

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

NOVEMBER 13, 2001

PRESENT:

Jim Shaw, Chairman
Pete Sferrazza, Vice Chairman
Jim Galloway, Commissioner
Ted Short, Commissioner

Amy Harvey, County Clerk
Nancy Parent, Chief Deputy County Clerk
Katy Singlaub, County Manager
Madelyn Shipman, Legal Counsel

ABSENT:

Joanne Bond, Commissioner

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:

01-1139 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the agenda for the November 13, 2001, meeting be approved with the following amendments: **Delete Item 6J(3)** Nonexclusive Fill Slope Easement Agreement between the County of Washoe (on behalf of the Reno-Sparks Convention & Visitors Authority) and Somersett Development Company Ltd; and **Item 20** Proposed Pedestrian Actuated Crossing Warning Light at Southwood and SR 28, Incline Village.

PUBLIC COMMENTS

Gary Linscheid, area resident, expressed his concern about the proposed Tahoe One Flight Path over the Steamboat area. He stated that he and several other people sent out 3100 mailers regarding the Airport Authority meeting to be held on November 20, 2001.

Gary Farnsworth, area resident, stated that he opposes the Tahoe One Flight Path as well, and encouraged the public to attend the Airport Authority meeting.

Sam Dehne, area resident, expressed his concern about the Airport Authority and Mayor Griffin, City of Reno.

Later in the meeting, Peggy Bowen, Teacher, invited the Commissioners and the public to the 40th Anniversary Celebration at Fred W. Traner Middle School on November 17, 2001, from 11:00 a.m. to 3:00 p.m.

COMMISSIONERS AND MANAGER'S COMMENTS

Commissioner Sferrazza requested an item be placed on a future agenda to discuss the make-up of the Parks Commission and other major Commissions, and to review State statutes and County ordinance provisions regarding the representation on those Commissions.

MINUTES

On motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the minutes of the regular meetings of October 9 & 16, 2001, and the joint meeting of October 16, 2001, be approved.

01-1140 WAIVER – ALCOHOLIC BEVERAGES – SPARKS SERTOMA ANNUAL FREE SENIORS CHRISTMAS DINNER – SENIOR SERVICES

Upon recommendation of Karen Mabry, Director, Senior Services, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the prohibition of serving alcoholic beverages for the Sparks Sertoma's Annual Free Seniors Christmas Dinner scheduled for Saturday, December 15, 2001, from 4 p.m. to 7 p.m., be waived.

01-1141 14TH ANNUAL DR. MARTIN LUTHER KING JR., BIRTHDAY CELEBRATION DINNER – NORTHERN NEVADA BLACK CULTURAL AWARENESS SOCIETY – DISTRICT ATTORNEY

Upon recommendation of Richard Gammick, District Attorney, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the purchase of a table for \$1,000 at the 14th Annual Dr. Martin Luther King Jr., Birthday Celebration Dinner, presented and organized by the Northern Nevada Black Cultural Awareness Society to be held on January 21, 2002, be approved.

01-1142 NON-COUNTY EMPLOYEE TRAVEL EXPENSES – GARY SIMS - FORENSIC SCIENCE DIVISION DNA SECTION AUDIT - SHERIFF

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, Chair

man Shaw ordered that the non-county employee travel expenses of Gary Sims, in an estimated amount of \$500 be approved.

It was noted that Gary Sims is a trained auditor specializing in forensic DNA typing; that Mr. Sims will be performing an audit of the DNA Section of the Forensic Science Division on November 27, 28, and 29, 2001; and that external participation in this audit is required to maintain the Laboratory's accreditation status with the American Society of Crime Laboratory Directors.

01-1143 SOLE SOURCE JUSTIFICATION – IMAGEWORKS MUGSHOT CAPTURE STATION FROM DATAWORKS PLUS - SHERIFF

Commissioner Sferrazza stated that he does not support sole-source justification. In this case, DataWorks Plus' equipment will work better with Tiburon software, and he does not support the Tiburon Correctional Management System at all, so the justification to him is insufficient.

Upon recommendation of Dianne Nicholson, Undersheriff, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried with Commissioner Sferrazza voting "no," Chairman Shaw ordered that the purchase of an additional ImageWorks Mugshot Capture Station from DataWorks Plus be approved.

It was noted that the primary purpose for the sole source justification is full compatibility with the existing system and the Tiburon Correctional Management System, which makes this a product that will fit the County's needs.

01-1144 ACCEPTANCE OF GRANT – OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION – INTERNET CRIMES AGAINST CHILDREN TASK FORCE - SHERIFF

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the grant funding of \$45,000 for the Washoe County Sheriff's Office to use for the "Internet Crimes Against Children" (ICAC) Task Force provided by the Office of Juvenile Justice and Delinquency Prevention be accepted.

It was further ordered that the following budget adjustments be approved:

| INCREASE REVENUES | |
|------------------------------|-------------|
| 15234G01-4301 | \$45,000.00 |
| INCREASE EXPENDITURES | |
| 15234G01-7003 | \$ 4,500.00 |
| 15234G01-72051 | \$ 5,200.00 |
| 15234G01-72052 | \$ 2,000.00 |
| 15234G01-7237 | \$ 3,288.00 |
| 15234G01-7261 | \$ 860.00 |

| | |
|---------------|-------------|
| 15234G01-7222 | \$ 1,800.00 |
| 15234G01-7205 | \$ 1,000.00 |
| 15234G01-7382 | \$ 1,398.00 |
| 15234G01-7620 | \$24,954.00 |

It was noted that this grant will provide funds for the Washoe County Sheriff's Office to purchase computer equipment, software and supplies, investigative overtime, as well as provide training to detectives who will work cyber crimes involving the sexual exploitation of children on the Internet. Software purchases that are not IT supported will be the Sheriff's Office, Detective Division's responsibility.

01-1145 DONATION – MERCEDES-BENZ POLICE BICYCLE – SHERIFF'S OFFICE PATROL DIVISION

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the donation of a Mercedes-Benz police bicycle from Mercedes-Benz USA, LLC, to the Washoe County Sheriff's Office Patrol Division, in support of community policing using bike patrols, be accepted with the Board's gratitude.

01-1146 DONATION – WELLS FARGO FOUNDATION – INTERNET CRIMES AGAINST CHILDREN SAFETY INITIATIVE - SHERIFF

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the donation of \$1,000 from the Wells Fargo Foundation to be used to purchase additional educational material to assist the Washoe County Sheriff's Office in promoting Internet Safety to the youth of this community be accepted with the Board's gratitude.

It was further ordered that the following budget adjustments be authorized:

| | |
|------------------------------|------------|
| INCREASE REVENUES | |
| 15235D-5802 | \$1,000.00 |
| INCREASE EXPENDITURES | |
| 15235D-7230 | \$1,000.00 |

It was noted that the initiative is part of a coordinated effort by the Sheriff's Department to address the growing problem of crime by way of the Internet. Items purchased will have safety tips for children and parents to follow and will be printed on mousepads, bookmarks and other handouts.

01-1147 DONATION – CASH, FOOD AND RAFFLE ITEMS – 7TH ANNUAL SHERIFF’S COMMUNITY PICNIC 2001, INCLINE VILLAGE – SHERIFF

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the donations in the amount of \$3,601.27 in cash, food, and raffle items from various local businesses used for the 7th Annual Sheriff’s Community Picnic 2001 held on September 29, 2001 at the Village Green and Aspen Grove in Incline Village be accepted with the Board’s gratitude.

01-1148 AWARD OF BID NO. ITB 2292-02/MB – BALLISTIC VESTS – SHERIFF

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno-Gazette Journal on September 7, 2001, for Ballistic Vests on behalf of the Washoe County Sheriff’s Department. Proof was made that due and legal Notice had been given.

Bids, copies of which were placed on file with the Clerk, were received from the following vendors:

- U.S. Armor Corporation
- Butler’s Uniforms
- A.L.D. Company/De Nio Enterprises
- Miller’s School Jackets

Second Chance Body Armor submitted a “no bid” response, and Uniforms of Distinction failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that Bid No. ITB 2292-02/MB for Ballistic Vests on behalf of the Washoe County Sheriff’s Department be awarded to the low bidder, Miller’s School Jackets, in the amount of \$285.00 per vest for Threat Level II Point Blank meeting the latest NIJ 0101.04 standards with no additional up charge for oversized vests.

It was further ordered that the Board approve an alternative vendor for the Second Chance brand of vests. The alternate vendor for the Second Chance brand vest would be A.L.D. Company Inc. in the amount of \$365.00 per vest. Second Chance vests will give the opportunity for an officer to choose an alternative vest that also meets the NIJ standards and due to the fact of being a different manufacture and model will provide more fitting options for the officers.

This award shall run from the date of bid award to September 30, 2003, with the County retaining an option for two, one-year extensions. The estimated value of this award for Washoe County is \$30,000 per year.

It was noted that the County will only pay \$285.00 per vest with the remainder of the cost to be paid by the officers if any alternative more expensive vest is chosen. The vests will remain the property of Washoe County regardless of vest chosen.

01-1149 AWARD OF BID NO. ITB 2305-02 – 2002/2003 TAX ASSESSMENT LIST – ASSESSOR

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno-Gazette Journal on September 7, 2001 and October 3, 2001, for the Printing of 2002/2003 Tax Assessment List on behalf of the Washoe County Assessor. Proof was made that due and legal Notice had been given.

Reno Newspaper Inc. and Sparks Tribune submitted “no bid” responses, North Lake Tahoe Bonanza failed to respond to the invitation to bid, and Golden Eagle Press submitted a late bid.

It was noted that no responses to Bid No. ITB 2305-02 Printing of 2002/2003 Tax Assessment List were received by the September 26, 2001 deadline. As outlined in NRS 332.148 Exceptions to Requirements for Competitive Bidding: Failure to Receive Responsible Bids; Washoe County advertised on October 3, 2001 a “No Bid Response” in the Reno-Gazette Journal for the seven-day period required by law. During that seven-day period Golden Eagle Press and Barker Business Systems responded. Barker did not meet the statutory requirement to print the Tax Assessment List within the County. Golden Eagle Press response meets all the criteria of NRS 244.330(1), which requires the public printing of this type be placed with a bona fide commercial printing establishment within the County; and they have agreed to meet the delivery schedule requested by the distributor, Reno Newspapers.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that Bid No. ITB 2305-02 for the Printing of 2002/2003 Tax Assessment List on behalf of the Washoe County Assessor be awarded to Golden Eagle Press, based on their being the lowest, responsive and responsible bidder meeting specifications, terms and conditions. The recommended award is in the amount of \$387.40 per page for an estimated 131 pages at a total cost of \$50,749.40 based on one printing of the list.

01-1150

AWARD OF BID NO. ITB 2310-02/RW – REMEDIATION WATER TESTING AND ANALYTICAL REVIEW – WATER RESOURCES

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno-Gazette Journal on September 28, 2001, for Remediation Water Testing and Analytical Review on behalf of the Water Resources Department, Planning Division. Proof was made that due and legal Notice had been given.

