

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

SEPTEMBER 28, 2004

PRESENT:

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

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

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

04-994 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the agenda for the September 28, 2004 meeting be approved with the following changes: **Delete:** Items 6G(2), a resolution concerning acquisition of Running Bear Drive property by eminent domain, and Item 15, agreement concerning general legislative services.

04-994A PUBLIC COMMENTS

Norma McCusker, local resident, reported that a Chapter of the Nevada Fire Safe Committee has been established in the Virginia Foothills. Monthly meetings will be held at the South Reno Library.

Al Hesson, Reno resident, spoke on the possible re-instatement of the Draft under George Bush. He also commented on his continued displeasure of the President.

Mary Bartell, Esq., local resident, stated in a fax read by Chairman Shaw that she was denied access to her property during the Andrew Lane fire. She requested copies of written and verbal reports related to the fire pursuant to the Public Records law.

Later in the meeting, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw re-opened public comments.

Todd Blonsley, Reno resident, furnished a listing of an office building located along the Truckee River, which was placed on file with the Clerk. He announced the building would be for sale, and it would offer an excellent purchase opportunity for the County or other government entities.

MANAGER'S/COMMISSIONERS' COMMENTS

Commissioner Weber requested a future agenda item on the flood control project and she also thanked the citizens of Sun Valley for their recent participation in the community clean up effort.

Commissioner Sferrazza attended a meeting at the Pleasant Valley Elementary School on September 25, 2004, where residents requested the Board proceed with a resolution in support of efforts to slow traffic on U.S. 395 South.

Commissioner Galloway thanked the Board for a successful joint meeting with the Incline Village General Improvement District in Incline Village on September 27, 2004.

Commissioner Humke credited the citizens in the Pleasant Valley vicinity, especially David Jones, for attempting to make changes concerning the safety of citizens. He also reported on the Regional Transportation Commission meeting held on September 17, 2004 in which certain Reno and Sparks representatives approved only Reno and Sparks Gas Tax funded road and street projects and purposely deleted the unincorporated County areas.

Chairman Shaw, along with Tom Gadd, Public Works Director, attended the Nevada Department of Transportation meeting in Carson City soliciting additional funding for a traffic light on the corner of Pyramid Highway and Golden View. He invited the Commissioners and the public to a groundbreaking ceremony for the Regional Animal Services Facility scheduled on October 14, 2004 at 11:30 a.m. on Longley Lane.

04-995 EXPENDITURE – CITIZEN SATISFACTORY SURVEY - COMMUNITY RELATIONS

Upon recommendation of Kathy Carter, Community Relations Director, through Katy Singlaub, County Manager, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that an expenditure, not to exceed \$28,000, for the 2004 Citizen Satisfaction Survey be approved.

**RESOLUTION – AUCTION TAX DELINQUENT LANDS -
TREASURER**

Upon recommendation of Jill Stevens-Combs, Deputy Treasurer, through Bill Berrum, Treasurer, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, it was ordered and that the following Resolution be adopted and Chairman Shaw be authorized to execute the same:

RESOLUTION

A RESOLUTON DIRECTING THE COUNTY TREASURER TO TRANSFER TO OTHER GOVERNMENTAL ENTITIES, REAL PROPERTY HELD IN TRUST DUE TO PROPERTY TAX DELINQUENCIES AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, after the expiration of the period of redemption for tax delinquent parcels of real property, the County tax receiver is required to execute and deliver deeds conveying title to such property to the County Treasurer in trust for the use and benefit of the State and County, (NRS 361.585); and

WHEREAS, upon the order of the Board of County Commissioners entered upon the record of its proceedings, such tax delinquent parcels held in trust by the Treasurer may be conveyed in the manner required by State law after proper notice is given, (NRS 361.595); and

WHEREAS, attached to this resolution and incorporated herein is Exhibit A (placed on file with the Clerk), a list of tax delinquents parcels held by the County Treasurer in trust that the Board of County Commissioners desires to have conveyed to other governments as more specifically set forth in Exhibit A; and

WHEREAS, pursuant to NRS 361.603 local governments or the University System are authorized to acquire property held in trust by the County to serve a public purpose in return for the payment of the delinquent taxes; and

WHEREAS, pursuant to NRS 361.603 no delinquent taxes need be paid for property transferred to a local government for street, sewer or drainage uses, for use in a program for the rehabilitation of abandoned residential properties established by the local government pursuant to chapter 279B of NRS, or for the use as open-space real property as designated in a city, county or regional comprehensive plan.

NOW THEREFORE BE IT HEREBY RESOLVED by the Washoe County Board of County Commissioners as follows:

1. The Washoe County Board of County Commissioners finds that transferring the parcels listed in Exhibit A to Washoe County would serve the public purposes stated in the exhibit.

2. The Washoe County Treasurer is hereby ordered pursuant to NRS 361.603 to transfer the parcels listed in Exhibit "A", item #'s 3, 4, & 5, to the governmental units for the purposes stated in Exhibit "A" in the manner required by State law after proper legal notice has been given. The payment of delinquent taxes is not required because the property is to be used for purposes which qualify for the exemption from payment as stated above. The Washoe County Treasurer is further ordered to retain the parcels in Exhibit "A" item #2 for the purposes stated in Exhibit "A" until further order of the board.

3. If some irregularity or circumstance arises before the transfer of any parcel listed in the exhibits to this resolution such that in the opinion of the Washoe County Treasurer the public interest would best be served by withdrawing such a parcel from a sale or transfer, the Washoe County Treasurer is hereby expressly authorized to make such a withdrawal on behalf of the County. The Treasurer shall report to the Board in writing his or her decision to make such a withdrawal and shall state the reasons for the decision. The Board may thereafter permit the parcel to remain in trust for the benefit of the State and County or may again order it be sold or transferred.

