

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

TUESDAY

2:00 P.M.

MAY 11, 2004

PRESENT:

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

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

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

**04-405      AGENDA**

In accordance with the Open Meeting Law, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the agenda for the May 11, 2004 meeting be approved with the following changes: Item 6.B. Add an authorization for the Clerk to sign the certifications.

**PUBLIC COMMENTS**

Sam Dehne, Reno City resident, spoke about why he comes to the meetings of local government.

Gary Schmidt, Washoe County resident, thanked Commissioner Galloway for getting paper ballot backups added to the Washoe County electronic voting system and he also discussed the issue of battery recharging with the electronic voting equipment.

Neal Cobb, Golden Valley Homeowners Association, requested enforcement to stop illegal dumping. He stated he would like to see one paid employee assigned to these problems throughout the Truckee Meadows area or bring in retired law enforcement people to work on the problem, possibly on a commission basis. He said illegal dumping is a quality of life issue and a major problem.

Al Hesson, local resident, spoke on the treatment of Iraqis prisoners and he stated the pictures reminded him of the "Ugly American".

## **MANAGER'S/COMMISSIONERS' COMMENTS**

Commissioner Sferrazza said he would like to see a follow up to Neil Cobb's request and he would like the item placed on the next available agenda. He would also like to see the County contribute to the cleanup in Golden Valley, as past cleanups have had funds contributed by the County. He also requested the remainder of his time be used by Dan Burk, Registrar of Voters, to speak on the battery issue with the electronic voting machines.

Madelyn Shipman, Legal Counsel, stated her concern that the battery issue was not on the agenda and is a violation of the Open Meeting law. Commissioner Sferrazza replied it was brought up during Public Comment. Ms. Shipman said Public Comment could be reopened to ask for clarification of the question raised during Public Comment.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that Public Comment be reopened for Mr. Burk to comment on the battery issue with the Sequoia electronic voting machines.

Mr. Burk said removing the batteries is a complicated and difficult process. Other jurisdictions with over a 1,000 machines have a full time technician to deal with the batteries. Because the County does not have any one to do that, it is important to charge them when required.

Public Comment was again closed and the Board returned to Manager's/Commissioners' Comments.

Commissioner Weber said there would be a North Valleys cleanup on May 22, 2004. She stated the County needs to work with the Bureau of Land Management to cleanup the mess, and she hopes the cleanup will eventually go Countywide.

Commissioner Galloway announced the Library Foundation is celebrating its 100th anniversary by holding an event and fundraiser on May 21st; and the Nevada Historical Society, which was created by the Legislature 100 years ago this year, will be having a birthday party May 23rd.

Commissioner Humke related he had attended the 65th annual Junior Livestock Show, which was a multigenerational activity. He requested reconsideration on the vote for the special use permit for the air monitoring station near Gerlach as an agenda item on May 25, 2004.

Madelyn Shipman, Legal Counsel, said if Commissioner Humke wanted to bring the air monitoring issue back before the Board on the 25th it would require a motion to suspend the rules as well as a motion for reconsideration.

Chairman Shaw acknowledged 96 Women of Achievement in the community who were honored at a luncheon today.

**04-406            DISINTERMENT OF HUMAN REMAINS - HEALTH**

Upon recommendation of Pamela Fine, Health Analyst, through Eileen Coulombe, District Health Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the request from Betty Lee Beaubien of 732 Margarita Avenue, Coronado, CA 92118 to disinter and remove the cremated remains of James Gordon Beaubien, her husband, who died on October 24, 1997 be approved.

It was noted that disinterment will be from Masonic Memorial Gardens - in Reno and the remains will be released to the custody of Betty Lee Beaubien of Coronado, CA; that NRS 451.050, Subsection 2, authorizes the Board of County Commissioners to grant permits for such disinterments and removal of human remains; and that the death certificate indicates that the death was not due to a communicable disease.

**04-407            BUDGETS AND SPECIAL ASSESSMENTS – PLEASANT VALLEY, COLD SPRINGS VALLEY, LEMMON VALLEY, TRUCKEE MEADOWS/SUN VALLEY, AND WARM SPRINGS VALLEY GROUNDWATER BASINS – BUDGET DIVISION**

Upon recommendation of Anna Heenan, Senior Fiscal Analyst, through John Sherman, Finance Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following actions be taken:

1) The following budgets as requested by the State of Nevada, Department of Conservation and Natural Resources be approved:

Pleasant Valley Groundwater Basin (cost center 663000)	\$ 1,500.00
Cold Springs Valley Groundwater Basin (cost center 663000)	\$ 3,000.00
Lemmon Valley Groundwater Basin (Fund 7012 cost center 990012)	\$12,000.00
Truckee Meadows/Sun Valley Groundwater Basin	\$30,000.00
Warm Springs Valley Groundwater Basin	\$ 5,066.89

2) That the County Clerk be directed to attest the certificates and submit them to the State Engineer with copies to the Treasurer's Office, Assessor's Office, Comptroller's Office and the Budget Division;

3) That the County Assessor be directed to enter the amount of the charge or charges on the assessment roll against the claimants and the property or acreage served;

4) That the Treasurer be directed to bill and collect the special tax rates and/or assessments requested by the State Engineer;

5) That the Comptroller be directed to pay the approved amount of \$12,000 to the Department of Conservation and Natural Resources for Lemmon Valley from the Lemmon Valley U.W.B. Fund (7012).

6) That the Comptroller be directed to pay the approved amounts to the Department of Conservation and Natural Resources for Pleasant Valley (\$1,500) and Cold Springs (\$3,000), from the Water Resources Fund Regional Water Planning account 663000-710200.