Mike Sullens, Purchasing Department, advised that Great Basin Laboratories submitted the lowest price on the remediation water testing and analytical review bid. He advised that Washoe County utilized Great Basin Laboratories testing and analytical reviews in the past; that the Environmental Protection Agency (EPA) requires pulled samples to be tested within 14 days; that on several occasions Great Basin did not test the samples drawn in a timely manner; and that Washoe County was unable to use the data extracted. At this time, Washoe County and Great Basin Laboratories are in dispute concerning some of the tests and billings that do not reflect correct Nevada Department of Environmental Protection (NDEP) procedures, and Washoe County Water Resources, Planning Division, does not recognize Great Basin Laboratories as a responsible supplier.

Bids, copies of which were placed on file with the Clerk, were received from the following:

AAL Environmental LLC
Alpha Analytical Inc.
NEL Laboratories
Sierra Environmental Monitoring
Great Basin Laboratories Inc.

Nevada State Health Laboratory submitted a “no bid” response.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that Bid No. ITB 2310-02/RW for Remediation Water Testing and Analytical Review on behalf of the Water Resources Department, Planning Division, be awarded to Alpha Analytical Inc. in an estimated amount of \$75,000.00 per year. This award shall be for a twenty-four month period of time commencing on the date of bid award through November 1, 2003, with the County retaining the option to utilize services for an additional one-year period.

It was noted that NDEP requires that water testing and analytical review be performed by a state licensed and certified lab. NDEP has specified that analytical parameter testing and reviews are mandatory and must be performed to insure safe drinking water for the residents of Washoe County. NDEP has dictated to the Water Resources Planning Division that testing and review is to be completed within a reasonable

time. Water Resources will draw the water testing samples from various areas around Washoe County and submit those samples to Alpha Analytical Inc.

**01-1151 AWARD OF BID – RANCHO SAN RAFAEL OVERFLOW
PARKING IRRIGATION – PUBLIC WORKS**

This was the time to consider award of bid; informal bids were solicited on October 3, 2001. Three contractors submitted bids on October 12, 2001, and the results were as follows:

| CONTRACTORS | BID AMOUNT |
|-------------------------------|-------------------|
| Premier Landscaping | \$54,425.00 |
| Sagebrush Landscape Inc. | \$65,000.00 |
| Garden Shop Nursery Landscape | \$53,700.00 |

Commissioner Galloway asked what the acceptance criteria is for irrigation systems, as he has had numerous complaints from citizens over the years regarding the Parks Department accepting unqualified work. Dave Roundtree, Public Works Director, said that the projects are bid based on the specifications and material requested by the Parks Department, as they will be responsible for maintaining the systems once they are installed.

Commissioner Galloway asked whether someone else besides the Parks Department reviews the project before final payment is made. Mr. Roundtree said staff inspects the projects as they are being constructed, ensures the project complies with the specifications bid, and approves them before final payment is made.

Upon recommendation of Anthony McMillen, Public Works, through Rodney Savini, P.E., Capital Projects Division Manager, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the award of bid for Rancho San Rafael Overflow Parking Irrigation on behalf of the Public Works Department, be awarded to the low responsive, responsible bidder, Garden Shop Nursery Landscape Division, in the amount of \$53,700.00, and Chairman Shaw be authorized to execute the contract documents upon presentation.

**01-1152 AMENDMENT TO FISCAL YEAR 2001/02 AIDS SURVEILLANCE
PROGRAM BUDGET – HEALTH DEPARTMENT**

Upon recommendation of Barbara Hunt, District Health Officer, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the amendment to the AIDS Surveillance Program (1712G1) FY 2001/2002 budget be approved, and the following account transactions be authorized:

| Account Number | Description | Amount of Increase |
|---------------------------|----------------------|---------------------------|
| 002-1700-1712G1-4301 | Federal Funds | \$8,157.50 |
| 002-1700-1712G1-7205 | Minor Furniture | \$ 157.50 |
| -7250 | Office Supplies | \$ 500.00 |
| -7307 | Auto Expense | \$ 200.00 |
| -7382 | Telephone | \$ 300.00 |
| -7418 | Outpatient Services | \$5,000.00 |
| -7620 | Travel | \$2,000.00 |
| Total Expenditures | | \$8,157.50 |

01-1153 AMENDMENT TO FISCAL YEAR 2001/02 TUBERCULOSIS PROGRAM BUDGET – HEALTH DEPARTMENT

Upon recommendation of Barbara Hunt, District Health Officer, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the amendment to the Tuberculosis Program FY 2001/2002 budget to create one new part-time position be approved, and the following account transactions be authorized:

| Account Number | Description | Amount of Increase |
|-----------------------|-----------------------------|---------------------------|
| 002-1700-1714G5-4302 | State Contributions | \$23,250.00 |
| 002-1700-1714G5-7002 | Part-time Salaries | \$12,327.00 |
| -7048 | Retirement | \$ 1,307.00 |
| -7049 | Social Security | \$ 454.00 |
| -7050 | Medicare | \$ 207.00 |
| -7140 | Other Professional Services | \$ 1,350.00 |
| -7250 | Office Supplies | \$ 15.00 |
| -7357 | Printing | \$ 75.00 |
| -7375 | Special Awards | \$ 6,868.00 |
| -7620 | Travel | \$ 647.00 |
| Total Expenses | | \$23,250.00 |

It was noted that the Health District received an Interlocal Agreement from the State of Nevada Health Division to pilot a Tuberculosis education, testing and treatment project for foreign-born Hispanics who have immigrated within the last five years and reside in Washoe County. The program will be tracked in a new grant organization, 1714G5, Tuberculosis Outreach. The award will fund one new (PC# TBA) Office Assistant II position which will be established as part time, 15 hours per week with no benefits, through the contract period. The remainder of the salary and benefit funding will be used to assign current part time employees to work additional hours in this program.

**01-1154 AGREEMENT – PUBLIC ACCESS COIN/CARD PHOTOCOPIERS
– VARIOUS COUNTY LIBRARIES – PURCHASING
DEPARTMENT**

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the Purchasing and Contracts Administrator be authorized to renew the Agreement for Public Access Coin/Card Photocopier located at various Washoe County Libraries, in accordance with the renewal option in the original Request for Proposal #2022-98. Those terms and conditions allow the County to renew the Agreement for two additional one-year periods, based solely on the considered value of such renewals to the County. Renewal agreements would be cancelable with thirty days written notice. The cost of each one-year renewal to this Agreement would be approximately **\$5,662.80 to Skipco Inc.** and **\$20,701.20 to US Bancorp**, for a total cost of **\$26,364.00 per year.**

It was noted that funds for this expenditure are contained in the Library's FY 2001/2002 budget, account number 1301-7322, in the approximate amount of \$16,477.50 and anticipated to be requested and approved in their FY 2002/2003 budget in the approximate amount of \$9,886.50. Revenue funds will be contained in the Library's account number 1301-5852 in the anticipated amount of \$14,508.53 for FY 2001/2002 and \$8,705.07 for FY 2002/2003.

**01-1155 PROFESSIONAL SERVICES AGREEMENT – SAGEWIND –
JUVENILE DRUG/ALCOHOL REHABILITATION SERVICES –
DISTRICT COURT**

Upon recommendation of Ron Longtin, District Court Administrator, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Professional Services Agreement retroactive to July 1, 2001, for Juvenile Drug/Alcohol Rehabilitation Services between the District Court and SageWind be approved, and Chairman Shaw be authorized to execute.

It was noted that the term of the Agreement is one year, July 1, 2001 through June 30, 2002, and total cost of services will not exceed \$30,000.00.

**01-1156 RESOLUTION – MARTIS CREEK FIRE – TRUCKEE RIVER
WATERSHED COUNCIL - TRUCKEE DONNER LAND TRUST**

Jeanne Ruefer, Planning Manager, Water Resources, advised that the resolution is to support the Truckee River Watershed Council in acquiring lands on the California side of the border.

Upon recommendation of the Regional Water Planning Commission, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following resolution supporting the purchase of pri

vate lands in the area affected by the Martis Creek Fire in California be adopted, and Chairman Shaw be authorized to execute:

RESOLUTION

WHEREAS, Watershed management programs are a key to improved watershed conditions; and

WHEREAS, The Truckee River Watershed serves as the primary potable water supply for our region; and

WHEREAS, Protection of water quality in the Truckee River is a priority for the community; and

WHEREAS, The Gray Creek watershed in California is the steepest sub-watershed of the Truckee River, subject to wildfire and flash flooding, and prone to erosion; and

WHEREAS, Gray Creek has historically added a significant sediment load to the river, increasing water treatment costs during erosion events; and

WHEREAS, Protecting lands within the Gray Creek watershed from erosion inducing activities is critical to water purveyors in the Truckee Meadows; and

WHEREAS, Several private landowners in the Gray Creek watershed in California are willing sellers; and

WHEREAS, Public ownership of the sensitive land in the Gray Creek watershed is in the best interests of both Nevada and California; now, therefore, be it

RESOLVED, That the Board of Commissioners for Washoe County, Nevada, supports the efforts of the Truckee River Watershed Council and Truckee Donner Land Trust to acquire up to 1,500 acres of important riparian corridor and steep fire-affected Gray Creek watershed properties from willing sellers within one of the most dramatic drainages in the I-80 corridor view shed. Protecting lands within the Gray Creek watershed from potential erosion inducing activities is critical to managing the sediment load to the Truckee River. Protection of water quality in the Truckee River is a priority for the water purveyors in the Truckee Meadows. The vast majority of the land in this drainage is already in public hands due to the decades-long efforts of the American Land Conservancy, and acquisition could provide contiguous U.S. Forest Service ownership in the area. The land in the northern part of the project area is also adjacent to lands already owned by the State of California Fish and Game Department.

01-1157 **REGIONAL WATER MANAGEMENT FUND – PROFESSIONAL FACILITATION COOPERATIVE AGREEMENT – WALKER & ASSOCIATES – RESTORATION OF LOWER TRUCKEE RIVER**

Jim Smitherman, Water Management Planning Coordinator, stated that the agreement is to facilitate a cooperative agreement among the jurisdictions that have control over the lower river.

Upon recommendation of Regional Water Planning Commission, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the agreement with Walker & Associates to provide and develop a cooperative agreement concerning restoration on the lower Truckee River in a not-to-exceed amount of \$60,000 from the Regional Water Management Fund be approved, and Chairman Shaw be authorized to execute the agreement for facilitation services.

01-1158 **CORRECTION OF FACTUAL AND CLERICAL ERRORS ON TAX ROLLS – ASSESSOR**

Commissioner Sferrazza requested that the accumulative amount of the total taxable value being lost be included on future reports. Chris Mumm, Senior Appraiser, Assessor's office, advised that staff could do that.

Upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following Roll Change Requests correcting factual errors on tax bills already mailed be approved for the reasons indicated thereon and mailed to the property owners, a copy of which is placed on file with the Clerk. It was further ordered that the Orders directing the Treasurer to correct the errors be approved and Chairman Shaw be authorized to execute on behalf of the Commission.

