREVIOUSLY TAKEN RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, Washoe County (the "County"), in the State of Nevada (the "State"), was duly organized and created pursuant to Nevada Revised Statutes ("NRS") 243.340, and is operating as a County under NRS Chapter 244 and the general laws of the State; and

WHEREAS, the Board of County Commissioners (the "Board") of the County has determined that it is necessary and advisable that the County submit a question as set forth herein (the "Question") to the registered voters residing within Washoe County at the next succeeding general election to be held on November 2, 2004 (the "Election") pursuant to NRS 293.482 (the "Advisory Question Statute"), for the purpose of obtaining the advice of the electors on a question the Board has under consideration.

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

Section 1. This resolution shall be known and may be cited as the "Washoe County District Health Department's Vector Borne Diseases Program Tax Resolution " (the "Resolution").

Section 2. The Board hereby finds and declares the necessity of submitting the Question to the registered voters residing within the boundaries of

Washoe County (the "Area") at the Election pursuant to Advisory Question Statute for the purpose of obtaining the advice of the electors on a matter the Board has under consideration.

Section 3. The Question is hereby designated and ordered to be submitted to the registered voters residing within the boundaries of the Area at the Election. The Election shall be conducted in accordance with Chapter 293 and 293B of NRS, and all laws amendatory thereof (the "General Election Act").

Section 4. Every person who resides within the boundaries of the Area at the time of the holding of the Election, and whose name appears upon the official register of voters for the County, shall be entitled to vote at the Election if such person has complied with the registration laws of the State.

Section 5. Absent voting shall be permitted in the manner provided by NRS 293.309 through 293.340, as amended, and laws thereunto enabling.

Section 6. On or before July 19, 2004, the County Clerk shall provide the County Registrar of Voters (the "Registrar") with a copy of the Question, including an explanation of the Question as set forth herein, and arguments for and against the Question shall be formulated as set forth in NRS 295.121, as amended.

Section 7. Voter registration for the Election shall be conducted in accordance with the General Election Act. Any qualified elector whose name does not appear on the official registry list of qualified electors for the Area within the County, as shown by the records of the registry agent, may apply to the Registrar at his office or before a Deputy Registrar, up to and including the last day for registration of voters, as provided in NRS. Registration offices shall be open during regular office hours (8:00 a.m. to 5:00 p.m. on Mondays through Fridays, with Saturdays, Sundays and legal holidays excepted); but during the last five (5) days before registration closes, including the Saturday on which registration closes, registration offices shall be open from 8:00 a.m. to 5:00 p.m., and from 7:00 p.m. to 9:00 p.m. The Registrar is hereby directed to give notice of the close of registration by publishing in a newspaper having general circulation in the County a notice indicating the day that registration will close. Such notice shall be published once in each calendar week for four successive calendar weeks next preceding the close of registration, and may be as specified by the Registrar.

Section 8. An electronic voting system, and, to the extent necessary, paper ballots shall be used at the election for voting, for registering, and for counting votes cast, including, without limitation, those cast on the Question, as provided in the Bond Election Act, in the General Election Act, and in all laws thereunto enabling. There shall be inserted in each of the ballot page assemblies or otherwise in the electronic voting system the submission clause for the Question in substantially the following form, with such changes as are approved by the County Manager or County Finance Director:

[Form of Submission Clause]

WASHOE ADVISORY BALLOT QUESTION NO. ____.

This question is advisory only: Do you support the continuation of an existing property tax in Washoe County for use by the Washoe County District Health Department's Vector Borne Diseases Program in case of an emergency in the amount of \$0.005 per \$100 assessed valuation?

Yes /___/
No /___/

Explanation: A "yes" vote would advise Washoe County that voters wish to continue an existing \$0.005 property tax rate for use by Washoe County District Health Department's Vector-Borne Diseases Program in case of an emergency.

This tax provides a fund for use by the Washoe County District Health Department's Vector Borne Diseases Program in case of an emergency outbreak such as West Nile virus or event such as the "anthrax" incident that happened at the Microsoft Company in 2001. With the public health threat to Washoe County from the spreading nationwide West Nile virus epidemic, it was important to act before the legislative \$3.64 tax rate cap was reached. The Board of County Commissioners imposed the \$0.005 tax rate beginning in July 1, 2003 and created an account that accumulates about \$500,000 per year, the money in this account can only be used for an emergency and upon County Commission approval only for the Vector-Borne Diseases Program.