**04-408            AWARD OF DESIGN – HIDDEN VALLEY REGIONAL PARK  
PHASE 2 – JEFF CODEGA PLANNING & DESIGN, INC. –  
PUBLIC WORKS**

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the award of the design contract for the Hidden Valley Regional Park Phase 2 to Jeff Codega Planning and Design, in the amount of \$52,920, be approved and that Chairman Shaw be authorized to execute the same upon presentation.

**04-409            ACCEPTANCE OF DONATION – SBC CORPORATION –  
SPANISH LANGUAGE TRANSLATION “VOTER’S  
INFORMATION PAMPHLET” – REGISTRAR OF VOTERS**

Sylvia Samano, SBC Corporation President, stated the 850 employees of SBC Nevada felt honored to partner with the County on the important effort to provide the growing population of Hispanics voting information in their own language.

Upon recommendation of Dan Burk, Registrar of Voters, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that a donation in the amount of \$5,000 from the SBC Corporation to be used for providing a Spanish language translation of the “Voter’s Information Pamphlet” and the sample ballots for the Primary and General Election be acknowledged and gratefully accepted by the Board of County Commissioners.

**04-410            REAPPOINT JIM BEMIS – BOARD OF MASSAGE EXAMINERS  
– COMMUNITY DEVELOPMENT**

On motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the reappointment of Jim Bemis for a third term to the Washoe County Board of Massage Examiners, with a term to expire on June 30, 2007, be approved.

04-411

**RESOLUTION - RESTART THE EAST TRUCKEE CANYON  
CITIZEN ADVISORY BOARD – COMMUNITY DEVELOPMENT**

Bonnie Akaka-Smith, Pyramid Lake Paiute Tribe Chairwoman, stated it was important to get the East Truckee Citizen Advisory Board (CAB) going again but it is also important to have a Commission member talk to the Tribal Council to explain what the CAB is all about and what are the issues.

Chairman Shaw said, since this is his district, he intended to talk to the Tribal Council and would contact Ms. Akaka-Smith to set up a date.

Sandra Wagner, Wadsworth resident, said she is speaking on behalf of the 40 people who live in Wadsworth. She stated they are concerned about no longer getting the mailings they used to get informing them about local happenings. She said staff had suggested going on the web site to get printouts, but this does not work. She said the residents really need and want the CAB.

Commissioner Sferrazza asked if his request for a district CAB, at least in his district, is going to be on the agenda. Katy Singlaub, County Manager, replied yes.

Upon recommendation of Bob Webb, Community Development Planning Manager, through Adrian Freund, Community Development Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following Resolution restarting the East Truckee Canyon Citizen Advisory Board (CAB) be adopted and Chairman Shaw be authorized to execute the same:

**RESOLUTION**

Reforming the East Truckee Canyon Citizen Advisory Board.

**WHEREAS**, The East Truckee Canyon Citizen Advisory Board was established by Resolution of the Washoe County Commission on September 12, 1995; and

**WHEREAS**, The East Truckee Canyon Citizen Advisory Board was placed in an inactive status in 1998; and

**WHEREAS**, The citizens of the East Truckee Canyon area of Washoe County have expressed a desire for a formal organization through which they can communicate their views and concerns to the Board of County Commissioners; and

**WHEREAS**, The citizens of the East Truckee Canyon area of Washoe County have requested that the Washoe County Commission reform the East Truckee Canyon Citizen Advisory Board to serve as the formal organization for communication;

**NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY** does hereby reform the East Truckee Canyon Citizen Advisory Board under Section 5.425 to 5.435, inclusive, of the Washoe County Code; and be it further

**RESOLVED**, That the East Truckee Canyon Citizen Advisory Board's purpose and geographic area of responsibility (see Enclosure A, placed on file with the Clerk) shall remain the same as established on September 12, 1995; and be it further

**RESOLVED**, That the membership of the East Truckee Canyon Citizen Advisory Board be amended to consist of five members from the established geographic area of representation appointed at large by the Board of County Commissioners; and be it further

**RESOLVED**, That the membership of the East Truckee Canyon Citizen Advisory Board be further amended to include five additional ex-officio and non-voting members, with the elected governing bodies of the Pyramid Lake Paiute Tribe, Lyon County, Storey County, the City of Fernley, and the City of Sparks appointing one member each; and be it further

**RESOLVED**, That in addition to applications from individuals as described under Sections 5.425 to 5.435 inclusive, of the Washoe County Code, membership nominations may be made by homeowners associations and other neighborhood-based organizations; and be it further

**RESOLVED**, That the initial term of office officially begin the date the Board of County Commissioners appoint the members, but shall thereafter run from July 1 through June 30 of the appropriate years with new members being appointed to staggered terms pursuant to Washoe County Code Section 5.429(4); and be it further

**RESOLVED**, That the Washoe County Commission does hereby adopt this Resolution reactivating a reconstituted East Truckee Canyon Citizen Advisory Board.

It was also ordered that the governing bodies of the Pyramid Lake Paiute Tribe, Lyon County, Storey County, the City of Fernley, and the City of Sparks be formally invited to appoint a representative to sit as an ex-officio, non-voting member of the East Truckee Canyon CAB, and that Community Development's FY 04-05 budget be supplemented with a minimum of \$2,650 to provide professional recording secretarial services for the restarted CAB for the next fiscal year.