- Peter L. Boname, Tr.--Parcel #023-043-06 [-\$87.94] (1998 Secured Roll)
- Peter L. Boname, Tr.--Parcel #023-043-06 [-\$96.32] (1999 Secured Roll)
- Peter L. Boname, Tr.--Parcel #023-043-06 [-\$96.31] (2000 Secured Roll)
- Braddock & Logan Group II LP--Parcel #088-201-46 [-\$464.94] (2000 Secured Roll)
- Derek & Patricia L. Beenfeldt--Parcel #005-262-10 [-\$3,717.89] (2001 Secured Roll)
- Joseph Gardella, Etal Tr.--Parcel #008-166-19 [-\$54.77] (2001 Secured Roll)
- American West Properties--Parcel #012-072-25 [-\$2,835.24] (2001 Secured Roll)
- Peter L. Boname, Tr.--Parcel #023-043-06 [-\$98.26] (2001 Secured Roll)
- Nicasio J. Gutierrez--Parcel #027-421-16 [-\$16.09] (2001 Secured Roll)
- Keith & Josephine Blacksmith--Parcel #033-307-10 [-\$252.92] (2001 Secured Roll)
- Provantage Holdings, Inc--Parcel #039-750-01 [-\$1,749.66] (2001 Secured Roll)
- Robert C. & Jaimee A. Pelham--Parcel #087-302-01 [-\$439.05] (2001 Secured Roll)
- Braddock & Logan Group II LP--Parcel #088-201-46 [\$-474.25] (2001 Secured Roll)

01-1159

**PROCLAMATION – GEOGRAPHIC INFORMATION SYSTEMS
(GIS) DAY – NOVEMBER 14, 2001**

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

PROCLAMATION

WHEREAS, Geographic Information Systems or “GIS,” is a computer-based tool for mapping and analyzing objects and events. GIS combines the power of a database with the visualization capabilities of maps; and

WHEREAS, This exciting new technology is used in Washoe County to solve problems in areas such as environmental protection, pollution, health care, land use, natural resources, conservation, business efficiency and education; and

WHEREAS, GIS technology strives to be a means of communication, community aid and public interest now and in the future; and

WHEREAS, Most people benefit from GIS without realizing they are even using this advanced technology. For instance, automated teller machines, overnight delivery services and fast food restaurants all benefit from GIS systems; and

WHEREAS, GIS Day will take place on November 14, 2001, sponsored by the National Geographic Society, Association for American Geographers, University Consortium for Geographic Information Science, the Library of Congress, the U.S. Geological Survey and the Environmental Systems Research Institute; and

WHEREAS, GIS Day is a part of the National Geographic Society’s exciting new initiative, Geographic Action 2001; and

WHEREAS, This year’s GIS Day is locally supported by Washoe County, the Cities of Reno and Sparks, the Nevada Department of Transportation, Stantec, the Regional Transportation Commission, the University of Nevada, Reno, Huffman & Carpenter, Sun Valley GID and Terra Source; now, therefore, be it

PROCLAIMED, By the Washoe County Board of Commissioners that November 14, 2001 is **GIS Day** and ask residents to learn more about ways that GIS is used in everyday life and how they can benefit from GIS Technology.

01-1160 RESOLUTION – RECOGNIZING WASHOE COUNTY DISTRICT HEALTH DEPARTMENT FOR RECENT ANTHRAX INCIDENT RESPONSE

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

RESOLUTION

WHEREAS, Through its programs and services, the Washoe County District Health Department pursues the public health mission of health promotion, disease prevention and environmental protection to improve the quality of life for all citizens of Reno, Sparks and Washoe County Nevada; and

WHEREAS, The Washoe County District Health Department pursues that mission to the benefit of all 340,000 residents that reside in Washoe County, and

WHEREAS, On October 12, 2001 the Health District was faced with the possibility of an anthrax contamination at a local business, and

WHEREAS, The District Health Officer and her team responded to the potential health threat with the utmost in professionalism, expertise and compassion, working diligently with national, state and local emergency response team members, and

WHEREAS, The District Health Department, through its efforts, provided a calming and knowledgeable voice to the public during this time of unknown crisis; now, therefore, be it

RESOLVED, That the Washoe County Board of Commissioners recognize the extraordinary efforts of the District Health Department during the recent anthrax incident, commends the District Health Officer and her competent staff and offers their deepest appreciation to them on behalf of the citizens of Washoe County.

01-1161 RESOLUTION – FINDINGS OF THE DIRECTOR OF THE STATE OF NEVADA OF BUSINESS AND INDUSTRY – WASTE MANAGEMENT INC.

Lawrence Tonomura, Banc of America Securities, said the Nevada Revised Statutes require that, in order for the Director's office to issue the revenue bonds, the jurisdiction where the project is located has to first approve the findings.

Commissioner Galloway clarified that this action would not reduce the County's volume cap. Mr. Tonomura said that is correct.

In response to Commissioner Sferrazza's inquiry about how the money would be spent, Mr. Tonomura said Waste Management Inc., would only be purchasing equipment and vehicles with the bonds and would not be building or expanding any facilities.

Following further discussion, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, it was ordered that the following resolution be adopted, with the specific understanding that the \$10 million will not be used to build new or expand existing facilities, and Chairman Shaw be authorized to execute:

RESOLUTION NO. 01-1161

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF WASHOE, NEVADA, TO APPROVE CERTAIN FINDINGS OF THE DIRECTOR OF THE STATE OF NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY RELATING TO THE WASTE MANAGEMENT, INC. PROJECT TO BE LOCATED IN THE COUNTY OF WASHOE, NEVADA

WHEREAS, Waste Management of Nevada, Inc., a Delaware corporation (the "Obligor"), has submitted an application dated July 20, 2001 (the "Application") to the Director (the "Director") of the State of Nevada Department of Business and Industry (the "Department") for the issuance of solid waste disposal revenue bonds (the "Bonds") to finance certain costs of the Obligor related to the acquisition, construction, improving and equipping of certain solid waste disposal facilities as more fully described in Attachment A hereto to be located at sites throughout the County of Washoe, Nevada, as more fully described in Attachment A (placed on file with the Clerk) hereto (the "Project");

WHEREAS, the Obligor has prepared and submitted to the Director certain reports, records and other information related to the Project, and the Director has reviewed such reports, records and other information and has otherwise investigated the facts concerning the Project so as to enable the Director to make certain findings relating to the Project in accordance with the Act;

WHEREAS, on October 22, 2001, the Director made such findings concerning the Project, a copy of which is attached hereto as Exhibit B (placed on file with the Clerk) (the "Findings");

WHEREAS, the Director has requested that the Board of County Commissioners of Washoe County (the "Board") approve the Findings pursuant to Section 349.580(2) of the Nevada Revised Statutes; and

WHEREAS, the Director has provided the Board with copies of the Findings and the documentation upon which the Findings are based;

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

1. The Board hereby approves of the Findings pursuant to Section 349.580 of the Nevada Revised Statutes, based on the materials submitted by the Director referred to in the preambles hereto. This approval is given solely for the purposes of Section 349.580(2) of the Nevada Revised Statutes; it is not an analysis of the Bonds or the appropriateness or risks of the Bonds as investments or a finding that there is no risk in the Project, the Bonds, or both.

2. The approval is based upon the satisfaction of the conditions of the Director in the Findings (including, without limitation, the condition stated in Finding No. 3) prior to or simultaneous with the issuance of the Bonds.

3. Nothing in this Resolution obligates the County in any way with respect to the Project or the Bonds.

4. This Resolution shall take effect immediately upon its passage.

01-1162 PRESENTATION – COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR WASHOE COUNTY – YEAR ENDED JUNE 30, 2001 – COMPTROLLER

Kathy Garcia, Comptroller, using the overhead projector, reviewed the Comprehensive Annual Report for the year ended June 30, 2001. She said there have been several changes to the report from years past, because of changes implemented by the Governmental Accounting Standards Board (GASB) 33 and 34, which sets the principals that governments are required to follow for financial reporting purposes.

Following questions from the Board, Ms. Garcia introduced several staff members that were present, and expressed appreciation to them for their hard work on completing the annual report.

On motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the Comprehensive Annual Report for year ended June 30, 2001, be accepted.

01-1163 APPEARANCE – FELICIA O’CARROLL – KAFOURY, ARMSTRONG & COMPANY – MANAGEMENT LETTER FOR WASHOE COUNTY, YEAR ENDED JUNE 30, 2001

Felicia O’Carroll, Kafoury, Armstrong & Company, reviewed the Management Letter for year ended June 30, 2001, and advised that the County received a clean audit opinion. She stated that the audit report for federal programs disclosed two findings, although not significant, that will need to be addressed. Several County departments receive federal funds, and federal funding requires that, when a sub-award is

made or a contract is issued to a vendor in excess of \$100,000, the program is required to obtain a certification from the contractor or sub-recipient that they are not on the debarred or suspended list published by the Federal Government. This is the third year that this has appeared on the auditor's report, and there seems to be some confusion about who will take care of this requirement, the Purchasing Department or the individual program. Ms. O'Carroll recommended inserting standard language in every contract that requires every contractor or sub-contractor to certify to the County that they are not suspended or debarred from dealing with the Federal Government.

Ms. O'Carroll said the County invests approximately \$258 million on its own behalf as well as others, and the auditor has recommended for a number of years that the County have an active Investment Committee. The County now has an investment policy that states they will have an Investment Committee and will meet 4 times per year. She noted the Committee only met one time this year instead of the required 4 times. Katy Singlaub, County Manager, said the Treasurer calls those meetings, and has been reminded about the required meeting times. Commissioner Sferrazza requested that the Investment Committee submit quarterly reports to the Board. Ms. O'Carroll said, because the County invests money on behalf of others, it is very important for them to have a written agreement with the other entities setting forth who will be responsible for gains and losses, how the allocation of interest will be handled, and how frequently interest will be paid.

On motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the Management Letter for Washoe County for fiscal year ended June 30, 2001 be accepted. It was further ordered that all contracts (paid with federal funds) over \$100,000 within the last two years, be reviewed to ensure there is a certification that the contractor is not on the debarred or suspended list from the federal government; that standard language be included in all contracts over \$100,000 requiring said certification; and that the Investment Committee submit quarterly reports to the Board, with respect to the investments.

**01-1164 APPEARANCE – AD-HOC LIVESTOCK TASK FORCE –
RECOMMENDATIONS AND FINDINGS OF LIVESTOCK AND
REGULATORY ISSUES – COMMUNITY DEVELOPMENT**

Chad Giesinger, Planner, Community Development Department, advised that he has facilitated the Task Force meetings since May 2001, although they have existed for several years. He briefly reviewed the staff report dated November 2, 2001, with the Board.

Nancy Samon, Ad-Hoc Livestock Task Force, went over the topics the Task Force reviewed at the direction of the Board:

- * Evaluate a policy of implementing a required special use permit for all new commercial stables.
- * Examine the implementation of a fee for repeat, unwarranted complaints.

- * Evaluate the cost of producing a brochure and identify potential funding sources, including the County and the Board of Realtors.
- * Retain the services of the members of the task force to review and comment on the above.