The West Nile virus can infect humans, birds, mosquitoes, horses and some other mammals. The virus may cause West Nile fever--a mild disease in people, characterized by flu like symptoms. West Nile fever typically lasts only a few days and does not appear to cause any long-term health effects. More severe disease due to a person being infected with this virus can be West Nile encephalitis, West Nile meningitis, or West Nile meningoencephalitis. Encephalitis refers to an inflammation of the brain, meningitis is an inflammation of the membrane around the brain and the spinal cord, and meningoencephalitis refers to inflammation of the brain and the membrane surrounding it.

The Centers for Disease Control to date for 2003 has identified 9,858 cases of the human illness compared to 4,156 cases in 2002. About 30% of these cases suffered severe symptoms including encephalitis and meningitis and may experience permanent neurological disability. The Centers for Disease Control calls this outbreak the largest West Nile virus epidemic ever recorded. However, the human fatalities from West Nile virus decreased somewhat with 264 deaths in 2003 compared to 284 in 2002. This decline may result from increased public awareness about the need to seek supportive medical treatment sooner after becoming ill.

A "no" vote would advise Washoe County that voters do not support continuing an existing \$0.005 property tax for the purpose of an emergency fund to be use by the Washoe County District Health Department's Vector Borne Diseases Program.

[Insert Arguments For and Against the Question and Rebuttals to those Arguments prepared in accordance with NRS 295.121]

Fiscal Note: The current property tax levy of \$0.005 per \$100 assessed valuation would continue the property taxes that the owner of a new \$100,000 home will pay of \$17.50 per year. If the tax continues to be levied, Washoe County may sell bonds payable from the tax that are backed by the full faith and credit of the assessed value of the County. Following the levy of the tax, additional expenses are expected to be incurred to pay for the operation and maintenance of the facilities acquired, which will be paid from the tax or from existing County resources.

[End of Form of Submission Clause]

Section 9. A sample ballot shall be mailed to each registered voter in the County as provided by NRS 293.565, 350.024 and 350.027, and shall include, without limitation, the registered voter's precinct number and polling place and the information in substantially the form as shown in the submission clause in the preceding section with such changes as are approved by the County Manager or County Finance Director:

[Information to Be Included in Sample Ballot]

WASHOE ADVISORY BALLOT QUESTION NO. ____.

This question is advisory only: Do you support the continuation of an existing property tax in Washoe County for use by the Washoe County District Health Department's Vector Borne Diseases Program in case of an emergency in the amount of \$0.005 per \$100 assessed valuation?

Yes /___/

No /___/

Explanation: A "yes" vote would advise Washoe County that voters wish to continue an existing \$0.005 property tax rate for use by Washoe County District Health Department's Vector-Borne Diseases Program in case of an emergency. The current property tax levy of \$0.005 per \$100 assessed valuation would continue the property taxes that the owner of a new \$100,000 home will pay of \$17.50 per year.

This tax provides a fund for use by the Washoe County District Health Department's Vector Borne Diseases Program in case of an emergency outbreak such as West Nile virus or event such as the "anthrax" incident that happened at the Microsoft Company in 2001. With the public health threat to Washoe County from the spreading nationwide West Nile virus epidemic, it was important to act before the legislative \$3.64 tax rate cap was reached. The Board of County Commissioners imposed the \$0.005 tax rate beginning in July 1, 2003 and created an account that accumulates about \$500,000 per year, the money in this account can only be used for an emergency and upon County Commission approval only for the Vector-Borne Diseases Program.

The West Nile virus can infect humans, birds, mosquitoes, horses and some other mammals. The virus may cause West Nile fever--a mild disease in people, characterized by flu like symptoms. West Nile fever typically lasts only a few days and does not appear to cause any long-term health effects. More severe disease due to a person being infected with this virus can be West Nile encephalitis, West Nile meningitis, or West Nile meningoencephalitis. Encephalitis refers to an inflammation of the brain, meningitis is an inflammation of the membrane around the brain and the spinal cord, and meningoencephalitis refers to inflammation of the brain and the membrane surrounding it.

The Centers for Disease Control to date for 2003 has identified 9,858 cases of the human illness compared to 4,156 cases in 2002. About 30% of these cases suffered severe symptoms including encephalitis and meningitis and may experience permanent neurological disability. The Centers for Disease Control calls this outbreak the largest West Nile virus epidemic ever recorded. However, the human fatalities from West Nile virus decreased somewhat with 264 deaths in 2003 compared to 284 in 2002. This decline may result from increased public awareness about the need to seek supportive medical treatment sooner after becoming ill.