04-997 AGREEMENT - LEE SMITH –APPRAISAL REGARDING EVANS CREEK - DISTRICT ATTORNEY

Upon recommendation of Madelyn Shipman, Assistant District Attorney, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, it was ordered that an agreement between Washoe County and Lee Smith, concerning the appraisal and any services necessary in the condemnation action regarding the Evans Creek LLC property (Ballardini Ranch), be approved and Chairman Shaw be authorized to execute the same.

04-998 FIFTH AMENDMENT – WATER DEDICATION AGREEMENT – SOUTH MEADOWS PROPERTIES LIMITED PARTNERSHIP – WATER RESOURCES

Upon recommendation of Vahid Behmaram, Water Rights Supervisor, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Fifth Amendment to the Water Dedication Agreement between Washoe County and the South Meadows Properties Limited Partnership, a Nevada Limited Partnership (SMP), be approved and Chairman Shaw be authorized to execute the same.

04-999 **CONVEYANCE OF WATER RIGHTS – COLI-DAMONTE LLC –
COMSTOCK LARGE ANIMAL HOSPITAL – WATER
RESOURCES**

Upon recommendation of Vahid Behmaram, Water Rights Supervisor, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the conveyance of 2.00 acre-feet of water rights from Coli-Damonte, LLC, to Washoe County and the associated water sale agreement, concerning the Comstock Large Animal Hospital, be approved and Chairman Shaw be authorized to execute the same. It was further ordered that the Engineering Manager be directed to record the deed.

04-1000 **CONTRACT – U.S. GEOLOGICAL SURVEY – WATER
RESOURCES**

Upon recommendation of Jeanne Ruefer, Water Resources Planning Division Manager, though Steve Bradhurst, Water Resources Director, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the contract to accept additional matching funds from the U.S. Geological Services, in the amount of \$6,920, be retroactively approved and Chairman Shaw be authorized to execute the same.

04-1001 **AGREEMENT - BUREAU OF LAND MANAGEMENT - JUMBO
GRADE TRAILHEAD - PARKS**

Upon recommendation of Bill Gardner, Park Planner, through Karen Mullen, Parks and Recreation Director, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, it was ordered that a Cooperative Management Agreement between Washoe County and the Bureau of Land Management, concerning the management and operation of the Jumbo Grade Trailhead, be approved and Chairman Shaw be authorized to execute the same.

04-1002 **AWARD OF BID – JUMBO GRADE TRAILHEAD – PUBLIC
WORKS**

This was the time to consider award of bid for the Jumbo Grade Trailhead for the Public Works Department. Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on August 20 and August 27, 2004. Proof was made that due and legal Notice had been given.

Bids, were received from the following vendors:

A & K Earth Movers
Marv McQueary Excavation
Gradex Construction

Petersen Construction
Mike's Trenching

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the bid for the Jumbo Grade Trailhead be awarded to the low, responsive, responsible bidder, Gradex Construction, Inc., in the amount of \$92,099, and Chairman Shaw be authorized to execute the contract documents upon presentation.

04-1003 AWARD OF BID - REGIONAL PUBLIC SAFETY TRAINING CENTER - PUBLIC WORKS

This was the time to consider award of bid for the Regional Public Safety Training Center – Confined Space Prop for the Public Works Department.

Bids, were received from the following vendors:

West Coast Contractors
Gradex Construction

Upon recommendation of Rodney Savini, Deputy Public Works Director, through Tom Gadd, Public Works Director, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, it was ordered that:

1. An unbudgeted capital outlay of \$55,080.54 for the Confined Space Prop at the Regional Public Safety Training Center be approved, and
2. The bid be awarded to Gradex Construction Company for the construction of the Confined Space Prop at the Regional Public Safety Training Center in the amount of \$55,080.54, and
3. Chairman Shaw be authorized to execute the contract documents upon presentation.

04-1004 RENEWAL OF AGREEMENT – HIDDEN VALLEY REGIONAL PARK RESIDENT CARETAKER – PARKS

Commissioner Weber questioned the possibility of offering the caretakers, Richard and Yvonne McCollum, a one-year contract rather than a three-year contract, with random inspections to ensure compliance.

Karen Mullen, Parks and Recreation Director, replied a one-year contract would be acceptable to the Parks Department. Melanie Foster, Legal Counsel, advised the contract could be amended; however, staff would need to obtain the McCollum's agreement concerning a one-year contract. Ms. Mullen also inquired if the renewal date

of the contract could be changed to mid-January rather than June noting a change of caretakers would be more difficult in the summer. In response, Ms. Foster stated this could be done by rewriting the contract to reflect those terms.

Commissioner Galloway asked Legal Counsel if the contract could be approved subject to the agreement of the parties. Ms. Foster replied that could be done.

Upon recommendation of Gregg Finkler, Parks Operations Superintendent, through Karen Mullen, Parks and Recreation Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the contract for the Resident Caretaker Rental Agreement between Washoe County and Richard and Yvonne McCollum, concerning caretaker services at Hidden Valley Regional Park, be approved with the amendments changing the expiration date from June to January and changing the length from three years to one year, subject to agreement of the parties, be approved and Chairman Shaw be authorized to execute the same.

**04-1005 APPEARANCE – COMMUNITY SERVICES AGENCY AND
DEVELOPMENT CORPORATION – HOME CONSORTIUM –
COMMUNITY DEVELOPMENT**

Cloyd Phillips, Community Services Agencies and Development Corporation (CSADC), provided and reviewed handouts on the Washoe County Homebuyers Initiative, which were placed on file with the Clerk. Mr. Phillips requested continued County support and participation.

In response to Commissioner Weber, Michelle McKee, Community Services Agencies Corporation, stated the average sale price for a home under this program in 2003 was \$129,000 increasing to \$149,000 in 2004. The average assistance amount provided by the program is approximately \$4,500, with the income of their families averaging \$34,000 per year. She stated customers must first complete an eight-hour down payment assistance-training program and meet with consumer credit affiliates. Ms. McKee said there is about a one percent foreclosure rate, which CSADC feels is outstanding. There is a clause in the agreement stating if a family gets behind in payments, CSADC is notified and would work with the family to try and find a solution. She said when families do sell their homes they must repay the assistance monies back to CSADC and those monies are issued to additional families for purchasing homes. Mr. Phillips remarked CSADC is statewide, and units are located in Las Vegas, Dayton, Fallon and Fernley, however, the majority are located in Washoe County.