**04-412            FEE CHANGE - CAMP WE-CH-ME - GALENA CREEK**  
**REGIONAL PARK - PARKS**

Upon recommendation of Gregg Finkler, Parks Operations Superintendent, through Karen Mullen, Parks and Recreation Director, on motion by

Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the proposed fee schedule as placed on file with the Clerk for Camp We-Ch-Me be approved.

**04-413            ADJUSTMENTS – 1996 SERVICE TERRITORY BOUNDARIES - TRUCKEE MEADOWS WATER AUTHORITY – WATER RESOURCES**

Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Stead adjustment to the 1996 Service Territory Boundaries between Truckee Meadows Water Authority and Washoe County be approved. It was further ordered that the two Spanish Springs adjustments, as placed on file with the Clerk, be postponed.

**04-414            TWO-YEAR EXTENSION DARE CAR RESALE DATE - SHERIFF**

Upon recommendation of Deputy Michelle Youngs, through Dennis Balaam, Sheriff, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the donation of a DARE car, a 2001 Chrysler PT Cruiser, for another two-year timeframe, May 1, 2004 through April 30, 2006 for a resale cost of \$1.00, be acknowledged and gratefully accepted by the Washoe Board of County Commissioners. It was noted that the Sheriff's Office would continue to pay for costs of operating and insuring the vehicle for an additional two years at approximately \$125 per month from account 150430-711114.

**04-415            ACCEPTANCE OF DONATIONS – NORTHERN NEVADA DUI TASK FORCE – OVERTIME COSTS INCURRED IN DUI CHECKPOINT/SATURATION PATROLS - SHERIFF**

Upon recommendation of Sergeant Mark Voderbruggen, and Sergeant Mike Gross, Patrol Division, through Dennis Balaam, Sheriff, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the donation of \$6,099, from the Northern Nevada DUI Task Force, to pay for overtime incurred in DUI checkpoint/saturation patrols, be acknowledged and gratefully accepted by the Washoe Board of County Commissioners, and that the Budget Division be directed to make the following account adjustments.

<b>Account</b>	<b>Increase Amount</b>
Revenue: 20063-484000	\$6,099
Expenditure: 20063-701300	\$6,099

**04-416            ACCEPTANCE OF GRANT – NEVADA OFFICE OF TRAFFIC SAFETY – JOINING FORCES GRANT - SHERIFF**

Upon recommendation of Sergeant Mark Voderbruggen, and Sergeant Mike Gross, Patrol Division, through Dennis Balaam, Sheriff, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that additional Joining Forces Grant funds from the Nevada Office of Traffic Safety, in the amount of \$25,378, be acknowledged and gratefully accepted by the Washoe Board of County Commissioners, and that the Budget Division be directed to make the necessary account adjustments.

**04-417            ROLL CHANGE REQUESTS FOR CLERICAL AND FACTUAL ERRORS - ASSESSOR**

Upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following Roll Change Requests, correcting factual errors on tax bills and the Order directing the Treasurer to correct the error, be approved and Chairman Shaw be authorized to execute the same:

<b>PROPERTY OWNER</b>	<b>PARCEL #</b>	<b>AMOUNT</b>	<b>ROLL</b>
Randi Jensen	002-292-44	[-\$14.44]	2003 Secured
Steve Kauffman	002-292-46	[-\$17.13]	2003 Secured
Cathy A. Bowen	002-531-04	[-\$18.60]	2003 Secured
Earl J. Christensen	002-531-20	[-\$20.16]	2003 Secured
Michael D. Christiansen	002-542-13	[-\$23.60]	2002 Secured
Michael D. Christiansen	002-542-13	[-\$23.42]	2003 Secured
Anastacio B. & Susan K. Gonzales	002-543-16	[-\$22.76]	2002 Secured
Anastacio B. & Susan K. Gonzales	002-543-16	[-\$22.58]	2003 Secured
Jay P. & Leslie E. Crouser	003-653-09	[-\$27.26]	2003 Secured
Benny F. & Barbara L. Casey	003-654-01	[-\$12.46]	2003 Secured
Froylan A. Hernandez, et al.	003-662-05	[-\$4.59]	2003 Secured
Craig & Karen Berger	006-111-03	[-\$30.12]	2003 Secured
Log Cabins LLC	006-211-11	[-\$2,415.78]	2003 Secured
Joseph Gardella, et al. TR	008-166-19	[-\$10.54]	2003 Secured
Steven P. Ing	011-204-12	[-\$33.88]	2002 Secured
Steven P. Ing	011-204-12	[-\$33.56]	2003 Secured
Gary J. & Joan L. Schoenbachler	011-326-18	[-\$14.69]	2003 Secured
Marta Grimani	013-163-16	[-\$189.16]	2002 Secured
Marta Grimani	013-163-16	[-\$187.37]	2003 Secured
Herb Hallman Chevrolet Inc.	013-314-07	[-\$10.15]	2002 Secured
Herb Hallman Chevrolet Inc.	013-314-07	[-\$10.07]	2003 Secured
John R. & Barbara C. O'Mara TRET	013-321-37	[-\$116.17]	2002 Secured
John R. & Barbara C. O'Mara TRET	013-321-37	[-\$115.07]	2003 Secured
Bonnie K. & J. Daniel Hill	017-073-26	[-\$137.45]	2003 Secured
Felix O. & Bridget A. Igbekoyi	028-351-24	[-\$18.58]	2002 Secured
Felix O. & Bridget A. Igbekoyi	028-351-24	[-\$18.33]	2003 Secured
Patrick D. & Christy C. Bigby	028-351-25	[-\$19.45]	2002 Secured
Patrick D. & Christy C. Bigby	028-351-25	[-\$19.19]	2003 Secured
Jesus G. Barrera, et al.	028-351-28	[-\$19.45]	2002 Secured