A "no" vote would advise Washoe County that voters do not support continuing an existing \$0.005 property tax for the purpose of an emergency fund to be use by the Washoe County District Health Department's Vector Borne Diseases Program.

[Insert Arguments For and Against the Question and Rebuttals to those Arguments prepared in accordance with NRS 295.121]

Fiscal Note: The current property tax levy of \$0.005 per \$100 assessed valuation would continue the property taxes that the owner of a new \$100,000 home will pay of \$17.50 per year. If the tax continues to be levied, Washoe County may sell bonds payable from the tax that are backed by the full faith and credit of the assessed value of the County. Following the levy of the tax, additional expenses are expected to be incurred to pay for the operation and maintenance of the facilities acquired, which will be paid from the tax or from existing County resources.

[End of Information to Be Included in Sample Ballot]

Section 10. If it is impractical to supply the polling place with electronic voting devices, there shall be supplied as many such paper ballots, ballot cards and ballot page assemblies as it is practical to procure.

Section 11. Nothing in this Resolution prevents the inclusion in the ballots of provisions for the expression by the qualified registered voters of the Area of the County of their choice for any questions or proposals other than the Question submitted at the Election to the qualified registered voters.

Section 12. The polls shall be opened at the hour of 7:00 a.m. on the day of the Election and shall remain open until and be closed at 7:00 p.m. of the same day, as

provided in NRS 293.273, and all laws supplemental thereto, and the Election shall be held and conducted in accordance with the General Election Act and with all laws supplemental thereto.

Section 13. Immediately after the closing of the polls, the election officers shall proceed to canvass the votes cast on the Question, and certify the results so disclosed to the Board. Within five (5) working days of the Election, the Board shall meet and publicly canvass the returns.

Section 14. If a majority of the votes cast is in favor of the Question, the Question shall have been carried, and the Board shall cause an entry of that fact to be made upon its minutes. However, pursuant to NRS 293.482 the Board declares that the result of the voting on the Question does not place any legal requirement on the Board or any officer of the County.

Section 15. The officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 16. All orders, bylaws and resolutions, or parts thereof, in conflict with this Resolution, are hereby repealed. This repealer shall not be construed to revive any bylaw, order or resolution, or part thereof, heretofore repealed.

Section 17. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 18. This Resolution shall be in effect from and after its adoption.

**04-540 AGREEMENT – TAHOE REGIONAL PLANNING AGENCY - AIR
AND WATER QUALITY MITIGATION FEES AND BEST
MANAGEMENT PRACTICES DEPOSIT - INCLINE VILLAGE
LIBRARY – PUBLIC WORKS**

Upon recommendation of Roger Van Alyne, Capital Projects Director, through Tom Gadd, Public Works Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that payment to the Tahoe Regional Planning Agency of Air and Water Quality Mitigation Fees in the amount of \$47,500 and Best Management Practices deposit in the amount of \$165,000 for the Incline Village Library be approved and the Public Works Director be authorized to execute the necessary documents.

04-541 AGREEMENT – REGIONAL EMERGENCY MEDICAL SERVICES AUTHORITY – AIR/GROUND AMBULANCE – SOCIAL SERVICES

Upon recommendation of Ken Retterath, Adult Services Division Director, through Mike Capello, Social Services Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Agreement between Washoe County and the Regional Emergency Medical Services Authority for reimbursement of ground ambulance at 40 percent of billed charges and air ambulance at 14 percent of billed charges for July 1, 2004 through June 30, 2005 be approved and Chairman Shaw be authorized to execute the same.

04-542 REQUEST FOR PROPOSAL – KIDS KOTTAGES – FACILITY MEDICAL SERVICES - PURCHASING

This was the time to consider award of Request for Proposal (RFP) for shelter facility medical services for the Kids Kottages on behalf of Social Services. The Notice to Bidders for receipt of sealed bids was published in the *Reno-Gazette Journal* on March 12, 2004. Proof was made that due and legal Notice had been given.

Upon recommendation of Charlene Collins, Purchasing, through John Balentine, Purchasing and Contracts Administrator, and Mike Capello, Social Services Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Request For Proposal #2425-04 for shelter facility medical services for the Kids Kottages be awarded to Washoe Health Systems in the annual amount of \$115,788 annually. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute a contract with Washoe Health Systems for a two-year period with two additional two-year renewal options.