Ms. Samon summarized the findings of the Task Force. She said the number one item was the non-conforming uses and land use regulations concerning livestock. The Task Force concluded, after extensive research, that there were no significant problems regarding non-conforming uses and livestock land use regulations; that current regulations are adequate to meet any potential problems; and that 1993 zoning regulations should not be revised. Regarding fees for repeat unwarranted complaints, Madelyn Shipman, Legal Counsel, met with the Task Force and advised them of legal options concerning this topic. The Task Force would like to be on record as saying that responding to repeat unwarranted complaints regarding livestock results in add-on costs to taxpayers and is laborious and time consuming for County staff, and the Task Force supports any action taken by the County to address that particular issue. Ms. Samon said the Task Force evaluated the implementation of a required special use permit for all new commercial stables, but concluded that existing regulations and permit review procedures were adequate, and there is no need for a special use permit. She advised that a sample brochure was included with the staff report and noted that funding is available for the initial printing of the brochure. She said the Task Force did discuss their dissolution and the possible creation of a Livestock Advisory Committee composed of community volunteers, but made no specific recommendation regarding that issue.

Commissioner Sferrazza recommended that the brochure state “unincorporated Washoe County,” because people who live within city limits have different procedures and regulations to follow. He suggested the Planning Departments from the Cities of Reno and Sparks be added to the list of resources to contact.

Commissioner Galloway said a disclaimer should be added that states the brochure does not apply to a person residing within the city limits (of Reno and Sparks).

Commissioner Short expressed appreciation to the Task Force for all of their hard work.

Ms. Samon introduced other members of the Task Force who were present in the audience.

Katie Stevens, Animal Control, answered questions for the Board regarding the complaint policy. She said the District Health Department also responds to complaints, such as dust and manure issues.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw expressed the Board’s appreciation to the Task Force on their hard work and ordered that the brochure with the requested amendments be approved.

01-1165

AWARD OF BID NO. ITB-2304-02/PWP-WA-2001-805 – WASHOE COUNTY ADMINISTRATIVE COMPLEX – EMERGENCY GENERATOR ADDITION – FACILITY MANAGEMENT DIVISION

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno-Gazette Journal on September 5, 2001, for the Washoe County Administrative Complex Emergency Generator Addition on behalf of the Facilities Management Division of the General Services Department. Proof was made that due and legal Notice had been given.

The following bids were received:

| COMPANY | BID ITEM | AMOUNT |
|------------------------------|-------------------|---------------------|
| Diamond Electric Inc. | #1 | \$128,999.00 |
| | Add Alt #1, 2 & 3 | \$ 51,513.00 |
| | Total | \$180,512.00 |
| Network Electric Co. | #1 | \$136,500.00 |
| | Add Alt #1, 2 & 3 | \$ 47,600.00 |
| | Total | \$184,100.00 |
| Deeter Lighting | #1 | \$133,056.00 |
| | Add Alt #1, 2 & 3 | \$ 56,094.00 |
| | Total | \$189,150.00 |
| Harker & Harker | #1 | \$149,950.00 |
| | Add Alt #1, 2 & 3 | \$ 44,766.00 |
| | Total | \$194,716.00 |
| Greth Construction Inc. | #1 | \$159,000.00 |
| | Add Alt #1, 2 & 3 | \$ 51,226.00 |
| | Total | \$210,226.00 |
| Nelson Electric Company Inc. | #1 | \$175,000.00 |
| | Add Alt #1, 2 & 3 | \$ 51,559.00 |
| | Total | \$226,559.00 |
| Silver Knolls Electric | #1 | \$204,590.00 |
| | Add Alt #1, 2 & 3 | \$ 69,304.00 |
| | Total | \$273,894.00 |

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that Bid No. ITB-2304-02/PWP-WA-2001-805 for the Washoe County Administrative Complex Emergency Generator Addition on behalf of the Facilities Management Division of the General Services Department be awarded to Diamond Electric Inc. in the amount of \$180,512.00. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute the agreement with Diamond Electric Inc. to perform the work.

It was noted that the amount includes the base bid work for the generator (\$128,999.00), and add alternate #1 Maintenance Bypass Switch (\$41,024), add alternate #2 Sound Attenuation (\$9,350), and add alternate #3 Extended 5-year Warranty (\$1,139).

01-1166 RECLASSIFICATION OF EXISTING POSITION, CREATION OF A NEW CLASS, AND CLASSIFICATION OF NEW POSITIONS – HUMAN RESOURCES DEPARTMENT

Upon recommendation of Joanne Ray, Human Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the reclassification of an existing position and creation of a new class and classification of new positions be approved as follows:

| Department | Current Position | Pay Grade | Date of Re-classification Request | Recommended Class | Pay Grade |
|---|------------------|---|-----------------------------------|--------------------------------------|-----------|
| Reclassification of Existing Positions | | | | | |
| Comptroller | Accountant II | N | 6/19/01 | Senior Accountant (New Class) | O |
| Classification of FY 2001/2002 New Positions | | | | | |
| General Services | New Position | App by BCC for 2001/02 Budget, effective 1/02 | | Electronics Technician | K |
| General Services | New Position | App by BCC for 2001/02 Budget, effective 1/02 | | Building Maintenance Technician | K |
| Public Defender | 3 New Positions | App by BCC for 2001/02 Budget, effective 1/02 | | Deputy Public Defender I | O |
| Public Defender | New Position | App by BCC for 2001/02 Budget, effective 4/02 | | Investigator I | K |
| Social Services | New Position | App by BCC for 2001/02 Budget, effective 1/02 | | Deputy District Attorney III (Civil) | T |

01-1167 STREET NAME CHANGE – BACON RIND ROAD TO SAGE CANYON ROAD

Upon recommendation of the Regional Street Naming Committee, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the request to change the name of the east-west portion of BACON RIND ROAD, located in the east half of Section 1, T21N-R20E, at the southern end of Bacon Rind Road in the Spanish Springs Valley, to SAGE CANYON ROAD be approved, effective immediately, and the property owners and appropriate agencies be notified by the Clerk.

01-1168 NAMING OF AN UNNAMED EASEMENT TO COSTALOTA COURT

Upon recommendation of the Regional Street Naming Committee, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the request to name an unnamed easement to Costalota Court, located in the Juniper Hills Subdivision east of Palomino Circle be ap

proved, effective immediately, and the property owners and appropriate agencies be notified by the Clerk.

01-1169 REAPPOINTMENT – ORGANIZATIONAL EFFECTIVENESS COMMITTEE

On motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that Stephanie Kruse and James (Jim) Covert be reappointed to the Organizational Effectiveness Committee with terms to expire December 31, 2004.

01-1170 APPOINTMENT/RESIGNATION – VERDI TOWNSHIP CITIZEN ADVISORY BOARD

On motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the resignation of Kevin Lods, an at-large representative on the Verdi Township Citizen Advisory Board, be accepted, and Rose “Tootsie” Meyers be appointed to fill the vacancy with a term commencing this date and expiring June 30, 2002.

01-1171 REAPPOINTMENT – CARSON-TRUCKEE WATER CONSERVANCY DISTRICT

On motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that David R. Roundtree, representing Washoe County on the Board of Directors of the Carson-Truckee Water Conservancy District, be reappointed with a term to expire December 31, 2005.

01-1172 DISCUSSION – TEMPORARY VACANCY OF THE ADVISORY PLANNING COMMISSION

Commissioner Galloway advised that Paul Morgan, a member of the Advisory Planning Commission, has been temporarily appointed to the Governing Board of the Tahoe Regional Planning Agency through December 2001. He noted that the appointment leaves a vacancy on the Advisory Planning Commission, but believes Mr. Morgan should be allowed to return to that capacity at the end of December. Mike Harper, Planning Manager, Community Development, supported Commissioner Galloway’s request that Mr. Morgan be allowed to return to the Advisory Planning Commission. He noted there would only be one meeting for this Board during Mr. Morgan’s absence.

01-1173 ACCEPT ANNUAL OPERATING REPORT OF THE WILBUR D. MAY CENTER – PARKS DEPARTMENT

The Board expressed their appreciation to the Wilbur D. May Foundation for all of their support.

Upon recommendation of Karen Mullen, Parks & Recreation Director, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the Annual Operating Report of the Wilbur D. May Center be accepted.

**01-1174 RESOLUTION AND AUCTION OF TAX DELINQUENT LANDS
HELD IN TRUST – PUBLIC WORKS**

Commissioner Sferrazza asked whether Washoe County and the Cities of Reno and Sparks have to pay for the property they want. Katy Singlaub, County Manager, said they do not have to pay for open space property, as there is special legislation that exempts open space from payment of delinquent taxes. Madelyn Shipman, Legal Counsel, said the statute also provides exemptions for affordable housing, drainage and road facilities. She said the provisions impose a fiduciary responsibility on the entity receiving the property to ensure that it continues to be used for the purposes for which it was acquired. Ms. Shipman said because an entity lists the property as a public use does not necessarily mean they are exempt from paying back taxes, although presumably the land is being purchased or acquired for purposes of public use.

Commissioner Galloway said he is uncomfortable with the City of Reno listing the property as a public use and not specifying what it will be used for. He inquired if they could hold the parcels until Reno indicates what the proposed use will be. Ms. Shipman said Reno has the ability to acquire the property for back taxes, but they will not receive the benefit from an exemption if they are not using it for a specific public purpose. She said the burden is on Reno to demonstrate any eligibility for an exemption.

Dave Roundtree, Public Works Director, stated that the City of Reno often does not indicate exactly what they are using the property for, and he is unsure whether the property is intended for affordable housing.

Mrs. Singlaub said the resolution could be adopted and the auction of tax delinquent lands authorized subject to County staff confirming that any exempt land would be used for purposes as described in NRS, and others would require delinquencies to be paid.

Upon recommendation of Mimi Fujii-Strickler, Civil Engineer Assistant, through Dave Roundtree, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, it was ordered that the following resolution be adopted; that the Washoe County Treasurer be authorized to auction all tax delinquent lands held in trust, with the exception of those parcels listed on Exhibit A (placed on file with the Clerk), subject to County staff confirming that any exempt land would be for the purposes as described in NRS; and that Chairman Shaw be authorized to execute:

RESOLUTION of the Board of County Commissioners of the County of Washoe, Nevada, pertaining to disposition of tax delinquent parcels of real property.

WHEREAS, pursuant to NRS 361.603, local governments are permitted to acquire tax delinquent properties held in trust by the treasurer of their county by virtue of a deed made pursuant to the provisions of Chapter 361 of NRS; and

WHEREAS, the properties described herein, being tax delinquent, are held in trust by the Washoe County Treasurer, by virtue of deed made pursuant to Chapter 361 of NRS; and

WHEREAS, the Board of County Commissioners of Washoe County hereby determines that the public interest will be best served by the sale of this property governmental units.

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

1. The Washoe County Treasurer is hereby directed to give notice of intention to sell tax delinquent properties described in paragraph 3 herein, to the last known owner or owners of said property, or their heirs or devisees, in the manner provided by law.
2. If the owner or owners of the parcels described in paragraph 3 herein, or their heirs or devisees, fail to redeem the property within the time allowed by law, the Washoe County Treasurer shall transfer ownership of said property to the governmental units in a manner prescribed by law.
3. Tax delinquent parcels to be sold or deeded to governmental units.
 - a. Washoe County Regional Open Space Program

| APNS | |
|-------------|------------|
| 016-740-01 | Open Space |
| 016-762-14 | Open Space |
| 016-762-15 | Open Space |
| 016-762-16 | Open Space |
| 016-762-17 | Open Space |
| 016-764-09 | Open Space |
| 038-100-08 | Open Space |
| 077-440-04 | Open Space |
| 077-440-05 | Open Space |

- b. City of Reno

| APNS | |
|-------------|------------|
| 011-017-11 | Public Use |
| 011-232-01 | Public Use |
| 011-232-02 | Public Use |

| | |
|------------|------------|
| 011-232-03 | Public Use |
| 011-232-04 | Public Use |
| 011-232-13 | Public Use |

c. City of Sparks

| APN | |
|------------|--------------|
| 30-550-12 | Parking Area |

d. Washoe County Parks Department

| APNS | |
|-------------|------------------------|
| 038-112-09 | Parks Sites/Open Space |
| 061-220-16 | BLM Land Exchange |
| 061-230-20 | BLM Land Exchange |
| 066-030-28 | BLM Land Exchange |
| 081-131-41 | Park Site/Open Space |

01-1175 REVIEW EMERGENCY MANAGEMENT ORDINANCE

On motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that staff bring back an amendment to the ordinance as a first reading to add the Chairman of the Board of Washoe County Commissioners to the succession of authority following the Public Works Director.