<b>PROPERTY OWNER</b>	<b>PARCEL #</b>	<b>AMOUNT</b>	<b>ROLL</b>
Jesus G. Barrera, et al.	028-351-28	[-\$19.19]	2003 Secured
Sergio & Ofelia Vindas	028-351-30	[-\$22.17]	2002 Secured
Sergio & Ofelia Vindas	028-351-30	[-\$21.79]	2003 Secured
Louis S. & Deborah J. Varela	030-701-04	[-\$21.32]	2002 Supplement (Improvements Only)
Louis S. & Deborah J. Varela	030-701-04	[-\$20.95]	2003 Secured
Steven H. & Pamela L. Dickson	030-701-07	[-\$19.93]	2002 Secured
Steven H. & Pamela L. Dickson	030-701-07	[-\$19.65]	2003 Secured
Gregory E. Vroman ETTR	030-701-08	[-\$19.51]	2002 Secured
Gregory E. Vroman ETTR	030-701-08	[-\$19.22]	2003 Secured
Benny & Leonila Quevedo	030-702-19	[-\$22.91]	2002 Secured
Benny & Leonila Quevedo	030-702-19	[-\$22.52]	2003 Secured
Glen A. & Rebecca L. Ruby	030-702-20	[-\$19.48]	2002 Secured
Glen A. & Rebecca L. Ruby	030-702-20	[-\$19.18]	2003 Secured
Dale A. & Moureen L. Kiriaze Tr.	030-702-21	[-\$20.63]	2002 Secured
Dale A. & Moureen L. Kiriaze Tr.	030-702-21	[-\$20.32]	2003 Secured
Othello B. & Shirley L. Packer Tr.	032-263-20	[-\$231.12]	2003 Secured
Truckee Meadows Water Authority	034-010-61	[zero]	2002 Secured
Truckee Meadows Water Authority	034-010-61	[zero]	2003 Secured
James A. & Sharon L. Zeigler	034-050-11	[-\$22.69]	2003 Secured
James T. & Gail W. Warren	035-053-09	[-\$55.51]	2003 Secured
Hans J. & Judith T. Copek	071-284-09	[-\$54.70]	2002 Secured
Hans J. & Judith T. Copek	071-284-09	[-\$54.45]	2003 Secured
Joseph J. & Sharon Adrian	082-650-01	[-\$21.55]	2002 Secured
Joseph J. & Sharon Adrian	082-650-01	[-\$21.39]	2003 Secured
Lavera M. McCormick	082-660-01	[-\$148.07]	2003 Secured
Liina R. Mandik	087-167-03	[-\$40.81]	2001 Secured
Liina R. Mandik	087-167-03	[-\$56.52]	2002 Secured
Liina R. Mandik	087-167-03	[-\$56.11]	2003 Secured
Lorraine M. Jackson	125-041-11	[-\$663.24]	2004 Secured using 2003 tax rate
TSI Title and Escrow Inc.	127-030-34	[-\$2,682.03]	2003 Secured
Warren E. & Mary L. Dalton	150-141-21	[-\$1,869.70]	2003 Secured
Pfizer Inc.	160-630-25	[-\$6,159.14]	2001 Secured
Pfizer Inc.	160-630-25	[-\$6,300.94]	2002 Secured
Pfizer Inc.	160-630-25	[-\$8,166.92]	2003 Secured
Calvin W. & Norma L. Whalen	161-123-16	[-\$19.08]	2003 Secured
Fiangesca S. Aranas et al.	502-052-17	[-\$12.94]	2003 Secured
Matthew G. Airoidi	502-161-13	[-\$59.30]	2002 Secured
Matthew G. Airoidi	502-161-13	[-\$58.73]	2003 Secured
Landsford F. & Barbara M. Kengle	504-020-30	[-\$172.42]	2002 Secured
Landsford F. & Barbara M. Kengle	504-020-30	[-\$171.68]	2003 Secured
Charles R. Smith Tr.	504-020-34	[-\$390.43]	2002 Secured
Charles R. Smith Tr.	504-020-34	[-\$388.63]	2003 Secured
Paul M. & Frances H. Lenae	520-142-22	[-\$24.08]	2003 Secured
William M. & Christan R. Doyle Jr.	530-381-04	[-\$14.81]	2002 Secured
William M. & Christan R. Doyle Jr.	530-381-04	[-\$14.72]	2003 Secured
Scott L. & Toni W. Hutcherson	534-162-06	[-\$282.49]	2002 Secured
Scott L. & Toni W. Hutcherson	534-162-06	[-\$280.47]	2003 Secured
John D. & Gia D. Gallegos	550-361-06	[-\$126.67]	2002 Secured
John D. & Gia D. Gallegos	550-361-06	[-\$125.47]	2003 Secured
Marcus A. & Chelece R. Williams	550-431-08	[-\$5.15]	2003 Secured
Celso G. & Gabriela L. D. Gonazlez	550-432-10	[-\$15.00]	2003 Secured

<b>PROPERTY OWNER</b>	<b>PARCEL #</b>	<b>AMOUNT</b>	<b>ROLL</b>
Travis L. Wallis	554-113-13	[-\$16.36]	2002 Secured
Travis L. Wallis	554-113-13	[-\$16.22]	2003 Secured

**04-418            RETAINER AGREEMENT - PROFESSIONAL SERVICES – JACK ALIAN, ESQ – CONFLICT CASES – PUBLIC DEFENDER**

Pursuant to questions at the Caucus meeting, Katy Singlaub, County Manager, explained Judge Hardesty had convened a meeting, as requested by the Board, of the Criminal Defense Bar in Washoe County to explain the Conflict Contract. Those in attendance did not express any interest in the contract. She stated she had contacted Mike Specchio, Washoe County Public Defender, about the two attorneys Commissioner Sferrazza had mentioned and both were invited to the meeting. Only one attorney responded but expressed no interest.