04-543 PURCHASE - RESTROOM FACILITIES CORPORATION – PREFABRICATED WATERBORNE RESTROOMS – LAZY 5 REGIONAL PARK – PARKS

In response to Commissioner Sferrazza, Doug Doolittle, Parks and Recreation Assistant Director, said the cost includes one facility that has a snack bar in addition to the bathrooms.

Upon recommendation of Karen Mullen, Parks and Recreation Director, through Michelle Poché, Assistant County Manager, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the purchase of two prefabricated waterborne restrooms for the Lazy 5 Regional Park in the amount of \$242,866 as a joinder to the City of Reno Bid No. 1250 from the Restroom Facilities Corporation, with an option to procure an additional prefabricated waterborne restroom through December 31, 2004, be approved. It was further ordered that the Contracts and Purchasing Administrator be authorized to execute the necessary documents.

04-544

**FUNDING REQUEST – RENO/SPARKS NAACP – ANNUAL
FREEDOM BANQUET – COMMUNITY RELATIONS**

Kathy Carter, Community Relations Director, said this item was brought before the Board at the request of a Commissioner. The \$600 is for a table and ad, which is a recruitment ad that fits in with the County’s emphasis on diversifying the workforce. In response to Commissioner Humke asking what taxpayers get for this contribution, she said the ad tries to recruit minorities.

Commissioner Humke said he would rather the money go to something that directly benefits the County such as an ad in a generally circulated newspaper encouraging minorities to apply for County jobs.

Commissioner Sferrazza said this money also goes to scholarships that the NAACP offers to the minority community, and it bothers him the Board funds things such as the Reno/Sparks Chambers Directions and the Nevada Women’s Fund, among others. The NAACP does provide benefits to taxpayers in the County and he moved to support the request.

In response to Commissioner Galloway, Ms. Carter replied staff did not recommend support of this request due to cost cutting over the last few years. She said the following two criteria are used to determine if Community Relations should fund an event: Is a County employee or program being recognized or is the County an active sponsor of the event. In this particular case, neither criteria was met.

Commissioner Galloway agreed if it does not meet the criteria, he cannot support the motion, but will privately support the event. Commissioner Weber agreed.

Chairman Shaw said the event is Sunday, they are depending on the Board and he will second the motion. He said he would like to see a policy and a timeline established for these types of requests.

Sam Dehne, local resident, said the \$600 for dinner and a full-page ad is a good return on the money for something that really has meaning considering the amount of money the Board just spent on toilets.

On call for the motion, Commissioners Galloway, Humke, and Weber voted “no,” and the motion to fund the Reno/Sparks NAACP Annual Freedom Banquet failed.

04-545

**RECONSIDERATION - RETAINER AGREEMENT - JACK
ALIAN, ESQ. – PUBLIC DEFENDER**

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that Rule 7 of the Rules

and Procedures dated January 13, 2004 for the Washoe County Board of Commissioners be temporarily suspended.

Commissioner Galloway said he did not want to reconsider the entire agreement but for staff to renegotiate a year-to-year extension with the first year guaranteed. He said this would allow time for staff to draft a procedure to prepare a Request for Proposal (RFP) so all challenges regarding the fairness of this process could be settled once and for all.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the Jack Alian contract for Public Defender conflict and child welfare representation be reconsidered.

Commissioner Galloway said he believed there was no interest in the contract besides Mr. Alian, the contract came to the Board only six weeks before the end of the fiscal year, and he thought the contract was only for two years so he voted in favor of it. He further said Legal Counsel advised modifications could be made to make it year-to-year, which the Board was told in Caucus Mr. Alian might agree to under certain circumstances.

Mike Specchio, Public Defender, said Mr. Alian indicated he would be amenable to three one-year contracts and would accept the Board's direction to do an RFP after the start of the calendar year.

Commissioner Galloway made a motion that staff be directed to negotiate a modified year-to-year contract with Mr. Alian. The contract is to be brought back to the Board within one month for approval along with a plan to be approved by this Board for preparing a formal RFP for conflict event services with the RFP issued no later than January 2005 to all interested members of the Bar. The RFP would also include the recommended options for establishing an assessment panel to evaluate the proposals received with the final award to be determined by this Board. The modified contract with Jack Alian, Esq. is to be firm through June 30, 2005 and will continue for each of two subsequent years only if this Board exercises its option to continue by March 31 of each prior year.