01-1176 2001 REGIONAL PLAN UPDATE – COMMUNITY DEVELOPMENT

Eric Young, Planner, Community Development, submitted Proposed 2001 Regional Plan Update Maps from Washoe County, the City of Sparks and the City of Reno. He noted that there are option maps because there are significant areas throughout the plan where there is no consensus. Mr. Young said County staff believes these maps should be presented to every Citizen Advisory Board (CAB) and Neighborhood Advisory Board (NAB), whereas the Regional Planning Commission would like to just have one or two meetings for the whole community. He reviewed recommended policies with options to move forward for public review, and other policies and goals that do not have options but are unacceptable. He said he would be meeting with the planning directors of the 3 jurisdictions, along with Regional Planning Agency staff, to discuss survey questions and how the phone survey will be conducted. Mr. Young advised that staff's position is that all new spheres of influence should be joint plan areas as provided for by NRS and the public process that falls within that.

Commissioner Sferrazza said he believes an election is better than a scientific poll and may cost less. Mr. Young said NRS gives the Regional Planning Commission the authority to develop the regional plan, develop the language, and create the five-year amendments. It would need to be the Regional Planning Commission that

agrees to that process, and he does not believe that will happen. Madelyn Shipman, Legal Counsel, advised that case law in Nevada does not allow for land use decisions to be made by referendum. She said the Board is not allowed to have a special election under any circumstances unless it satisfies an emergency, and she doubts that this plan update would qualify as such. The legislature has authorized the Regional Planning Agency to make regional planning decisions.

Commissioner Short said he would like to see the proposed plans on a ballot, and then adopt plans based on public input. He said it is vital to get these maps out to the public so the citizens can see the magnitude of damage this update is going to have.

Commissioner Galloway said he made the motion for the Regional Planning Governing Board and did not know that the intent by staff was to have only one or two community meetings to present the maps, or else he would have included in his motion that these maps be presented to each individual CAB and NAB. Mr. Young said, as currently contemplated, these maps will go out with a cover letter explaining what the maps are and where the process is currently. Commissioner Galloway said he would like to have input on the information going into the memo that will be included with the maps being mailed out.

Commissioner Sferrazza said there should be extensive effort to get this information out to the public. He asked if the County could support a mailing that would tell citizens when a meeting was going to be held in their area and what is being proposed. Mike Harper, Planning Manager, Community Development, said sending out a mailer could be fairly expensive, but staff understands what the Board is trying to achieve and maybe there is another way to do it.

Following further discussion, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw authorized the Washoe County Community Development Department to advise the Regional Planning Agency that the Board of County Commissioners requested individual presentations be made to each CAB and NAB; and that staff respond to comments made by the Commissioners regarding this matter.

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Commissioner Short temporarily left the meeting.

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The Washoe County Board of Commissioners convened as the Washoe County Liquor Board, with Sheriff Dennis Balaam present.

01-1177 **BILL NO. 1314 – AMENDING WCC CHAPTER 25 – BUSINESS LICENSES**

Bob Webb, Planning Manager, Community Development, advised that, if an organization meets the definition of a charitable organization and they wish to obtain a solicitation license, they are exempt from the business license fee of \$75. He said one option is that an organization not be exempt and they pay the \$75 fee for a temporary license that is valid for 90 days. Madelyn Shipman, Legal Counsel, said the Board could introduce the bill as amended, with the \$75 business license fee, and then at the public hearing, if they choose to remove that language, they could do so.

Bill No. 1314 entitled, “AN ORDINANCE AMENDING CHAPTER 25 OF THE WASHOE COUNTY CODE BY AMENDING THE WASHOE COUNTY BUSINESS LICENSE ORDINANCE CONCERNING ACTIVITIES EXEMPTED FROM A BUSINESS LICENSE, LICENSES FOR MOBILE BUSINESSES REFUNDS, TEMPORARY LICENSES, DEFINING CHARITABLE ORGANIZATIONS, LICENSES AND PERMITS FOR MASSAGE THERAPISTS AND APPRENTICES, MOTION PICTURE LICENSES, RECORDS FOR SECONDHAND STORE AND PAWNBROKER LICENSES, HOME OCCUPATION LICENSES, CRIMINAL HISTORY BACKGROUND INVESTIGATIONS AND DISQUALIFYING CONVICTIONS, REGISTRATION CARDS, TEMPORARY WORK PERMITS, AND OTHER MATTERS RELATING THERETO,” was introduced, as amended, by Commissioner Galloway, the title read to the Board, and legal notice for final action of adoption directed.

On motion by Commissioner Galloway, seconded by Commissioner Sferazza, which motion duly carried with Commissioner Short temporarily absent, Chairman Shaw ordered that the Business Impact Statement be approved.

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The Washoe County Board of Commissioners convened as the Washoe County Liquor and Gaming Board, with Sheriff Dennis Balaam present.

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Commissioner Short returned to the meeting.

01-1178 **BILL NO. 1315 – AMENDING WCC CHAPTER 30 – INTOXICATING LIQUOR AND GAMING LICENSES - REGULATIONS CONCERNING CRIMINAL HISTORY BACKGROUND INVESTIGATIONS**

Bob Webb, Planning Manager, Community Development, said the only concern raised from the Sheriff’s Department was that they may come back the next budget year to request additional staff for the records division.

Bill No. 1315 entitled, "AN ORDINANCE AMENDING CHAPTER 30 OF THE WASHOE COUNTY CODE BY AMENDING THE WASHOE COUNTY INTOXICATING LIQUOR AND GAMING LICENSES AND REGULATIONS CONCERNING CRIMINAL HISTORY BACKGROUND INVESTIGATIONS, MERGER OF THE LIQUOR AND GAMING BOARDS, AGE LIMIT IN PACKAGE SALES AREAS, THE TIME WHEN LIQUOR MAY BE SOLD AND DISPOSED, AND OTHER MATTERS RELATING THERETO," was introduced by Commissioner Sferrazza, the title read to the Board, and legal notice for final action of adoption directed.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the Business Impact Statement be approved.

* * * * *
The Board reconvened as the Washoe County Board of Commissioners.
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01-1179 AMENDMENT TO WCC CHAPTER 110 – ARTICLE 212 –
SOUTHEAST TRUCKEE MEADOWS AREA PLAN – HIDDEN
VALLEY MODIFIERS – COMMUNITY DEVELOPMENT

Commissioner Galloway asked if General Rural (GR) is removed from the development standard of the modifiers, would that still allow uses such as pig farms, gravel pits, etc., that could end up next door to residences. Sharon Kvas, Planner, Community Development, said they did not discuss those specific uses.

Following further discussion, the Board directed that this matter be referred back to the Southeast Truckee Meadows Citizen Advisory Board to make sure the area residents understand the allowed uses.

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Amy Harvey, County Clerk arrived at 5:15 p.m. and
Nancy Parent, Deputy Chief County Clerk left the meeting.
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01-1180 BILL NO. 1316 – AMENDING WCC CHAPTER 110 – ARTICLE
406, BUILDING PLACEMENT STANDARDS AND ARTICLE 902,
DEFINITIONS

Sharon Kvas, Planner, Community Development, advised that General Rural (GR) limits properties to 40 acres. She said a section is not always 1 square mile by 1 square mile, and as a result of that there are parcels that could easily be developed into 40 acre parcels that are nominally 1/16 of a section; and, because the language is so tight to exactly 40 acres, it eliminates the right to divide the section into 1/16 of a section, which is allowed by State law.

Bill No. 1316 entitled, "AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, ARTICLE 406, BUILDING PLACEMENT STANDARDS, AND ARTICLE 902, DEFINITIONS. THE AMENDMENT ADJUSTS THE WIDTH STANDARDS FOR THE GENERAL RURAL (GR), GENERAL RURAL RESIDENTIAL (GRR) LOW DENSITY RURAL (LDR), MEDIUM DENSITY RURAL (MDR), AND HIGH DENSITY RURAL (HDR) LAND USE DESIGNATIONS, ADDS TWO ADDITIONAL METHODS FOR CALCULATING THE LOT WIDTH, AFFORDS A MODIFICATION PROCESS TO THE LOT WIDTH STANDARDS FOR COMPELLING ENVIRONMENTAL CONSIDERATIONS, PERMITS 1/16 SECTION PARCELS (NOMINALLY 40 ACRES) IN GENERAL RURAL AND AMENDS DEFINITIONS TO REFLECT THE PROPOSED CHANGES, AND OTHER MATTERS RELATING THERETO," was introduced by Commissioner Galloway, the title read to the Board, and legal notice for final action of adoption directed.

01-1181 **BILL NO. 1311 – ORDINANCE NO. 1137 – AMENDING WCC CHAPTER 110 – ARTICLE 906, FEES – DEVELOPMENT APPLICATION FEES**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on November 2, 2001, to consider second reading and adoption of Bill No. 1311. Proof was made that due and legal Notice had been given.

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

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that Ordinance No. 1137, Bill No. 1311, entitled, "AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, ARTICLE 906, FEES, BY DELETING THE DEFINITION OF CHARITABLE ORGANIZATION THAT IS EXEMPT FROM THE SUBMITTAL OF A DEVELOPMENT APPLICATION FEES, DELETING THE PROVISION FOR REINITIATING A CODE AMENDMENT APPLICATION AND ADDING A NEW PROVISION ENUMERATING THE PROCESS FOR REFUNDING DEVELOPMENT APPLICATION FEES, AND OTHER MATTERS PROPERLY RELATING THERETO," be approved, adopted and published in accordance with NRS 244.100.

01-1182 **APPEAL - VARIANCE CASE NO. VA01-016 - KGI ONE, APPLICANT - EYRIE PROPERTIES, APPELLANT - APPEAL CASE NO. AX01-008 - COMMUNITY DEVELOPMENT (APN: 125-211-02)**

5:30 p.m. This was the time set in a Notice sent to affected property owners to consider an appeal by Robert Gryphon, Eyrie Properties, of the decision by the Washoe

County Board of Adjustment to conditionally approve Variance Case No. VA01-016 for KGI One to relocate a designated building envelope designated in the Tahoe Regional Planning Agency (TRPA) Plan Area, PAS 040, as authorized in Section 110.220.05 of the Washoe County Development Code. The project is located at 808 Jeffrey Street, at the end of the cul-de-sac approximately 460 feet south of the intersection of Jeffrey Street and Geraldine Drive. The ±6.46-acre parcel is designated High Density Rural (HDR) in the Tahoe Area Plan, and is situated in a portion of Section 9, T16N, R18E, MDM, Washoe County, Nevada. The property is located in the Incline Village/Crystal Bay Citizen Advisory Board boundary and Washoe County Commission District No. 1.