Commissioner Sferrazza questioned if the units are sold to citizens earning less than 80 percent of the area medium income. Ms. McKee replied the homeowners are 80 percent or below area medium income, which is on an annual basis determined by U.S. Department of Housing and Urban Development (HUD). She said the rental units are set at 60 percent below area medium. Mr. Phillips explained CSADC encourages other customers who have gone through the training to be in-line for units when they

become available. CSADC is currently working on acquiring land for their first subdivision.

04-1006 **HOME CONSORTIUM ALLOCATION – FY 2005/06 –
COMMUNITY DEVELOPMENT**

Eric Young, Planner, said most of the money allocated through the County is spent in the incorporated areas since unincorporated areas do not offer many multi-family structures. Senior housing is made possible by the County's allocation of home funds for senior projects, which are being developed in the City of Sparks. These particular priorities are established in conjunction with what the Cities are doing and also with groups such as the Community Services Agency and Development Corporation. He said the Consortium has seen monies for Reno and Sparks go towards new construction and rehabilitation of rental units and apartment buildings, which is the only jurisdiction making senior housing a priority. Mr. Young remarked by establishing these priorities the Consortium is beginning to see momentum. Ultimately, the consortium would like to have enough affordable senior housing available to meet the demand.

Commissioner Weber stated in previous years the allocations were identified in the amounts going to different home ownership opportunities; however, she does not find those amounts in this staff report. Mr. Young replied the HOME Consortium process requires he come before the Board twice a year; once establishing priorities and informing applicants of the County's priorities, then again in February or March to show specific projects, along with dollar amounts. Commissioner Weber agreed with the effort, but cannot support the home ownership opportunity since she does not believe Government should help people get into homes.

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber voting "no", Chairman Shaw ordered that the following priorities for the Washoe County pro rata share of the Fiscal Year 2005/06 HOME Consortium allocation be approved:

1. Home Ownership opportunities.
2. Rehabilitation and repair for homes at or below 80% of Area Median Income.
3. New construction for senior housing.
4. Projects that can clearly be shown to support the goals and policies of the regional plan, especially as they relate to infill development and development within the urban core.

04-1007 **INTERLOCAL AGREEMENT – TAHOE REGIONAL PLANNING
AGENCY – VACATION RENTALS – COMMUNITY
DEVELOPMENT**

Commissioner Galloway remarked Tahoe residents have rented their vacation houses out to tourists for decades; however, the Tahoe Regional Planning

Agency (TRPA) had not always recognized that. TRPA now recognizes vacation rentals as residential use with the stipulation that rentals do not exceed what would be allowed in a residence.

Mike Harper, Planning Manager, replied the County has never experienced problems with residents renting their homes. Staff does not contemplate enforcement efforts being any more significant than they have been in the past. He said this agreement creates recognition important to come forth with the ordinances contained within the documentation.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Interlocal Agreement between Washoe County and TRPA, concerning TRPA's adopted neighborhood compatibility standards and Washoe County Code provisions as they apply to residential vacation rentals within the County jurisdiction at Lake Tahoe, be approved and Chairman Shaw be authorized to execute the same.

**04-1008 2004 DRAFT ENVIRONMENTAL IMPACT STATEMENT – LAKE
TAHOE SHOREZONE ORDINANCE AMENDMENTS –
COMMUNITY DEVELOPMENT**

Bill Whitney, Community Development, requested the Board provide direction in developing County comments for the adequacy and accuracy of the 2004 Draft Environmental Impact Statement (DEIS) concerning the Lake Tahoe Ordinance Amendments, which were placed on file with the Clerk. The Board's comments would then be submitted to the Tahoe Regional Planning Agency (TRPA) for consideration in their final Environmental Impact Statement (EIS) as outlined in the agenda memorandum dated September 7, 2004.

Commissioner Galloway suggested changes in the phrasing of Item 1 from "project proponents" to "property owners" and "lacking" to "additional." He also suggested changing Item 8 to read, "drinking water quality impacts affect water purveyors and drinking water quality should be further considered, mitigation measures proposed, including pollution and the zoological effects of lighting." Commissioner Galloway also suggested adding off site mitigation for backshore impacts be allowed including such mitigation on public lands, shared pier mitigation, and alternative mitigations be considered such as off-site backshore mitigation.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that staff be directed to forward these comments to TRPA along with the additional comments regarding adequacy and accuracy of the 2004 DEIS for the Shorezone Ordinance Amendments in writing for consideration in the final EIS.

**04-1009 BLOCK GRANT – STATE OF NEVADA – KIDS CAMPUS
ACTIVITY CENTER – MANAGER**

Upon recommendation of Gabrielle Enfield, Grants Administrator, through Katy Singlaub, Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Community Development Block Grant (CDBG) award in the amount of \$158,067, concerning the Site Preparation for the Kids Campus Activity Center, from the State of Nevada, be accepted and Chairman Shaw be authorized to execute the same. It was further ordered that the Finance Department be directed to make the following cash and budget adjustments:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE/ (DECREASE)
Increase Revenue		
10163-431100	Site Prep Kids Campus/Federal Revenue	\$158,067
Increase Expenditure		
PW940705.61-781001	Kids Campus-Land Improvements	\$158,067
Transfer cash out Gen. Fund		
10163-814092	Site Prep Kids Campus/Transfer to PW	\$158,067
Transfer cash into PW		
PW920705.01-621001	Site Prep Transfer from General Fund	\$158,067