Madelyn Shipman, Legal Counsel, requested the motion be separated into two motions. The first motion would be the renegotiation of the agreement subject to having the change notice, or an option to go forward, by March 31st of each year for the second and third years of the agreement approved and signed by the Chairman if that is the only change to be made to the agreement. The second motion would be to have all of the other work done on the RFP process within six weeks.

Commissioner Galloway said he would modify his motion to add if the modified contract meets the conditions, it can be executed by the Chairman with the rest of the plan coming back to the Board.

Commissioner Sferrazza requested the motion be amended to have the RFP done in three months because he wanted the RFP voted on prior to January 2005. Commissioner Galloway amended the motion to state the content of the RFP would come back in three months and the date the RFP will be issued will be on advice of staff.

Commissioner Weber said Commissioner Sferrazza stated there should have been an RFP prior to the last contract. She said she did not remember voting on an RFP and asked if there had been a vote. Katy Singlaub, County Manager, replied there had been discussion, but she felt Mr. Specchio did not understand he had direction to do an RFP.

Commissioner Sferrazza asked the Clerk to review what occurred during previous action on this item.

Commissioner Galloway said staff and Mr. Specchio should work on the RFP, but the assessment process needs to come back to the Board. He said the assessment panel might consist of one Family Court Judge, one Justice or Municipal Court Judge, one Criminal District Court Judge, and two County Commissioners.

Ms. Shipman asked for clarification of the original motion, which said to bring back the RFP in one month and now she is hearing three months. Commissioner Galloway replied it is the plan for the RFP in one month and the actual RFP in three months. Mr. Specchio said this would be no problem.

Carter King, local attorney, said he had never heard this contract was open for bid. Mr. King said he would do the contract for \$850,000, which is a \$66,000 savings. He said the major problem with the contract is there is a direct conflict when deciding to spend money on the cost of defending someone. He felt there should be a separate fund for client expenses that could be rolled over to next year if money remained in the fund at the end of the year. Currently, there is too much incentive to keep the money and not use it for client expenses.

Mr. Specchio said it bothered him that Mr. King was throwing out a number without knowing the number of cases handled each year. He said he would welcome Mr. King's participation in the RFP process so Mr. King could find out how many cases are involved and whether his offer is legitimate.

Commissioner Galloway said a letter should be sent to the District Attorney for review concerning expert witnesses funding. The opinion of the District Attorney should be considered during the initial modification of Mr. Alian's contract and for the plan that comes back to the Board in 30 days, whether or not it is recommended there be any additional modification to Mr. Alian's contract, and whether it should be a separate provision in the new contract described by the RFP.

Mr. Specchio said there is too much case law against that proposal. The real issue in handling conflict cases is once, they are assigned to outside counsel, the

County cannot have any control over the contract. Mr. Specchio said under Mr. Alian's contract, if there are expenses that mean he is not making any money at all on the contract, he has the right to ask for additional funds as he did last year with the overload of death penalty cases, which the Board granted. No client from the Public Defender's Office or Mr. Alian's office should ever be denied representation, which includes witnesses and experts.

Sam Dehne and Gary Schmidt, local residents, commented on this matter.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza abstaining, it was ordered that staff be directed to negotiate a modified year-to-year contract with Mr. Alian to be brought back to this Board within one month for approval along with a plan to be approved by this Board for preparing a formal RFP for conflict event services. The RFP should be brought back to the Board in three months with the date of issuance as to when the RFP will be issued to all interested members of the Bar on advice of staff. The RFP will also include the recommended options for establishing the assessment panel to evaluate the proposals received with the final award to be determined by this Board. The modified contract with Jack Alian, Esq. is to be firm through June 30, 2005 and will continue for each of two subsequent years only if this Board exercises its option to continue by March 31 of each prior year.

3:55 p.m. The Board recessed to a closed session for the purpose of discussing negotiations with Employee Organizations.

4:45 p.m. The Board reconvened with all members present.

04-546 **CONTRACT RENEWAL - INTERMOUNTAIN SLURRY SEAL, INC. – PUBLIC WORKS**

Upon recommendation of David Price, County Engineer, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that the renewal of contract with Intermountain Slurry Seal, Inc. for the 2004/05 Slurry Seal of Selected Streets, PWP-WA-2004-211, in the amount of \$1,458,860 be approved and Chairman Shaw be authorized to execute the contract documents upon presentation.