Commissioner Sferrazza stated one of the attorneys had told him he wanted to bid on the contract and he knew there were other people who wanted to bid on it. He stated this is a million dollar contract that has never been out to bid and he in good conscience could not support this contract.

Judge Hardesty, Chief Judge, Second Judicial District Court, went over the issues he had brought before the Board in the fall. He related he had invited 74 criminal defense lawyers identified by the Court as lawyers who handle cases in the district court, as well as Mr. Specchio, Mr. Alian, and Commissioner Sferrazza; and the meeting was well attended. At the meeting the handling of criminal cases and the Alian contract were discussed. Suggestions were made on handling some of the cases but no one expressed any interest in the contract, including Martin Weiner who had been identified by Commissioner Sferrazza as someone who might be interested. All of the lawyers felt with some adjustment by the judges along with Mr. Specchio's involvement on administration, etc. that Mr. Alian's group should continue with the contract as they had done a good job so far.

Judge Hardesty stated there has been concern about the increase in murder cases, and he spoke to the State Public Defender that said they have rural deputies who would like to be appointed to some of the high profile, difficult cases to gain experience. As backup to Mr. Alian, the plan is to ask the State Public Defender if they will accept appointment to the overflow murder cases in Washoe County.

Commissioner Sferrazza wanted to know what the invitation to the meeting included, and Judge Hardesty responded it outlined the terms of the contract, the compensation amount, and the responsibilities involved. Judge Hardesty stated that besides criminal cases, the contract also encompasses responsibilities for appointment for family court cases; and a number of lawyers have no interest in having regular ongoing responsibilities for appointment to these cases. As the rules for these cases require, Mr. Alian has committed to supplying lawyers for family court cases and for them to attend available continuing legal education that is designed to help lawyers handle the specialized needs of the family court.

Mr. Specchio stated there was some initial interest in the contract until the details of what the contract covered, including the volume of cases, were explained at the meeting and that interest was withdrawn. He also replied to Commissioner Sferrazza stating he does not appoint anyone; he only determines there is a conflict.

Commissioner Galloway stated he would agree to a continuance if there were a lawyer present who was interested or who had indicated interest in a letter. Commissioner Sferrazza replied one was Carter King, and that he and another attorney had indicated they would have responded to an RFP, which this was not. No one was invited to today's meeting and Ms. Singlaub responded that at 1:45 p.m. Commissioner Sferrazza had provided her with the list of names to call.

Upon recommendation of Michael Specchio, Washoe County Public Defender, on motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza voting "no," it was ordered that the proposed legal services contract for the representation of Public Defender conflict cases in the amount of \$916,000 annually with the agreement for three years, be approved, and that Chairman Shaw be authorized to execute the same.

It was noted that the fiscal impact is the annual cost of the contract (\$916,000.00) payable quarterly in advance and that Washoe County would incur no additional costs, fees or expenses incident to the representation in these cases.

**04-419            GRANT OF EASEMENT, DEED OF COMBINATION, DEED OF DEDICATION, AND RECORD OF SURVEY MAP – RENO SPARKS CONVENTION AND VISITORS AUTHORITY (RSCVA) CONSOLIDATION OF PROPERTIES**

Commissioner Sferrazza said RSCVA staff told him this satisfies a City of Reno ordinance that a parking lot must be on the same parcel as the building.

Upon recommendation of Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, it was ordered that, for the purpose of consolidating newly acquired contiguous properties at the RSCVA site into one parcel, the Grant of Easement, Deed of Combination, and Deed of Dedication be approved, that Chairman Shaw be authorized to execute the same and the Record of Survey map.

**04-420            AWARD OF BID – VARIABLE AIR VOLUME REPLACEMENT PROJECT - BID NO. 2430-04 – 911 PARR BOULEVARD, ADMINISTRATION BUILDING - PURCHASING**

This was the time to consider award of bid for Variable Air Volume (VAV) Replacement at the 911 Parr Boulevard Administration Building for the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the

*Reno Gazette-Journal* on March 12, 2004. Proof was made that due and legal Notice had been given.

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

<b>Bidder</b>	<b>Amount</b>
Applied Mechanical Inc. Bid Item 1	\$186,248
Bid Alternative A	\$105,513
Gardner Engineering Inc. Bid Item 1	\$187,750
Bid Alternative A	\$102,750

Upon recommendation of Michael Sullens, Purchasing Department Senior Buyer, through John Balentine, Purchasing and Contracts Administrator, and Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that bid alternative "A" for the Variable Air Volume (VAV) Replacement Project at the 911 Parr Boulevard Administration Building in the amount of \$102,750 be awarded to Gardner Engineering & Mechanical Services and that the Purchasing and Contracts Administrator be authorized to execute an agreement for the same.

**04-421            INTERLOCAL AGREEMENT – CITY OF RENO, CITY OF SPARKS, BOARD OF REGENTS OF THE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA – REGIONAL STREET ENFORCEMENT TEAM - SHERIFF**

Sam Dehne, local resident, said he did not understand the need for the Regional Street Enforcement Team because he thought the streets were already being policed. Commissioner Galloway responded that it filled the void created when the Consolidated Narcotics Unit was disbanded.