**04-1010 INDEPENDENT GRANT AWARD – DIVISION FOR AGING
SERVICES – MANAGER**

Upon recommendation of Marietta Bobba, Senior Services Director, through John Berkich, Assistant County Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the Independent Living Grant from the Division of Aging Services for the period of October 1, 2004 through September 30, 2005 in the amount of \$261,810, be accepted and the Finance Department be directed to make the following budget adjustments:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE/ (DECREASE)
REVENUES		
10439-432100 (ILG Advocacy)	State Contributions	\$ 20,000
10219-432100 (ILG Case Mgmt)	State Contributions	(\$39,386)
10442-432100 (ILG Mental Health)	State Contributions	83,000
10217-432100 (ILG Legal)	State Contributions	16,766
10441-432100 (ILG Rep Payee)	State Contributions	20,000
10216-432100 (ILG Visiting Nurse)	State Contributions	(15,875)
		\$ 84,505

EXPENDITURES		
10439-701110 (ILG Advocacy)	Base Salaries	\$ 20,000
10219-701110 (ILG Case Mgmt)	Base Salaries	(39,386)
10442-701110 (ILG Mental Health)	Base Salaries	83,000
10217-701110 (ILG Legal)	Base Salaries	16,766
10441-701110 (ILG Rep Payee)	Base Salaries	20,000
10216-701110 (ILG Visiting Nurse)	Base Salaries	(15,875)
		\$ 84,505

04-1011 LEASE AGREEMENT – KIM REAL ESTATE ENTERPRISES – PUBLIC WORKS

Upon recommendation of Mike Turner, Facilities Management 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 a 24-month First Amendment to the Lease Agreement between Washoe County and Kim Real Estate Enterprises, concerning uninterrupted occupancy at 224 Edison Way for operation of the Public Administrators Department and the IT Client Technology Division from November 1, 2004 through October 31, 2006, be approved and Chairman Shaw be authorized to execute the same.

04-1012 NON-EXCLUSIVE AGREEMENTS - SOCIAL SERVICES

Katy Singlaub, County Manager, clarified these are standardized contracts providing terms, specific obligations and the responsibilities of contract-counseling services.

In response to Chairman Shaw, Mike Capello, Social Services Director, said staff solicits and encourages individuals, such as marriage and family counselors, and licensed psychologists, to come forward and work with the County providing services. Staff reviews the qualifications of those responding; and, if they meet the County's standard qualifications, they enter into a contract and have their names placed on a vendor list available for staff and families to select for a given service. Mr. Capello explained the County would bring contracts in throughout the year, while staff monitored expenditures based on the authorized budget, allowing staff to add additional vendors to the list if needed. He said the vendors are not guaranteed any level of business; but they are guaranteed a rate, which is determined based on Medicaid reimbursement throughout the State program. Commissioner Sferrazza requested a list of approved vendors.

On motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the non-exclusive agreements for Counseling and Evaluation Services with providers to provide counseling, evaluation, and educational services for children and families being served by the Children's Division of Social Services for a 36-month period, with up to two possible one year extensions, not to exceed a total of \$917,500 annually, and such authority is

retroactive to July 1, 2004 be approved and the Purchasing and Contracts Administrator be authorized to execute the same.

**04-1013 AWARD OF BID NO. 2449-04 – LIQUID
CHROMATOGRAPH/MASS SPECTROMETER – SHERIFF**

This was the time to consider award of bid for Liquid Chromatograph/Mass Spectrometer with MS/MS Capabilities for the Sheriff's Crime Lab Department. Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on June 17, 2004. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

Applied Biosystems
Thermo Finnigan
Varian Inc.
Waters Corp.

Upon recommendation of Michael Burdett, Buyer, through John Balentine, Purchasing and Contracts Administrator, and Dr. William Anderson, WCSO Crime Lab, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that Bid No. 2449-04 for Liquid Chromatograph/Mass Spectrometer with MS/MS Capabilities for the Sheriff's Crime Lab Department be awarded to the low bidder, Varian Inc., in the amount of \$204,988, and the Purchasing and Contracts Administrator be authorized to execute the same.

**04-1014 MICROSOFT CLIENT LICENSING – ASAP SOFTWARE –
INFORMATION TECHNOLOGY**

Upon recommendation of John Young, Assistant Buyer, through John Balentine, Purchasing and Contracts Administrator, Matt Beckstedt, Information Technology Director, and Kraig Smith, Information Technology Manager, on motion by Commissioner Weber, seconded by Chairman Shaw, which motion duly carried, it was ordered that the purchase of Microsoft Client Access Licensing from ASAP Software, the contracted State and County Supplier for Nevada, concerning Microsoft Select 6.0 Agreement purchases, at a total cost of \$101,155.21 for 1,592 licenses for Windows Servers 2003 and 1,202 licenses for Exchange Server 2003, be approved.

**04-1015 PURCHASE AND SALE AGREEMENT – NEVADA LAND
CONSERVANCY/BARTLEY-ANDERSON REGIONAL PARK**

Karen Mullen, Parks and Recreation Director, stated the actual contracts have been sent to departments who have received grants, including the Nevada Land Conservancy, formalizing their agreement with the State on the funding source.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the acquisition of 3.12 acres at Bartley-Anderson Regional Park for the appraised value of \$630,000 from Nevada Land Conservancy be approved and Chairman Shaw be authorized to execute the agreement and all related closing documents upon presentation. It was further ordered that the expenditure of \$205,000 in funds from Washoe County Question 1 Bond be authorized and a reimbursable prepayment of \$425,000 for the balance of the purchase price, with reimbursement by Nevada Land Conservancy upon their receipt of Nevada State Question-1 Conservation and Resource Protection Grant Program funds be authorized. It was also ordered that the Finance Department be directed to make the following accounting adjustments:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE/ (DECREASE)
PK052301-781001	Anderson/Bartley Park Bond Project-Land	\$425,000
PK052313-781001	SS Canyon Park Bond Project-Land	(425,000)

**04-1016 SOUTHEAST CONNECTOR CORRIDOR STUDY – 2030
REGIONAL TRANSPORTATION PLAN UPDATE**

Karen Mullen, Parks and Recreation Director, reviewed an agenda memorandum dated September 27, 2004, summarizing the action taken at a recent Regional Transportation Commission (RTC) meeting.