04-547 **AWARD OF BID - 911 PARR BOULEVARD CLEAN GAS FIRE SUPPRESSION SYSTEM – PUBLIC WORKS**

This was the time to consider award of bid for the 911 Parr Boulevard Clean Gas Fire Suppression System for the Public Works Department. The project was advertised on March 19, 2004 and one bid was received from Simplex Grinnell.

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

Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the bid for the 911 Parr Boulevard Clean Gas Fire Suppression System be awarded to the low, responsive, responsible bidder, Simplex Grinnell, in the amount of \$138,485 and that Chairman Shaw be authorized to execute the contract documents upon presentation.

04-548 DISCUSSION – WASHOE COUNTY BOARD OF EQUALIZATION

Commissioner Sferrazza said he thought this had been continued so the Board could obtain a ratio study of Washoe County by district, and he would like to have the study before appointing people. John Faulkner, County Assessor, replied staff was still working on the study and, because of other work, is not sure when it would be completed.

Commissioner Weber said the qualifications and experience of the potential appointees needed to be looked at and she did not believe appointments should be limited by where people live. Chairman Shaw said he agreed.

Commissioner Galloway said he had suggested preference factors to consider when making appointments and one factor would be to try to get representation from diverse economic or geographic areas from within the existing applicant pool. He felt this would serve without tying the Board's hands to a hard and fast rule.

Commissioner Sferrazza said he thought the purpose of continuing taking applications for the BOE was to do some direct mailings within the District. He said he had 500 people who had expressed interest in serving on Boards and Commissions. Commissioner Sferrazza said by not advertising in the Sparks and the Spanish language newspapers, a large part of the population is not reached.

Katy Singlaub, County Manager, said besides the Reno-Gazette Journal, the website contains the information about the Board but an ad could be placed in the Spanish language newspaper.

Commissioner Weber said with the upcoming review session on Thursday, the Board needs to move on. She said one person from District 5 is coming to the meeting who is willing to serve on the BOE. If Commissioner Sferrazza gets some applications, they could serve as alternates.

Gary Schmidt, County BOE member, said according to State statute the Chair of the Board of County Commissioners makes nominations for the County BOE. He also reported there is a meeting of the Department of Taxation on June 25th to consider substantial changes to the administrative code.

Ted Harris, Incline Village resident, said BOE members should be appointed based on their qualifications and ability, not where they live. He also felt no appointees should be made to the BOE who have had anything to do with the Assessor's

Office. Mr. Harris objected to the appointment of Marcia McCormick based on previous experiences.

J. Edward Parker, local resident, said many of the complaints derive from the way the law is written, and until the State changes the law there will be disparities. People are needed on the BOE that know the processes and can apply the law equally.

Commissioner Galloway stated the Board should decide if it wants to adopt any of the preference changes to the rules before discussing appointments since they would affect how the appointments are done.

Following discussion, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza voting "no", Chairman Shaw ordered that the following BOE options be added:

- A1: Appoint alternates for one-year terms only.
- A2: Designate first, second, third alternates, etc. so that they are called on in that order.
- P1: Experience in business generally, to be able to bring knowledge and sound judgment to the deliberation of the Board (Per NRS).
- P2: Board members, by residency or place of employment or other affiliations represent diverse economic or geographic areas of Washoe County be added to the Rules and Procedures For the Washoe County Board of Commissioners, dated January 13, 2004.

Following discussion, Commissioner Galloway moved to add P3: Members have no prior employment or paid consultant relationship with the Washoe County Assessor's Office. The motion died for lack of a second.

**04-549 APPOINTMENT OF TWO MEMBERS – WASHOE COUNTY
BOARD OF EQUALIZATION**

Madelyn Shipman, Legal Counsel, reminded the Board the agenda item stated appointment of two members; the third appointment, necessitated by the resignation of Jon Obester, would be put on the agenda for the 22nd.

Commissioner Weber requested all the applicants be invited to the BOE workshop Thursday morning.

Gary Schmidt, local resident, recommended the Board not appoint anyone who had worked for the Assessor's Office.

Ted Harris, Incline Village resident, spoke in support of Ina Haupt and against anyone from the Assessor's Office being on the County BOE.

J. Edward Parker, local resident, said the most qualified people to be on the BOE are those who have been in the profession.