Chairman Shaw opened the public hearing by calling on those wishing to speak concerning this matter.

Eva Krause, Planner, Department of Community Development, stated the issues in this case are whether there are special circumstances that would cause an undue hardship on the property owner and whether approval of the variance would be a detriment to the appellant.

Commissioner Galloway disclosed that he is a member of the TRPA Governing Board. Madelyn Shipman, Assistant District Attorney, stated that Commissioner Galloway does not have a conflict in this matter.

Ms. Krause then displayed maps, drawings and photographs on the overhead depicting the applicant's and appellant's properties and described the proposed project. She then responded to Board members' questions.

Commissioner Galloway asked several questions and ascertained that this variance is needed because there was a building envelope platted for the property and the property owner wishes to change that envelope, not because there is a desire to change any setback requirements.

Ann Setty-Rosevear, Attorney representing appellant, Robert Gryphon, Eyrie Properties, LLC, stated they disagree with the finding that there are special circumstances creating an exceptional and undue hardship on the applicant. She stated Mr. Gryphon's home is directly above the applicant's property; and, while there will not be a lake view impingement from Mr. Gryphon's property, the view of a home in an area that was conservation property will be a detrimental impact on Mr. Gryphon. Ms. Setty-Rosevear also discussed the two different plans for driveways and asked that someone explain why the long driveway farther up the hill would be better. She stated this variance request should be remanded back and other alternatives should be explored.

In response to Commissioner Galloway, Legal Counsel Shipman explained that the hardship finding relates to the features of the lot itself and not to the convenience of the property owner. Ms. Shipman further stated the applicant is under no obligation to present or explore other alternatives.

Paul Kaleta, representing applicant, KGI One, distributed a handout including maps and photographs of subject property and noted that the Incline Village Citizen Advisory Board unanimously approved the variance request. He briefly reviewed TRPA history of the subject lot and the conservation area. Mr. Kaleta stated they are downhill from Mr. Gryphon and no matter where they build, Mr. Gryphon will be able to see their roof; and while the new envelope would move the building 200 feet closer, it is still 500 feet away from Mr. Gryphon. As to exploring alternatives, Mr. Kaleta stated they have already done that, both with the TRPA and with County staff; and a prior plan moving the building envelope closer to Jeffrey Court was turned down by this Commission in the past. He stated they have worked hard to satisfy concerns of the TRPA, the County, the neighbors; and, unfortunately, one neighbor is still not satisfied.

The following Jeffrey Court residents spoke in support of approval of the variance: H. Greg Fisher, Joseph Gaussein, Les Barta, and Charles Allio. They discussed the advantages of having the driveway on Ida Court rather than on Jeffrey Way and the problem of snow removal/storage. They stated putting the driveway off Ida Court would result in much less environmental degradation; Ida Court has a storm drain, which Jeffrey Court does not; and if the driveway is off Jeffrey Court, the applicant would have to cut through the tall, expensive retaining wall constructed by the County. Mr. Barta stated they have been through this many, many times before many different boards, and the issue is whether the house should be built 500 feet away from Mr. Gryphon's or 650 feet away; and, either way, Mr. Gryphon is going to barely see the roof.

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

Commissioner Galloway asked what the hardship would be if there was one driveway that had to serve the existing building site. Mr. Kaleta stated the hardship would be topographical, as there would be a 50-foot drop requiring cuts and switchbacks.

In response to questions from Commissioner Sferrazza, Ms. Krause displayed a photo of the hillside and reiterated that the applicant's home will not block Mr. Gryphon's view, but it would be visible to Mr. Gryphon no matter where it is built on the lot. Commissioner Sferrazza asked what could be done to mitigate the impact to Mr. Gryphon. Ms. Krause stated they could require that the roof color blend with the landscape.

Ms. Setty-Rosevear stated, if the request were approved, there are already some restrictions concerning roof type, color, etc., which might mitigate some of the impacts. She stated landscaping would be desirable, but it will be difficult to vegetate because of the soil.

Chairman Shaw stated it seems to him that every effort has been made to mitigate the impacts to the neighbors. Commissioner Galloway stated that TRPA has many other rules the applicant will have to follow. He further stated he does not see this as a significant detriment to Mr. Gryphon, but rather as a slight detriment.

Having made the following findings,

1. Special Circumstances. Because of the special circumstances applicable to the property, including exceptionally steep slopes, irregularly shaped parcels and platted building area rather than the standard setback requirement, the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;
2. No Detriment. The relief will improve the environmental impact to the sites by creating a shared driveway rather than a driveway to each site. The proposed location of the building envelope will not impair the lake views of the surrounding property owners. Granting the request will not impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
3. No Special Privileges. The granting of the variance will not change or eliminate any of the code requirements for the development of the property and does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
4. Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property;
5. The Board of Adjustment gave reasoned consideration to the information contained within the staff report and information received during the meeting; and
6. The Board of County Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting;

on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza abstaining, Chairman Shaw ordered that the appeal of Robert Gryphon, Eyrie Properties, be denied and the decision of the Board of Adjustment to approve Variance Case No. VA01-016, subject to the following conditions, be upheld:

CONDITIONS OF APPROVAL FOR
VARIANCE CASE NO. VA01-016 - KGI ONE

(As approved by Washoe County Board of Adjustment at its October 4, 2001 meeting)

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

GENERAL CONDITIONS

UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A BUILDING PERMIT. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

COMPLIANCE WITH THE CONDITIONS OF THIS VARIANCE IS THE RESPONSIBILITY OF THE APPLICANT, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE VARIANCE MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

ANY OPERATIONAL CONDITIONS IMPOSED BY THIS VARIANCE APPROVAL ARE SUBJECT TO REVIEW BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT PRIOR TO THE ANNUAL RENEWAL OF A BUSINESS LICENSE. FAILURE TO COMPLY WITH THE CONDITIONS MAY RESULT IN WITHHOLDING RENEWAL OF THE BUSINESS LICENSE UNTIL THE DEPARTMENT OF COMMUNITY DEVELOPMENT HAS DETERMINED COMPLIANCE HAS BEEN ACHIEVED.

ALL CONDITIONS LISTED WITHIN THIS APPROVAL MUST BE SATISFIED TO EFFECTUATE THIS VARIANCE APPROVAL. THE PROPERTY OWNER AND/OR APPLICANT ARE RESPONSIBLE FOR COMPLYING WITH ALL RELEVANT RULES, REGULATIONS, DEVELOPMENT STANDARDS, POLICIES AND PROCEDURES OF WASHOE COUNTY. WASHOE COUNTY RETAINS THE RIGHT TO ENFORCE ALL APPLICABLE ORDINANCES THAT ARE NOT WAIVED OR VARIED BY THE APPROVAL OF THIS APPLICATION.

WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD IT DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.

SPECIFIC CONDITIONS for VARIANCE CASE NO. VAOI-016

1. The applicant shall commence and complete the conditions of this variance within one year of date of approval by the Board of Adjustment. The Department of Community Development shall determine compliance with this condition.

2. The applicant shall demonstrate conformance with the plans approved as part of this variance. Modification to the site plan may require amendment to and reprocessing of the variance. The Department of Community Development shall determine compliance with this condition.
3. The applicant shall reconfigure the parcels so that one building envelope is on each lot. A Boundary Line Adjustment must be completed and recorded in conjunction with the recording of the new building envelope. A copy of the recorded Boundary Line Adjustment shall be submitted to the Community Development Department prior to the issuance of a building permit.
4. The applicant shall execute and record a non-revocable access and driveway easement agreement between the parcel APN 125-211-01 (795 Ida Court) and APN 125-211-02 (808 Jeffery Court). The agreement shall run with the land. The agreement shall be reviewed and approved by the District Attorney's office prior to being recorded. A copy of the agreement shall be submitted to the Department of Community Development prior to the issuance of a building permit.
5. The affected property owners shall record an easement in accordance with the following condition of the Incline Village General Improvement District:

Applicant is notified that by Document No. 121070, the easement declaration contained within that document shall follow the new lot lines, if approved. Water meters for both properties shall be placed at the street off the property. An easement from one property to the other shall be granted for water and sewer utilities across APN 125-211-01 to APN 125-211-02 as well as lot 26 and/or lot 27, Block "G" Incline Village Subdivision Unit No. 1, whichever is affected.

6. Prior to recording the new building envelopes and the boundary line adjustment, the applicant shall provide evidence of Tahoe Regional Planning Agency's approval of the said changes.

01-1183 APPEAL - ADMINISTRATIVE PERMIT CASE NO. AP01-003 - JUMPIN "J" PRODUCTION HORSES, APPLICANT - JIM D. YORK, APPELLANT - APPEAL CASE NO. AX01-010 - COMMUNITY DEVELOPMENT (APN: 080-395-01)

5:30 p.m. This was the time set in a Notice mailed to affected property owners to consider an appeal by Jim D. York of the decision by the Washoe County Board of Adjustment to conditionally approve the request of Jayce Templeton/Bob Philips to permit the establishment of a commercial stables and equestrian center at 11505 Overland Road offering horse boarding, breaking and training of horses, and riding lessons, as authorized in Section 110.304.25(c)(1) of the Washoe County Development Code. The commercial

stables operation will entail boarding for no more than five horses not belonging to the residents of the property, with horse training being conducted for horses not boarded on the site, and riding lessons for clients. There will be no physical expansion of the facilities on the property; only existing improvements will be used. No events will be held nor trail rides conducted. The ±1.122-acre parcel is on the northwest corner of the intersection of Overland Road with Matterhorn Boulevard, approximately one mile north of Lemmon Valley Drive. The property is designated Low Density Suburban (LDS) in the North Valleys Area Plan, is located within the North Valleys Citizen Advisory Board boundary, and is in Washoe County Commission District 5. The parcel is Lot 12 of Block 13 of Heppner Subdivision No. 4 and is within the SE 1/4 of Section 15, T21N, R19E, MDM, Washoe County, Nevada.

Chairman Shaw opened the public hearing by calling on those wishing to speak concerning this matter.

Don Young, Planner, Department of Community Development, provided background information by reviewing the staff report and the decision by the Board of Adjustment. He stated the site is fully developed and no new structures or facilities will be added. The North Valleys Citizen Advisory Board recommended approval of the application, and the issues the CAB asked to be considered are addressed in the conditions of approval.

Commissioner Galloway clarified that the appeal is based on concerns regarding air quality, traffic, dust and noise. He asked Mr. Young where the conditions are listed and if they sufficiently address the issues.

Commissioner Short asked about water rights, how much water is allocated per horse, and how much water would be used for dust control. Mr. Young stated the State Engineer, in past practice, has not required additional commercial water rights on these small operations. Mr. Young further stated there are four other commercial stables within this subdivision and none of those were required to dedicate water rights because they stay within their allowance of 1,800 gallons per day. The State Engineer uses a figure of 20 gallons per horse daily on an annual average, and the applicant's well will supply that. Mr. Young further stated staff has not requested the dust control plan yet because the applicant is waiting to see if the administrative permit is approved.