Commissioner Galloway asked if staff was opposed to the valley floor and the foothill alignments. Ms. Mullen said staff was opposed to the foothill alignment going through the park and supportive of the City of Reno resolution opposing the valley floor alignment.

Commissioner Humke referred to a letter received from Derek Morse, Deputy Executive Director of RTC, dated September 23, 2004, which was placed on file with the Clerk. Commissioner Humke cautioned that it appears RTC staff is trying to put this road on the “fast track” and get the recommendation reported to the Federal Government prior to November. He said the Board of County Commissioners needs to act quickly.

Commissioner Sferrazza attended the RTC citizens’ committee meeting which reviewed the 2030 plan. He requested an addition to the resolution to protect Hidden Valley Regional Park and Rosewood Lakes. Commissioner Sferrazza felt the Board should support a resolution against both alignments.

John McGee, local resident, presented a PowerPoint presentation, which was placed on file with the Clerk, showing the major impact this road would have on wildlife, water quality, floodplain and the landscape.

Bruce Reeves, landowner in Hidden Valley, said he was against the road going through the valley floor area. He would like the Board to consider the value and beauty of the community.

Doyle Smith, Hidden Valley resident, was concerned due to the lack of environmental impact information, and the effects of noise, carbon monoxide and water pollution this would cause. Mr. Smith said the vulnerability of the wetlands in the valley, was at stake. He urged the Commissioners to use their influence to protect the environment.

Bruce Arkell, Reno Resident, presented the Board with a list of general concerns he has with the Regional Transportation Plan Update, which were placed on file with the Clerk.

Laura Carmen, Hidden Valley Homeowners Association President, presented a letter, which highlighted the proposed guidelines offered to the 2030 Regional Transportation Steering Committee and the RTC for their consideration, which was placed on file with the Clerk.

On motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the letter addressed to Mr. Gregg Krause, RTC Executive Director, regarding the Southeast Connector corridor study, a part of the 2030 Regional Transportation Plan Update and integration of comments from the Board and Mr. Arkell, be approved and Chairman Shaw be authorized to execute the same.

4:50 p.m. Commissioner Sferrazza temporarily left the meeting

04-1017 **AMENDMENTS – WASHOE COUNTY CITIZEN ADVISORY BOARD - STANDARD BYLAWS**

Melanie Foster, Legal Counsel, stated the ordinance in question does not dictate that members of a Citizen Advisory Board (CAB) reside in an unincorporated section of the County; the actual geographical area for each CAB is set in the Resolution enacted when the CAB was created; and the ordinance provides that membership consists of a representative cross section of persons residing within the CAB's geographical area of responsibility.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Shaw ordered that the amended CAB standard bylaws be further amended with the additional qualification that the member must be a registered voter except where that requirement is exclusively waived by the Board be adopted.

5:03 p.m. Commissioner Sferrazza returned during the following item.

**RESOLUTION - ANDREW FIRE INCIDENT – EMERGENCY
MANAGEMENT**

Aaron Kenneston, Emergency Manager, gave an overview of the Andrew Fire incident, as outlined in the agenda memorandum dated September 7, 2004. He said staff was working to reduce the cost of the fire for residents and taxpayers by applying for Federal grants. Mr. Kenneston explained the incident was not deemed a State or Federal emergency, so some funding was unavailable to help those affected by the fire. He noted staff was working with the Bureau of Land Management and pursuing their program for reseeding.

Marty Scheuerman, Fire Chief, presented a PowerPoint presentation of the Fire Response After Action Report, which was placed on file with the Clerk. He said people should labor to prepare their properties to survive the passage of a fire by enclosing decks, closing vents, and enclosing eaves so embers and fires cannot get into hidden areas and create fires.

Marshall Emerson, Captain, gave a summary of the response to the Andrew Fire incident by the Sheriff's Office. He explained the unique situations encountered during the Andrew Fire and how the Sheriff's Office operated under the authority of the fire agencies. Captain Emerson detailed the system that mandates which individuals are allowed access to a fire scene. He noted the Sheriff's Office assisted with traffic control and evacuations, and they identified those responsible for starting the fire.

Chairman Shaw asked what the determining factors were for allowing residents into the area after the fire had started. Chief Scheuerman stated the safety of the public and firefighters were two determining factors to allow people in and out of the area. He explained the fire developed quickly and people entered the area because there was no one there to patrol the traffic. He noted there was a system established, and he gave examples of how the system operated.

In response to Commissioner Galloway, Chief Scheuerman said wetting down the roofs would not work in this fire because there was no public water system and no time for the firefighters to do anything but fight the fire.

Commissioner Weber commented she appreciated the hard work and efforts concerning the fire. She said there should be a way for property owners to protect and access their homes. She requested a community meeting be held to gather ideas from citizens and governmental entities concerning the issue, and Chairman Shaw concurred.

Gary Schmidt, Washoe County resident, said he had spoken to many of his neighbors in the Andrew Lane/Nielson Road area, and dozens were denied access to their homes. He agreed this subject matter should be addressed in greater detail. Mr. Schmidt expressed there was no consistency in the manner in which people were treated during the Andrew Fire incident.

Commissioner Humke referenced e-mail from citizen Pamela Galloway, which was placed on file with the Clerk.

Upon recommendation of Mr. Kenneston, through County Manager Katy Singlaub, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the report from staff on the Andrew Fire incident be accepted, the following Resolution be adopted, and Chairman Shaw be authorized to execute the same. It was noted that the Board requested the Fire Advisory Board develop uniform rules for the ingress and egress to homes during an emergency situation to result in the uniform treatment of all citizens. It was further noted these would be recommendations only.