Upon recommendation of James Lopey, Assistant Sheriff, through Dennis Balaam, Sheriff, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Interlocal Agreement between Washoe County on behalf of the Washoe County Sheriff's Office, the City of Reno on behalf of the Reno Police Department, City of Sparks on behalf of the Sparks Police Department, the Board of Regents of the University and Community College System of Nevada on behalf of the University of Nevada, Reno Police Department and the Washoe County District Attorney's Office to establish a Regional Street Enforcement Team, retroactive to March 10, 2004 be approved, and Chairman Shaw be authorized to execute the same. It was further noted that the deputy assigned to the Street Enforcement Team incurs no additional cost to the Sheriff's Office.

**04-422      CONSULTING AGREEMENT - ECO:LOGIC CONSULTING ENGINEERS - LONGLEY LANE WATER TREATMENT FACILITY - WATER RESOURCES**

Upon recommendation of Rick Warner, Senior Licensed Engineer, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Consulting Engineering Services Agreement between Washoe County and ECO:LOGIC Consulting Engineers for facility planning and preliminary design services for the Longley Lane Water Treatment Facility, in the amount of \$409,142, be approved and Chairman Shaw be authorized to execute the same.

**04-423      COUNTY INTERVENTION – UTILITIES, INC. OF NEVADA – PAYMENT TO LAW FIRM OF ALLISON, MACKENZIE, RUSSELL, PAVLAKIS, WRIGHT & FAGAN, LTD – WATER RESOURCES**

Upon recommendation of Steve Bradhurst, Water Resources Director, and John Rhodes, Deputy District Attorney, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the report on County intervention in the application by Utilities, Inc. before the Nevada Public Utilities Commission (Docket No. 03-6009) and subsequent appeal be accepted. It was further ordered that payment to the law firm of Allison, MacKenzie, Russell, Pavlakis, Wright & Fagan, Ltd., for an additional amount of \$21,000 be approved and the Finance Department be directed to make the following account adjustments:

<b>Account</b>	<b>Amount</b>
Decrease: Contingency 18900-820000	\$21,000
Increase: Water Resources 5130-710120	\$21,000

**04-424      BILL NO. 1417 – AMENDING WCC CHAPTER 110, DOMESTIC PETS AND LIVESTOCK – COMMUNITY DEVELOPMENT**

Bill No. 1417, entitled, "AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, ARTICLE 330, DOMESTIC PETS AND LIVESTOCK, TO CLARIFY AND AMALGAMATE ALL REFERENCE TO DOMESTIC PETS AND LIVESTOCK INTO ONE ARTICLE TO ALLOW DOG TRAINING SERVICES AND MINIATURE PIGS UNDER SPECIFIC STANDARDS, TO REDUCE THE ALLOWABLE SIZE OF A LOT FOR MORE THAN TWO LIVESTOCK TO 35,000 SQUARE FEET AND TO CLARIFY THE STANDARDS FOR AGRICULTURE BUILDINGS; TO AMEND ARTICLE 300 REGULATIONS OF USES: TITLE AND CONTENTS, TO RENAME ARTICLE 330; TO AMEND ARTICLE 302, ALLOWED USES, TO ADD DOG TRAINING SERVICES AS ALLOWABLE USE INSTALL LAND USE DISTRICTS; TO AMEND ARTICLE 304, USE CLASSIFICATION SYSTEM, TO DEFINE DOG TRAINING

**SERVICES UNDER ANIMAL SALES AND SERVICES; TO AMEND ARTICLE 306, ACCESSORY USES AND STRUCTURES, TO REMOVE ALL REFERENCE TO ANIMALS AND AGRICULTURAL BUILDINGS; AND TO AMEND ARTICLE 902, DEFINITIONS, TO INCLUDE DEFINITIONS FOR DOG TRAINING CENTERS AND DOG TRAINING SERVICES, AGRICULTURAL BUILDINGS, AND OTHER MATTERS PROPERLY RELATED THERETO,"** was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

**04-425            CREATION OF SUB-COMMITTEE – SCREEN PROPOSALS FOR 2005 LEGISLATIVE REPRESENTATION – COUNTY MANAGER**

After discussion, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that a sub-committee, consisting of Commissioners Humke and Weber, work with the Washoe County Manager to screen proposals for Washoe County's 2005 Legislative Representation.

**04-426            FIRE SERVICE COORDINATOR – COUNTY MANAGER**

Katy Singlaub, County Manager, read the proposed job description for the Washoe County Fire Service Coordinator, highlighting the two main duties of coordination between the different fire agencies in Washoe County on issues that encompass all agencies and to make recommendations to the Board on budget, equipment, service levels and possible legislation within the Commissioners, jurisdiction. She addressed the qualifications and compensation for the position and she related her concerns about filling the position as full time when the position would be outside of normal promotional opportunities and career development paths.

Commissioner Galloway said staff should be directed to proceed with advertising and searching to identify the level of interest and what job responsibilities potential candidates are willing to take on so a middle ground can be found between the job description and the available candidates. He felt strongly this position is needed because during the last contract renewal with the City of Reno, there were no fire professionals available to help the Board negotiate who did not work for the Reno Fire Department. He stated the Board needed to have someone working for the Board to conduct this type of negotiation to protect the interests of the Board and to make sure reports presented to the Board are clear and complete.

Commissioner Humke agreed that the search should proceed and he stressed that there must be screening for expertise in wildland fires.