Jim York, appellant, submitted a petition containing 33 signatures of neighboring property owners opposed to approval of the administrative permit. He also submitted photographs of the dust created by the horses; stated the applicant plays loud music and uses a megaphone while training; and stated there will be much more traffic coming to the site, all of which will seriously impact the neighbors in this residential area. Mr. York said the Heppner subdivision is in dire straits as far as the water situation, and well levels have dropped 35 feet in the last 20 years. In response to Chairman Shaw, Mr. York advised that there was only one horse working in the arena when the dust pictures were taken, and the soils in the area are basically old sediment and sand. Mr. York stated he has heard of two plans for dust control. One plan was to bring in decomposed

granite, which will also create dust; and the other was to use "gray" water, which is illegal.

Commissioner Sferrazza pointed out that there is no limit on the number of horses a person can have on lots one acre and larger. Mr. York stated he is opposed to the horse training commercial operation on this site.

Jayce Templeton, applicant, submitted signatures of neighbors who are in favor of her proposal. She stated she has seven stalls and will not have more than seven or eight horses at a time; and, using an estimate of 40 gallons of water per horse, she would be using about 300 gallons of water per day for the horse operation. Ms. Templeton stated she has been doing this for two years and, until she applied for the license, she did not know her neighbors were so upset with her. She stated she does want to get along with her neighbors and, since she was advised of their concerns, she has stopped using the megaphone and playing music. She stated she can only work one or two horses at a time; and she will put in a sprinkler system and a fence for dust control, will pay attention to wind conditions, and will not work when it is too windy and the dust would blow towards the neighbors. Ms. Templeton reiterated that she is trying to be very considerate of her neighbors and will continue to do so. In response to Commissioner Short, she said she has already brought in some decomposed granite and will bring in more.

The following area residents spoke, or submitted written comments, in opposition to approval of the administrative permit: Kathi Avampato, Russ Price, Yvonne Kelly, Darrel Kelly, Lois Lowe, Howard Silva, Irene Matthews, Michael Matthews, and Edna Viola Lord. These individuals discussed the issues of declining well water levels, dust, noise and increased traffic. They expressed that a commercial stable and equestrian business does not belong in a residential neighborhood and raised allegations that Ms. Templeton was already operating outside of Washoe County Code. It was further stated that Ms. Templeton does not own the subject property, but only rents a room. Mr. Kelly expressed concern about the condition allowing Ms. Templeton to conduct her business from 7:00 a.m. to 10:00 p.m. Ms. Lowe stated there is a strong smell of urine and horse manure, and the fly and mice populations have really increased in the area.

The following individuals spoke in support of approval of the permit: Jennelle Davis, Bob Phillips, and Beth Jensen. Ms. Davis spoke about the charitable outreach program Ms. Templeton does, which she might not be able to continue without this permit for her livelihood. Mr. Phillips explained that he owns the subject property and has a lease-to-buy agreement with Ms. Templeton, but there is no specific timeframe for her to purchase the property. Ms. Jensen refuted claims of mistreatment of the horses and stated she has known Jayce Templeton for a long time and knows she treats her horses very well.

Procedural issues for administrative permits and the fees for appealing decisions were discussed, and Mr. Young distributed information regarding that.

Ms. Templeton reiterated her dust control plans and stated she will do whatever is necessary to address the concerns of her neighbors. She also stated her stalls are cleaned daily and the manure is hauled off weekly.

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

Commissioner Galloway and Mr. Young discussed the issue of domestic water usage versus dedication of water rights for these small businesses.

Chairman Shaw noted that if Ms. Templeton were not applying for this license and had 10 to 12 horses of her own, these problems would not be addressed.

Commissioner Galloway agreed, stating Ms. Templeton could train horses all day long and, as long as she was not taking money for doing so, she would not need a permit; and dust complaints would go to the Health Department for them to resolve. He stated that by approving the permit, the County at least has some regulatory authority to mitigate the impacts to the neighbors.

Commissioner Short stated he wanted to support the Board of Adjustment, but asked if the Commission could add other conditions to further minimize the impacts on the neighbors. Commissioner Galloway stated he would want to add conditions that there would be no more use of bullhorns, no more outside music, and the riding arena be enclosed in a solid fence.

Commissioner Sferrazza stated he could not support approval because he feels the applicant has already failed to comply with the home occupation conditions, and he does not believe using a domestic well for a commercial operation is right.

Having made the following findings:

1. That, as conditioned, the Administrative Permit does not conflict with the policies of the Washoe County Comprehensive Plan or the North Valleys Area Plan;
2. That the conditions of approval will prevent violation of any policies, action programs, or standards of the Washoe County Comprehensive Plan or the North Valleys Area Plan;
3. That adequate utilities, roadway improvements, sanitation, water supply, and other necessary facilities are in place or will be provided under the conditions of approval, the Washoe County Code, the Nevada Administrative Code, or the Nevada Revised Statutes;
4. That the site is physically suitable for the type of development and for the intensity of the development;

5. That the improvements to the site will meet or exceed the requirements of the Washoe County Code and the conditions of the Administrative Permit;
6. That the conditions of approval insure that the proposed development is not unduly detrimental to surrounding properties, land uses and the environment in general;
7. That the proposed use, since there will be no new facilities, will not unduly block scenic views or degrade any surrounding scenic resources;
8. That the facilities and proposed activities are consistent with the character of the area and neighboring properties;
9. That the conditions of approval and the existing Washoe County Code ensure the maintenance of the public health, safety and welfare and prevent injury to other properties or improvements; and
10. That the Board gave reasoned consideration to the information contained within the staff report and information received during the meeting;

on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, with Commissioner Sferrazza voting "no," Chairman Shaw ordered that the appeal of Jim York be denied and the decision of the Washoe County Board of Adjustment to approve Administrative Permit Case No. AP01-003 for Jumpin "J" Production Horses be upheld subject to the following conditions as amended by the Board of County Commissioners:

CONDITIONS FOR
ADMINISTRATIVE PERMIT CASE NO. AP01-003
FOR JUMPIN "J" PRODUCTION HORSES

UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO APPLICATION FOR A BUSINESS LICENSE. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH ANY SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

COMPLIANCE WITH THE CONDITIONS OF THIS ADMINISTRATIVE PERMIT IS THE RESPONSIBILITY OF THE APPLICANT, HIS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY

CONDITIONS IMPOSED IN THE ISSUANCE OF THE ADMINISTRATIVE PERMIT MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

ANY OPERATIONAL CONDITIONS ARE SUBJECT TO REVIEW BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT PRIOR TO THE ANNUAL RENEWAL OF A BUSINESS LICENSE. FAILURE TO ADHERE TO THE CONDITIONS MAY RESULT IN WITHHOLDING RENEWAL OF THE BUSINESS LICENSE UNTIL CONDITIONS ARE MET. THE DEPARTMENT OF COMMUNITY DEVELOPMENT SHALL BE RESPONSIBLE FOR DETERMINING COMPLIANCE.

WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD THEY DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.

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

GENERAL CONDITIONS

1. The applicant shall demonstrate substantial conformance with the plans approved as part of this Administrative Permit. Modification to the site plan may require amendment to and reprocessing of the Administrative Permit. Conformance shall be determined by the Department of Community Development.
2. The project shall comply with all applicable statutes, ordinances, rules, regulations, and policies in effect at the time of submittal of the request or, if requested by the developer and approved by the applicable agency, those in effect at the time of approval of the Administrative Permit or a subsequent Washoe County permit.
3. A copy of the final order stating *conditional approval* of this Administrative Permit shall be attached to all applications for administrative approvals issued by Washoe County.
4. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the Administrative Permit to meet with the Department of Community Development to review conditions of approval prior to the final sale of the site and/or the special use permit. Any subsequent purchaser/operator of the site and/or the special use permit shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
5. The applicant shall obtain a valid Washoe County business license permit within one year from the date of approval by Washoe County and maintain that Business

License. The Department of Community Development shall be responsible for determining compliance with this condition.

6. The applicant shall comply with the applicable solid waste regulations of the Washoe County District Health Department. Specifically, the applicant shall provide the District Health Department with information regarding the disposal of manure. The requirements of the District Health Department may stipulate that all manure must be removed on a weekly basis and taken to an approved disposal site. (The applicant should contact Peggy Schopper or Bob Sack at 328-2434 for further information.)
7. The applicant shall obtain an approved Dust Control Plan from the Air Quality Division of the District Health Department. The Dust Control Plan shall specify the specific dust control strategies necessary to prevent the generation of dust.
8. The applicant shall comply with the requirements of the Reno Fire Department regarding water supply for fire protection and fire department access. All structures must comply with all applicable provisions of the Uniform Building Code and the Uniform Fire and Life Safety Code. The Reno Fire Department shall be responsible for determining compliance with this condition.
9. Business hours shall be limited to the hours between 7:00 A.M. and 10:00 P.M. The Department of Community Development shall be responsible for determining compliance with this condition.
10. The applicant shall not install additional lighting to further this operation. Any existing lighting must be brought into compliance with the requirements of the Development Code. The Department of Community Development shall be responsible for determining compliance with this condition.
11. The maximum number of horses that may be boarded on the property, including those of the property owner, will be limited to no more than ten. The Department of Community Development shall be responsible for determining compliance with this condition.
12. Water rights in accordance with the North Valleys Area Plan shall be dedicated to Washoe County. The water rights must in good standing with the State Division of Water Resources and shall reflect the point of diversion, place of use, and manner of use satisfactory to the Utility Services Division.
13. Water rights quantity/demand for commercial development will be determined upon fixture unit counts and irrigation, landscape water demand in accordance with the area plan. The Utility Services Division shall be responsible for determining compliance with this condition.

14. A letter from the Nevada State Engineer's office authorizing the use of the domestic well (with an 1800 gallons per day limitation) to satisfy the project demand would be acceptable in lieu of water rights dedication. The Utility Services Division shall be responsible for determining compliance with this condition.
15. The applicant shall not permit the use of bullhorns or outside music for any of the activities permitted under this Administrative Permit. The Department of Community Development shall be responsible for determining compliance with this condition.
16. The applicant shall fully enclose the riding arena with a solid fence. The Department of Community Development shall be responsible for determining compliance with this condition.

01-1184 PUBLIC HEARING - HARDSHIP APPLICATIONS - SPECIAL ASSESSMENT DISTRICT NO. 30 - ANTELOPE VALLEY ROAD

5:30 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on October 25, November 1, and November 8, 2001, and properly posted at three public locations near the project site on October 24, 2001, to consider any applications for hardship filed with the Washoe County Department of Social Services for property owners within Special Assessment District No. 30 (Antelope Valley Road) and determination whether to grant any hardship applications.

Dave Roundtree, Public Works Director, advised that no hardship applications were received.

Chairman Shaw opened the public hearing by calling on those wishing to speak concerning this matter.

Harold Faretto, Lemmon Valley resident, stated he contacted Washoe County Social Services to inquire about applying for a hardship and learned that in order to qualify one cannot own land or have any assets, and income must be less than \$557 per month. He said that, under those conditions, no one could qualify for a hardship deferment. Mr. Faretto stated he has two parcels, so he has to pay double; that his properties were previously assessed for another road; and he is concerned about how much more he might have to pay when other roads in the area also get paved. He cited different numbers and stated he is not sure how much his assessment is actually going to be and responded to questions from Board members.