Resolution Commending Staff and Volunteers For Efforts During the Andrew Fire

WHEREAS, our entire region relies upon a multi-tiered emergency response system for the protection of lives and property during times of emergency; and

WHEREAS, this emergency response system could not exist without the dedicated staff and volunteers from a multitude of agencies from throughout the region who respond to all types of emergency events, including wildland fires; and

WHEREAS, the Andrew Fire, a wildland fire in the urban interface of Southeastern Washoe County started on August 25, 2004 and was not controlled until August 28, 2004, consumed 2,774 acres, forced evacuation of hundreds of residents of Washoe County, destroyed six homes, seven outbuildings, and 22 vehicles; and

WHEREAS, during the events of the Andrew Fire, staff and volunteers from throughout the region responded in an overwhelming effort to minimize the loss of life and property; now, therefore, be it

RESOLVED, that the Washoe County Board of Commissioners, on behalf of the residents of Washoe County, extend heartfelt gratitude to the many staff and volunteers who responded, and commend their tremendous effort in response to the Andrew Fire in August, 2004. The Board's thanks goes to the staff and volunteers of the Reno Fire Department, Pleasant Valley Volunteer Fire Department, Washoe Valley Volunteer Fire Department, North Lake Tahoe Fire Department, Nevada Division of Forestry, Galena Volunteer Fire Department, the Sparks Fire Department, the Sierra Front Wildland Fire Cooperators, the Nevada Highway Patrol, Sierra Pacific Power Company, the Nevada Division of Emergency Management, REMSA, the American Red Cross, the Salvation Army, the Washoe County Sheriff's Office, Washoe County Animal Control, Regional Public Safety Dispatch, Washoe County Social Services, Washoe County Emergency Management and the Washoe County Manager's Office.

**04-1019 ORDINANCE NO. 1248 – BILL NO. 1428 – AMENDING
WCC CHAPTER 100 – BUILDING PERMIT FEES**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on September 17, 2004 to consider second reading and adoption of Bill No. 1428. Proof was made that due and legal Notice had been given.

Chairman Shaw 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 Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that Ordinance No. 1248, Bill No. 1428, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REDUCING THE BUILDING PERMIT FEES, AND OTHER MATTERS PROPERLY RELATING THERETO,**" be approved, adopted and published in accordance with NRS 244.100.

**04-1020 ORDINANCE NO. 1249 – BILL NO. 1429 – AMENDING
WCC CHAPTER 85 – DETERMINATION OF PUBLIC ROADS**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on September 17, 2004 to consider second reading and adoption of Bill No. 1429. Proof was made that due and legal Notice had been given.

Commissioner Weber voiced her concerns about the rights of private property owners, and she questioned if property owners should have to defend themselves because someone wants to go onto their property.

Commissioner Galloway said the ordinance would apply when a property owner closes off a road or obstructs it in some manner. He explained County staff would investigate the situation, gather facts, and a public hearing would be held before the Board. He noted if there was enough evidence that it was a public road, based on Nevada law, the property owner would have to decide whether or not to go to court to dispute the Board's finding. Commissioner Galloway added property owners would not be defending themselves, but County staff would do the research and the property owners would have the option to participate in the research. He clarified there was nothing in the ordinance that would take property or in anyway create a public road where none existed.

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

Dale Beesmer, member of the Reno Wheelman, said he was in favor of the proposed ordinance because access issues and public lands are critical for recreational activities and quality of life in the community.

Joan Wright, attorney, said her firm had filed a recent suit against the County to have her client's road, which was placed on the presumed road list in 1999, declared not a public road. She stated the client was not informed their road was on the presumed road list. Ms. Wright affirmed it was the purview of the courts to decide which roads are public and which roads are not. She declared it would not be appropriate to adopt the ordinance.

Carl Adams, Backcountry Coalition, explained the ordinance was not referring to any road, but it was talking about roads that have appeared on maps for decades. The purpose of the ordinance was to establish a process, in accordance with State law, for a citizen to make a petition over a road that was in a dispute either to open the road or close it. Mr. Adams said the ordinance would provide a process for citizens to come to a preliminary understanding of where these roads really stand; and if that does not produce an agreement, the courts would be available to them.

Dick Benoit, Truckee Meadows Trails Association, encouraged the Commission to support the ordinance. He said there is a need for a process to deal with these cases in an orderly fashion.

Chairman Shaw read a letter in support of the ordinance from a member of the Nevada United Four Wheelers Association, which was placed on file with the Clerk.

Chairman Shaw read the following names and noted their support for the ordinance: David Schulte, Tony DiSilvestro, Dennis Van Gundy, Lynda Knepper, Bill von Phul, Donald Simone, Jerry Mather, Steve Thomas, Laurence Thomas, Craig Block, John Caramogno, Mark Beglin, Mary Winston, Kenneth Kress, Al Lockett, and Phil Bender.

Thomas Erwin, representative for Evans Creek, LLC, spoke in opposition to the ordinance. He stated these cases were best decided in a district court, which has jurisdiction of title matters. He said he had an issue with staff performing the investigations because that would place the County Commission in a position of a judicial district court. He expressed there were constitutional and statutory deficiencies in the ordinance that should be considered by the Board.

Eileen Callahan, Reno resident, maintained there were reasons people have protected their lands and the backcountry for years. She said it was a great shame that someone could go to a property owner and challenge their rights to protect their land.

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

Commissioner Sferrazza inquired if the ordinance would preclude anyone from filing a quiet title action in a district court. Melanie Foster, Legal Counsel, stated there was nothing in the ordinance that would preclude any property owner from bringing a quiet title action. She explained the ordinance takes the statutory process that exists and

establishes a framework for staff to complete the investigations for matters brought before the Board. Ms. Foster noted, at the end of the process, what exists would be an order of the Commission declaring the Board believes the road has or has not attained the status of a public road. She said in the statute there was an ability to enforce that order in a court for any person or governmental entity.

In response to Commissioner Sferrazza, Ms. Foster explained State statute articulates that five or more residents of this State may petition any Board of County Commissioners to open, close, relocate or abandon a public road within the County. Ms. Foster confirmed the ordinance was a process for abandonment of a public road.

Commissioner Weber declared she could not support the ordinance at this time because private property owners have rights as well as the public.