Commissioner Sferrazza stated his principle concern is until the job description is fully defined it would be difficult to establish whether or not it was a full- or part-time position. He said he felt it should be a full-time staff position that would

report directly to the Board. He also felt the compensation needed to be defined before going forward.

Commissioner Weber said she supported the comments by Commissioners Galloway and Humke. She felt the Commissioners needed someone to go to who has knowledge the Board does not have, and it is very important to move forward.

Chairman Shaw agreed with the other Commissioners and stated he believed this was direction to the County Manager to investigate and bring back to the Board staffs findings.

Commissioner Galloway said he seconded what Commissioner Humke stated should be in the job description and he added it should clearly state the position is responsible for all agenda items.

Ms. Singlaub stated that they could pursue a parallel process where input is obtained from appropriate parties, a job description is prepared, and it is submitted through the job evaluation process to see what the compensation would be for the position. Also, she said she would look at the scope of work and see if some of the retired Fire Chiefs and other qualified individuals would be interested.

Upon recommendation of Ms. Singlaub, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that staff be authorized to explore the availability of candidates for the Washoe County Fire Service Coordinator position, to further refine the job description to include expertise in wildland fires, responsibility for all agenda items, and market- or availability-based determination of salary range based on the results of the exploratory effort.

**4:20 p.m.** Commissioner Sferrazza temporarily left the meeting.

**04-427            RESOLUTION - ADD TWO ADDITIONAL DIRECTORS AT  
LARGE - NORTH LAKE TAHOE FIRE PROTECTION DISTRICT**

Upon recommendation of Michelle Poché, Assistant County Manager, through Katy Singlaub, County Manager, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the following Resolution as amended, be adopted and Chairman Shaw be authorized to execute the same:

**TO INCREASE THE MEMBERSHIP OF THE NORTH LAKE  
TAHOE FIRE PROTECTION DISTRICT FROM THREE (3)  
MEMBERS TO FIVE (5) MEMBERS**

**WHEREAS**, In 1995, at the request of the NORTH LAKE TAHOE FIRE PROTECTION DISTRICT (hereinafter “the District”), the Nevada Legislature amended

N.R.S. 474.070 to authorize up to five (5) Directors at Large, without precincts for a Fire Protection District organized pursuant to N.R.S. 474.010 to 474.450; and

**WHEREAS**, The existing Board of Directors of the District determined that at this time it is in the best interest of the Incline Village/Crystal Bay area and the District to expand its membership from three (3) Directors at Large to five (5) Directors at Large; and

**WHEREAS**, The existing Board of Directors of the District requested by Resolution, dated April 7, 2004, that the Board of County Commissioners of Washoe County, Nevada initiate the process to expand the number of Directors at Large to five (5) Directors.

**WHEREAS**, The political entity that has the authority to enact such an amendment to the initiating legislation by resolution is the Board of County Commissioners of Washoe County, Nevada; now, therefore, be it

**RESOLVED**, That the expansion of the District Board be implemented in such a manner that the additional two (2) Directors at Large, without precincts be added to the Board of Directors of the North Lake Tahoe Fire Protection District to bring the total number of Directors at Large, without precincts to five.

**IT IS FURTHER RESOLVED** that the expansion of the Board be implemented in such a manner that the additional two (2) directors on the Board of Directors should stand for election in November of the year 2004 and start their terms on the first Monday in January in the year 2005.

**04-428            STATUS REPORT – FUNDING OF PROPOSED JAIL EXPANSION  
CONSTRUCTION AND OPERATIONS - FINANCE**

John Sherman, Finance Director, discussed the staff report and the Jail Expansion handout, including projected costs and why staff has to be hired long before the facility opens.

**\*4:30 p.m.**      Commissioner Sferrazza returned to the meeting.

Pursuant to a question raised at Caucus, Mr. Sherman described how it was planned to make up the difference between the revenue created by the 1-1/2 cent property tax and the projected expenses. He said the last jail expansion was funded out of the operating revenues the County received and this expansion would most likely be handled the same way.

Commissioner Galloway remarked the population increase that necessitates the expansion also corresponds to increased County General Fund revenue, and he does not see an alternative to funding the operating costs since people cannot just be let go. He felt since this issue is three years away, it gives the Board time to plan. Mr.

Sherman said even with using other methods to control the jail population, eventually the jail would need to be expanded.

Chairman Shaw asked about the architect for this project. Mr. Sherman responded the request for qualifications was going out this week; the evaluations of the responses will be done in approximately 30 days with the recommendations going to the Board in July.

Commissioner Humke said Bob Baer, retired Nevada Prisons Director, volunteered his services to the Architectural review committee.

Commissioner Weber asked if the cost of steel was factored into the estimate. Mr. Sherman said the current climate in prices had been taken into consideration, but the situation may change before the project goes out to bid.

In response to Commissioner Sferrazza's question, Mr. Sherman replied the trend of expenses being greater than revenue had reversed itself for the next fiscal year. He stated the staff recommendation to the Board is to accept the status report, which projects what the situation will be like in three years. He noted the first operating budget for the jail expansion will be adopted for the 2006/07 fiscal year with the actual expansion items coming before the Board much sooner than that.

Katy Singlaub, County Manager, clarified staff was not obligating the Board in any way, but was informing the Board of the impacts of County statutory responsibilities, and one of the Sheriff's statutory responsibilities is to accept all persons charged with crimes. In response to Commissioner Sferrazza wanting to identify funding for staffing before starting construction, she stated she would not encourage the Board to lock in funding sources and staff would continue to apprise the Board of any updates.