Mr. Roundtree explained that Social Services uses the same criteria for these hardship applications as they use for general assistance or medical assistance applications. Madelyn Shipman, Assistant District Attorney, further advised that procedure is in accordance with State law.

Commissioner Galloway asked whether Mr. Faretto might face future assessments for paving other roads in the area. Mr. Roundtree explained that a property does not have to have frontage on Antelope Valley Road to be assessed. If a property is served by Antelope Valley Road and the property owner travels over any part of it to get to his property, the property owner is subject to the assessment. He further stated Mr. Faretto was probably also assessed for the Matterhorn project.

Chairman Shaw read written comments submitted by Brenda Cristani and Raymond Martin expressing opposition to the assessment.

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

01-1185 RESOLUTION - RATIFYING ASSESSMENT ROLL - SPECIAL ASSESSMENT DISTRICT NO. 30 - ANTELOPE VALLEY ROAD

Dave Roundtree, Public Works Director, reported that the total cost of the project is \$1,362,000, and the amount to be assessed to each property is \$5,991. In response to Commissioner Sferrazza, Mr. Roundtree advised the road will be paved to a width of 24 feet with a 2-foot shoulder on each side; the costs include all construction, administrative costs, bond financing, etc.; and property owners can pay in installments if they so choose.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Shaw be authorized to execute on behalf of Washoe County:

RESOLUTION NO. 01-1185
(of Washoe County, Nevada)

A RESOLUTION CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 30 (ANTELOPE VALLEY ROAD); DETERMINING THE COST TO BE ASSESSED AND RATIFYING THE ASSESSMENT ROLL; RATIFYING THE ACTION PREVIOUSLY TAKEN; PROVIDING FOR RELATED MATTERS; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the Board of County Commissioners (herein "Board") of the County of Washoe (herein "County") in the State of Nevada, pursuant to an ordinance adopted June 26, 2001 (herein the "Creation Ordinance"), created Washoe County, Nevada, Special Assessment District No. 30 (Antelope Valley Road) (herein "District" and ordered the acquisition of a street project for the District (the "Project"); and

WHEREAS, the Board has authorized the proper officers of the County to execute a construction contract on behalf of said County in accordance with the Project, all as provided by law; and

WHEREAS, the Board has determined heretofore that the cost and expense of the Project is to be paid by special assessments levied against the benefitted lots, tracts and parcels of land in said District; and

WHEREAS, on November 13, 2001 the Board considered all applications for hardship determinations and the recommendations of the Washoe County Department of Social Services and approved the following applications for hardship determination:

| Parcel Number | Ownership | Assessment |
|---------------|---------------------------------|------------|
| | (no applications were received) | |

and

WHEREAS, the Board has determined and does hereby declare that the net cost to the County of all the improvements in the District (including all necessary incidentals which either have been or will be incurred in connection with said District) is \$1,362,000, which amount is to be assessed upon the benefitted tracts and parcels of land in the District.

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

Section 1. All action, proceedings, matters and things heretofore taken, had and done by the County and the officers thereof (not inconsistent with the provisions of this resolution) concerning the District, be, and the same hereby is, ratified, approved and confirmed.

Section 2 The total cost of the District to the County (including all necessary incidentals, which either have been or will be incurred in connection with said District) is hereby determined to be \$1,362,000, of which \$1,362,000 shall be paid by the assessable property in the District, as designated in the Creation Ordinance.

Section 3. The Board hereby ratifies an assessment roll for the District concerning, among other things:

(a) The name and address of each last-known owner of each lot, tract or parcel of land to be assessed, or if not known, that the name is "unknown".

(b) A description of each lot, tract or parcel of land to be assessed, and the amount of the proposed assessment thereon, apportioned upon the basis for assessments

heretofore determined by said Board in the Special Assessment District No. 30 (Antelope Valley Road) Ordinance and as stated in the provisional order for the hearing on the Project.

Section 4. The officers and employees of the County be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution, including, without limiting the generality of the foregoing, the preparation of all further necessary legal proceedings, assessments rolls and lists, tabulations of parcels, and other items necessary or desirable for the completion of the District.

Section 5. All resolutions, or parts thereof, in conflict with the provisions of this resolution, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution, or part thereof, heretofore repealed.

Section 6. If any section, paragraph, clause or other provisions of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provisions shall not affect any of the remaining provisions of this resolution.

Section 7. The Board of County Commissioners has determined, and does hereby declare, that this resolution shall be in effect after its passage in accordance with law.

**01-1186 RESOLUTION - CALLING A PUBLIC HEARING ON
ASSESSMENT ROLL - SPECIAL ASSESSMENT DISTRICT NO.
30 - ANTELOPE VALLEY ROAD**

Following discussion, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Shaw be authorized to execute on behalf of Washoe County:

**RESOLUTION NO. 01-1186
(of Washoe County, Nevada)**

A RESOLUTION CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 30 (ANTELOPE VALLEY ROAD); CAUSING THE ASSESSMENT ROLL FOR THE DISTRICT MADE BY THE BOARD OF COUNTY COMMISSIONERS TOGETHER WITH THE COUNTY ENGINEER TO BE FILED IN THE OFFICE OF THE WASHOE COUNTY CLERK; FIXING THE TIME AND PLACE WHEN

COMPLAINTS, PROTESTS, AND OBJECTIONS TO THE ASSESSMENT ROLL WILL BE HEARD; PROVIDING FOR THE MANNER OF GIVING NOTICE OF THE FILING OF THE ASSESSMENT ROLL WITH THE COUNTY CLERK, OF OPPORTUNITY TO FILE WRITTEN COMPLAINTS, PROTESTS, AND OBJECTIONS, AND OF A HEARING CONCERNING THE ASSESSMENT ROLL; PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH; RATIFYING ALL ACTION TAKEN CONSISTENT WITH THE PROVISIONS HEREOF; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the Board of County Commissioners (herein "Board") of the County of Washoe (herein "County"), and State of Nevada, pursuant to an ordinance adopted June 26, 2001 (herein "District Ordinance"), created Washoe County, Nevada, Special Assessment District No. 30 (Antelope Valley Road) (herein "District") and ordered the acquisition of a street project for the District (herein the "Project"); and

WHEREAS, the Board has authorized the proper officers of the County to execute the appropriate documents for a construction contract on behalf of the County for the Project, all as provided by law; and

WHEREAS, such construction contract has been executed; and

WHEREAS, the Board has heretofore determined that the cost and expense of the Project is to be paid by special assessments levied against the benefitted lots, tracts and parcels of land in the District; and

WHEREAS, the Board has determined, and does hereby determine to issue and sell medium-term bonds to be hereafter issued by the County of Washoe to pay for a portion of the cost of the Project; and

WHEREAS, NRS 271.360 provides that the Board may determine the cost of the Project to be assessed after making the construction contract, or after determining the net cost to the County, but not necessarily after the completion of the Project; and

WHEREAS, in accordance with NRS 271.360, the Board has determined the net cost to the County of all of the improvements in the District (including all necessary incidentals which either have been or will be incurred in connection with the District), which is to be assessed upon the benefitted lots, tracts and parcels of land in the District; and

WHEREAS, the Board by a resolution duly adopted November 13, 2001, ratified an assessment roll; and

WHEREAS, the Board has determined, and does hereby determine, that all of the assessable property in the County which is specially benefitted by the improvements to be acquired in the District, and only the property which is so specially benefitted, is included on the assessment roll; and

WHEREAS, the Board has determined, and does hereby determine, that the notice for a hearing on the assessment roll which is provided for herein is reasonably calculated to inform each interested person of the proceedings concerning the District which may directly and adversely affect his or her legally protected rights and interests.

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

Section 1. All action, proceedings, matters and things heretofore taken, had, and done by the County and the officers and employees thereof (not inconsistent with the provisions of this resolution) concerning the District, be, and the same hereby is, ratified, approved and confirmed.

Section 2. The total cost of the District to the County (including all necessary incidentals which either have been or will be incurred in connection with the District) has been and hereby is determined to be \$1,362,000, of which \$1,362,000 shall be paid by the assessable property in the District, as described and as provided in the District Ordinance.

Section 3. The assessment roll for the District has been examined by the Board, is tentatively approved, and is ordered filed in the office of the County Clerk this November 13, 2001.

Section 4. Tuesday, December 11, 2001 at 5:30 p.m., at the Commissioners Chambers, Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada, be, and the same hereby is, fixed as the date, time, and place when the Board will hear and consider complaints, protests, and objections to the assessment roll, to the amount of each of the assessments, and to the regularity of the proceedings in making such assessments (whether made verbally or in writing) by the owners of the assessable property specially benefitted, by the improvements in "Washoe County, Nevada, Special Assessment District No. 30 (Antelope Valley Road)", and proposed to be assessed, or by any party or person interested, and by all parties or persons aggrieved by such assessments.

Section 5. The County Clerk shall give notice by publication in the Reno Gazette-Journal, a newspaper of general circulation in the County, and published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication to be at least 15 days prior to the date of the protest hearing. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication in each newspaper and the last publica

tion in the same newspaper. Such service by publication shall be verified by the affidavit of the publishers and filed with the County Clerk of the County. In accordance with NRS 271.380(2), the Engineer shall also give notice by registered or certified mail by depositing a copy of such notice in the United States mails, postage prepaid, as first-class mail, at least 20 days prior to such hearing, to the last-known owner or owners of each tract being assessed at his or their last known address or addresses. Proof of such mailing shall be made by the affidavit of the Engineer and such proof shall be filed with the County Clerk, provided, however, that failure to mail any such notice or notices shall not invalidate any assessment or any other proceedings concerning the District. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the County Clerk until all special assessments and special assessment bonds issued (if such special assessment bonds are hereafter issued) appertaining thereto, shall have been paid in full, both principal and interest, or any claim is barred by an appropriate statute of limitations. The Board hereby determines that the manner of giving notice herein provided by publication and by registered or certified mail is reasonably calculated to inform the parties of the proceedings concerning the District and the levy of assessments which may directly and adversely affect their legally protected interests. Such notice shall be as provided in NRS 271.380 and shall be in substantially the form provided.

Section 6. The owner or owners of any lot, tract or parcel of land which is assessed in such assessment roll, whether named or not in such roll, or any person interested, or any parties aggrieved, may, within three days prior to the date set for the hearing, file with the office of the County Clerk his or her complaints, protests, or objections in writing to the assessment.

Section 7. Whenever any notice is mailed as herein provided, the fact that the person to whom it was addressed does not receive it shall not in any manner invalidate or affect the legality of the notice thereby given.

Section 8. The officers of the County be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 9. All resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 10. 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 provisions shall in no way affect any remaining provisions of this resolution.

Section 11. The Board has determined, and does hereby declare, that this resolution shall be in effect immediately after its passage in accordance with law.

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There being no further business to come before the Board, the meeting adjourned at 8:40 p.m.

JAMES M. SHAW, Chairman
Washoe County Commission

ATTEST: **AMY HARVEY**, County Clerk

*Minutes Prepared by
Jeraldine Magee and Sharon Gotchy,
Deputy County Clerks*