Commissioner Galloway said he believes in property rights, but he also believes the public has a right to public lands. He stated, if it turns out what the property owner closed off was not their property, there has to be a way for ordinary citizens to find out if the action was acceptable or not. He acknowledged to constantly side with the property owner would mean the property owner has a right to close off something that does not belong to them.

Commissioner Humke remarked the process by which the Board created and/or adopted a map on April 27, 1999 seemed unfair because those affected were given no notice concerning their properties. He pointed out, under this ordinance, County staff would give notice to all parties involved.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Weber voting "no," Chairman Shaw ordered that Ordinance No. 1249, Bill No. 1429, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING NEW SECTIONS TO WASHOE COUNTY CODE CHAPTER 85 WITH REGARD TO PUBLIC ROADS; PROVIDING FOR A DECLARATION OF POLICY; APPLICABILITY; DEFINITIONS; A PETITION PROCESS FOR THE DETERMINATION OF A PUBLIC ROAD; NOTICE AND INVESTIGATION BY THE DEPARTMENT OF PUBLIC WORKS; PUBLIC HEARING AND BOARD REQUIRED FINDINGS AND ORDER; LIMITING MAINTENANCE RESPONSIBILITY AND LIABILITY OF COUNTY; DECLARING THE OBSTRUCTION OF A PUBLIC ROAD UNLAWFUL AND A NUISANCE; PROVIDING FOR THE REMOVAL OF OBSTRUCTIONS AND ASSESSMENT OF COSTS OF REMOVAL; LIMITING PUBLIC USE TO PUBLIC ROADS; AND PROVIDING OTHER MATTERS RELATED THERETO,**" be approved, adopted and published in accordance with NRS 244.100.

04-1021 ORDINANCE NO. 1250 – BILL NO. 1430 – SAD NO. 29 – MT.
ROSE SEWER PHASE I

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on September 17, 2004 to consider second reading and adoption of Bill No. 1430. Proof was made that due and legal Notice had been given.

Commissioner Sferrazza noted all of the protests had been resolved at a previous meeting.

Chairman Shaw 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 Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that Ordinance No. 1250, Bill No. 1430, entitled, "**AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 29 (MT. ROSE SEWER PHASE 1); ASSESSING THE COST OF SANITARY SEWER IMPROVEMENTS AGAINST THE ASSESSABLE TRACTS OF LAND BENEFITTED BY THE IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH,**" be approved, adopted and published in accordance with NRS 244.100.

04-1022 COMPREHENSIVE PLAN AMENDMENT CASE NO. CP04-003 –
SLOANE

5:30 p.m. This was the time set for continuance of the public hearing from the August 24, 2004 Commission meeting (BCC Item No. 04-920) to consider a request to amend the South Valleys Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment request would change the Land Use Designations from Medium Density Suburban (MDS) and General Rural (GR) on ±16.88 acres to a Land Use Designation of Medium Density Rural (MDR) for the entire area. The entire area of the parcel is ±16.88 acres. The change will increase the development potential of the parcel from zero to three. The location of the request is approximately two miles south of Mount Rose Highway (SR 431) and east of Callahan Ranch Road by slightly more than one-half mile at the end of Roan Trail. The parcel is within the W/2 of Section 12, T17N, R19E, MDM, Washoe County, Nevada. The property is located within the Galena-Steamboat Citizen Advisory Board boundary and Washoe County Commission District No. 2. (APN: 148-070-16) This request also entails an administrative change to the subject parcel and three adjoining parcels (APNs 148-070-15, 17, & 18) to reflect a slope analysis that was accepted in 2001 but was inadvertently omitted from previous administrative changes. That change will recognize that 148-070-15 and 148-070-17 are now Medium Density Rural, rather than the combined MDR and GR shown on the Land

Use Plan of the South Valleys Area Plan. The accepted slope analysis indicated that, based upon the administrative criterion of slopes greater than 15% slopes being GR, APNs 148-070-16 and 148-070-18 should have been changed to GR in their entirety.

Don Young, Senior Planner, explained the item was before the Board previously and it was deferred to this meeting for clarification on slope issues. He reviewed the agenda memorandum dated September 17, 2004.

Commissioner Galloway inquired about any changes that have been made to the County's Hillside Ordinance. Mr. Young said the Hillside Ordinance has been strengthened, and he noted the changes. Mr. Young confirmed there was no opposition presented concerning the Comprehensive Plan Amendment.

Chairman Shaw opened the public hearing by calling on anyone wishing to speak concerning the request.

George Georgeson, CSA, Inc., Engineers, referred to the maps he presented, which were placed on file with the Clerk, to explain the parcel. Commissioner Galloway asked how many areas of the parcel were at or under 15 percent slope. Mr. Georgeson replied the slopes were generally between 16 and 26 percent. Further discussion ensued regarding the slopes, possible development, and cuts in the land.

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

Commissioner Galloway said he would reluctantly support approval of the amendment. He stressed the County's Hillside Ordinance needs to be re-examined, and he requested staff report on what the City of Reno has done, and meet with the people who advocated their policies. He noted, in order to comply with the County grading standards, the houses would have to be close to the property lines making the driveway cuts lower and not as severe as they would be otherwise.

Having made the following findings, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that Comprehensive Plan Amendment Case No. CP04-003 be approved. It was further ordered that the Chairman be authorized to execute the Resolution Adopting the Amended South Valleys Area Plan after a finding of conformance with the Regional Plan by the Truckee Meadows Regional Planning Commission.

1. The proposed amendment to the South Valleys Area Plan is in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan.
2. The proposed amendment to the South Valleys Area Plan will provide for land uses compatible with existing and planned adjacent land uses and will not adversely impact the public health, safety or welfare.