Following discussion and nomination by Chairman Shaw, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza voting "no", it was ordered that Ina Haupt be appointed to the BOE to fill the unexpired term of June 30, 2006 and Thomas Koziol be appointed to the BOE to fill the unexpired term of June 30, 2007.

04-550 ORD. NO. 1239 - BILL NO. 1418 – AMENDING ORDINANCE NO. 1000 – DISTRICT NO. 24 GROUNDWATER REMEDIATION - CENTRAL TRUCKEE MEADOWS REMEDIATION DISTRICT - BOUNDARIES

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on May 28, 2004 to consider second reading and adoption of Bill No. 1418. Proof was made that due and legal Notice had been given.

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

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Humke abstaining, Chairman Shaw ordered that Ordinance No. 1239, Bill No. 1418, entitled, "**AN ORDINANCE AMENDING ORDINANCE NO. 1000 CREATING THE WASHOE COUNTY, NEVADA DISTRICT NO. 24 (GROUNDWATER REMEDIATION) IN ORDER TO CHANGE THE BOUNDARIES OF THE DISTRICT; RATIFYING APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF,**" be approved, adopted and published in accordance with NRS 244.100.

04-551 ORD. NO. 1240 - BILL NO. 1419 – DISTRICT NO. 24 GROUNDWATER REMEDIATION - CENTRAL TRUCKEE MEADOWS REMEDIATION DISTRICT - FEES

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on May 28, 2004 to consider second reading and adoption of Bill No. 1419. Proof was made that due and legal Notice had been given.

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

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Humke abstaining, Chairman Shaw ordered that Ordinance No. 1240, Bill No. 1419, entitled, **“AN ORDINANCE CONCERNING THE WASHOE COUNTY, NEVADA DISTRICT NO. 24 (GROUNDWATER REMEDIATION); PROVIDING FOR THE PAYMENT OF A PORTION OF THE COSTS OF DEVELOPING AND CARRYING OUT A PLAN FOR REMEDIATION; IMPOSING A FEE TO PAY SUCH COSTS ON THE PARCELS OF LAND IN SUCH DISTRICT NO. 24; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE FEE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED TOWARD THOSE PURPOSES; AND PRESCRIBING OTHER MATTERS RELATING THERETO ”** be approved, adopted and published in accordance with NRS 244.100.

04-552 ORD. NO. 1241 - BILL NO. 1421 – AMENDING WASHOE COUNTY CODE, CHAPTER 110, DEVELOPMENT CODE – TAHOE AREA HISTORIC PRESERVATION

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on May 28, 2004 to consider second reading and adoption of Bill No. 1421. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Michelle Schmitter, Thunderbird Lodge Preservation Society Executive Director, said the society supports the Development Code amendment and salutes the County for thinking of historic preservation. She then discussed the contents of the packet given to the Board and placed on file with the Clerk.

Gary Schmidt, local resident, said he supported the amendment and the Thunderbird Lodge Preservation Society.

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

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that Ordinance No. 1241, Bill No. 1421, entitled, **“AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, ARTICLE 220, TAHOE AREA, TO PRESERVE BUILDINGS AND SITES WHICH**

HAVE BEEN LISTED ON A NATIONAL OR STATE REGISTRY OF HISTORIC PLACES AND TO PROVIDE FOR APPROPRIATE USES OTHER THAN THOSE PERMITTED IN THE UNDERLYING REGULATORY ZONE AS AN AID TO THE OWNERS' EFFORTS TO PRESERVE THE HISTORIC OR LANDMARK VALUE OF THE PROPERTY, TO PROVIDE FOR AN OPERATIONS PLAN THAT ASSURES APPROPRIATE PARKING IS PROVIDED, THAT ALLOW USES ON THE PROPERTY WHICH ARE COMPATIBLE WITH THE ADJACENT NEIGHBORHOODS AND WHICH ASSURES THAT MODIFICATIONS MADE TO THE STRUCTURE(S) OR SITE DO NOT COMPROMISE THE HISTORIC SIGNIFICANCE OF THE PROPERTY'S STRUCTURES OR SITE, TO PROVIDE NOTICE AND APPEAL OF THE DIRECTOR'S DETERMINATION, AND OTHER MATTERS PROPERLY RELATING THERETO" be approved, adopted and published in accordance with NRS 244.100.

* * * * *

There being no further business to come before the Board, the meeting adjourned at 5:58 p.m.

JAMES M. SHAW, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Jan Frazzetta, Deputy County Clerk*