3. The proposed amendment to the South Valleys Area Plan responds to changed conditions and refined assessments that have occurred since adoption of the plan by the Board of County Commissioners.
4. The proposed amendment to the South Valleys Area Plan will have negligible impact upon the implementation of the policies and action programs of the Conservation Element, the Population Element, and/or the Housing Element of the Washoe County Comprehensive Plan.
5. The proposed amendment to the South Valleys Area Plan will promote the desired pattern for the orderly physical growth of the County and guide development of Washoe County based on the projected population growth with a minimal amount of natural resource impairment and with the efficient expenditure of funds for public services.
6. The proposed amendment to the South Valleys Area Plan was the first amendment of the three permitted annual amendments as specified in Section 110.820.05 of the Washoe County Development Code.
7. The public hearing by the Board of County Commissioners and the related changes to the text and maps of the South Valleys Area Plan, have been properly noticed in a newspaper of general circulation in Washoe County as prescribed pursuant to NRS §266.210(1).
8. The Washoe County Board of County Commissioners gave reasoned consideration to the information transmitted from the Washoe County Planning Commission and to the information received during the public hearing.

**04-1023 TRUCKEE MEADOWS WATER AUTHORITY – RATEPAYER
REVENUES - CHARITABLE CONTRIBUTIONS – DISTRICT
ATTORNEY**

Commissioner Humke stated it was inappropriate for Truckee Meadows Water Authority (TMWA) to use ratepayer fees to make charitable contributions. He was in favor of seeking an opinion from the Attorney General as to whether or not this was legal.

Chairman Shaw said he would support direction to seek an opinion from the Attorney General on this matter, and Commissioner Galloway concurred. Commissioner Galloway pointed out there was a difference between legal and ethical; and, if the opinion from the Attorney General says that it was legal action, he would still believe it was not right. He stated TMWA is a utility and when ratepayers pay their bills they are not thinking the money would be going toward a charitable contribution.

Commissioner Sferrazza clarified that TMWA did not create a charitable organization. It was a pre-existing community foundation, and TMWA gave the money to that foundation. He requested a future agenda item to discuss if TMWA could continue to operate without appointing the seventh member to their Board.

Gary Schmidt, Washoe County resident, applauded Commissioner Galloway's comments concerning what is legal is not necessarily always ethical, moral, or appropriate. He compared it to the situation he experienced when he was unable to enter his property to defend it from the Andrew Lane fire.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that staff request an Attorney General's opinion regarding the authority of TMWA to utilize ratepayer revenues for charitable contributions.

REPORTS/UPDATES FROM COMMISSION MEMBERS

Commissioner Weber reported she recently attended the Reconstruction of the V&T Railway Commission, and she said the Commission has obtained all the properties for Phase I of their project. She noted the progress of the Sun Valley Safety Task Force.

Commissioner Sferrazza requested partial coverage for the Truckee Meadows Water Authority retreat on October 20, 2004, and Chairman Shaw offered to attend.

Commissioner Galloway commented on the shorezone focus of the Tahoe Regional Planning Agency, and he outlined the five alternatives involved.

04-1024 COUNTY MANAGER'S COMPENSATION – EMPLOYMENT AGREEMENT

Chairman Shaw recommended a two-year contract be established for the County Manager. County Manager Katy Singlaub indicated she was not seeking any kind of adjustment to her compensation, but she stated her desire for a two-year contract.

Commissioner Galloway commented the Board should consider an adjustment and restoration of the bonus program to occur in one year's time.

Commissioner Sferrazza said he would prefer the contracts be dealt with after elections each year, so the new Commission would have the opportunity to decide on the contracts. Ms. Singlaub said she would desire to discuss that further with the Board, and she stated she was not comfortable having the discussion when it was not talked about previously.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the extension of the County

Manager's employment agreement through July 2006 be approved, and Chairman Shaw be authorized to execute the same.

04-1025 2002 REGIONAL PLAN SETTLEMENTS AND ASSOCIATED ISSUES

Madelyn Shipman, Legal Counsel, reviewed the agenda memorandum dated September 27, 2004, and requested direction from the Board on a number of issues.

Following discussion, on motion by Commissioner Sferrazza, seconded by Chairman Shaw, which motion duly carried, it was ordered that the expedited review process be approved.

Following discussion, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that Legal Counsel be authorized to stipulate to the consolidation of Case No. CV04-00312 with CV02-03469.

Following discussion, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that staff be directed to seek an extension from the Courts to allow County staff/counsel and the City of Reno staff/counsel time to discuss the possibility of settling the annexation program case outside of Court rule. It was further ordered that Commissioners Galloway and Weber be kept informed as monitors to bring information forward to the Board. It was noted the Board gave Legal Counsel direction as to the issues to be addressed concerning the program of annexation.

Ms. Shipman sought direction from the Board concerning the Cooperative Planning Criteria/Amendments presented by the Cities of Reno and Sparks, which were outlined in the staff report. She proceeded through each item offering explanation and details. The Board discussed each item and directed the following actions:

1. "The action shall reflect a balancing of all the applicable finding and policies." Commissioner Sferrazza moved to delete the underlined language, and Commissioner Galloway seconded the motion. Commissioner Weber said she could not support the motion because it did not reflect a spirit of cooperation and working together with the entities. Commissioners Humke and Shaw agreed with Commissioner Weber. Commissioner Galloway stated the added language subverts the intent of the Settlement Agreement, and he and Commissioner Sferrazza agreed that the motion would stand.

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

On motion by Commissioner Weber, seconded by Chairman Shaw, which motion duly carried with Commissioners Galloway and Sferrazza voting, "no," it was ordered that the language be approved as stated.

2. **"Refer to figure"** On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the bold, underlined language "refer to figure" and, the figure to which it refers, be deleted.

3. **"Outside of a city and/or its sphere of influence"** On motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the bold, underlined language "outside of a city and/or its sphere of influence" be approved.

4. ~~"Including individual wells"~~ On motion by Commissioner Sferrazza, seconded by Chairman Shaw, which motion duly carried, it was ordered that the deletion of the underlined, marked out, "including individual wells" be approved.

* * * * *

There being no further business to come before the Board, the meeting adjourned at 8:00 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
Stacy Gonzales, Deputy County Clerk
Lori Rowe, Deputy County Clerk*