Mr. Sherman clarified the amount to run the jail is the difference between the estimated cost for operation and debt service and the revenue stream from the 1-1/2 cent property tax.

Upon recommendation of John Sherman, Finance Director, on motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza voting "no," it was ordered that the status report be accepted as presented.

**04-429            WASHOE COUNTY 2004 REGIONAL PLAN ANNUAL REPORT –  
COMMUNITY DEVELOPMENT**

Chad Giesinger, Community Development Planner, stated any comments from the Board would be provided as an addendum. He provided background information on the report and the reasons for the new methodology and reporting templates the Regional Planning staff had designed with input from the jurisdictions that would be using them. The agreed upon format follows the major topic headings of the Regional

Plan. Topic headings ask several questions about each goal and policy of the Regional Plan, and staff has answered the questions to the best of their ability and is seeking input from the Board.

Pursuant to questions at the Caucus meeting, the Board requested highlights from the report be presented. Staff highlights focus on the following general topics:

1. Washoe County, by definition, is prohibited from engaging in urban infill because it is defined as exceeding three units per acre. He stated it was envisioned the County's land-use role would be to provide lower density land use and for developers seeking higher density developments to locate within the cities and thus promote infill. This argument only has merit if the cities do not pursue aggressive annexation practices, which has not been the case. Staff is not sure this will work as the Regional Plan is written unless the annexation procedures are reviewed.
2. During a good portion of the timeframe covered by this document, staff worked on the Cooperative Planning process. Progress has been made, but there is still a dispute pending over the specificity of certain adopted standards. Judge Hardesty had directed the utilization of existing codes and standards of the respective jurisdiction, which is being done, but this issue is still a major challenge.
3. There is significant concern in the community about the Development Constraints Area (DCA) Policy that prohibits intense development, which is defined as anything over one unit per 40 acres. A major component of this policy is hillside development and all three jurisdictions have hillside development ordinances. The unincorporated areas of Washoe County based their policy on the Development Suitability Maps that are within the area plans. A remaining challenge is how to treat wetlands, as there is no solid regulatory approach in the region regarding wetlands protection.
4. All three jurisdictions have submitted their comprehensive and master plans for conformance with the 2002 Regional Plan and the Governing Board found Washoe County in conditional conformance, which means certain portions were in conformance and other portions were not. The County has until December to bring certain areas into compliance, with one area being DCA. The Comprehensive Plan must be amended to include the concept of the DCA.

5. All of the components for a Green Space network are contained in the plan even though they do not fall under a heading called Green Space.
6. Through the Southern Nevada Public Lands Management Act, the County has been able to acquire a significant amount sensitive land in terms of open space and due to Bond Issues.

Commissioner Galloway asked, since the County is not filling in all of the statistics, how will the Board get those results. Mr. Giesinger replied that the Regional Planning Agency standardized the reporting process so the reports from the three jurisdictions could be combined into a regional annual report, which would contain the quantitative analysis Commissioner Galloway was referring to and would theoretically present findings as to what is happening; in terms of the statistical analysis. Commissioner Galloway stated he brought this up because he had heard the City's numbers show that infill is not happening and he asked, even if the consolidated report is not done, if the statistics could be extracted so a side-by-side comparison could be done. Mr. Giesinger affirmed this could be done.

In response to Commissioner Sferrazza, Mr. Giesinger replied staff is asking whether the County response on the issue is adequate or should additional comments be provided on how cooperative planning is progressing. Commissioner Sferrazza stated he did not find it at all adequate because of the negotiated items gutted by the Judge's decision.

Madelyn Shipman, Legal Counsel, said the County is still in the process of going to Court on the Cooperative Planning criteria and the issue has not yet gone before Judge Hardesty. This report shows where things were in 2003.

Upon recommendation of Chad Giesinger, Community Development Planner, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza voting "no," it was ordered that the endorsement and submittal of the *Washoe County 2004 Regional Plan Annual Report* to the Regional Planning Commission and Regional Planning Governing Board be approved. It was further ordered that staff include the Board's comment about the consequences of not having adequate findings for cooperative planning as an addendum to the *Washoe County 2004 Regional Plan Annual Report*.

**04-430            PONDEROSA RANCH PROPERTY – PRELIMINARY OFFER TO PURCHASE LAND AND COVERAGE - PARKS**

Karen Mullen, Parks and Recreation Director, stated the developers are giving public agencies until approximately November 2004 to see if they are interested in collectively purchasing a majority of the Ponderosa Ranch property. Ms. Mullen then went on to provide some background on the property including size, value, the areas the different agencies are interested in acquiring, and the planned use of the areas. She said

State and Federal funds would be used to purchase the properties and right now there is an effort underway to determine the best funding source for each portion. Ms. Mullen stated only preliminary estimates have been done and the appraisals will not be completed until August. Currently, Tahoe Regional Planning Agency (TRPA) is reviewing land coverage and the numbers provided by the owners to determine the final square footage for each of the parcel areas. She stated until the final numbers are known, staff cannot provide the Board with a full financial analysis.

Ms. Mullen said the Board is being asked today to indicate the County's interest in working in this partnership and in moving forward. She said staff is also requesting direction on drafting Memorandums of Understanding so they could be brought back to the Board in a timely manner. Four possibilities were listed with the most significant being a partnership with all of the entities to determine a conceptual plan for the acreage, including type and location of the facilities.

Chairman Shaw asked if Park staff had been in contact with any of the agencies about establishing a partnership. Ms. Mullen said all of the agencies had met several times, there had been additional meetings with specific agencies, and she has an upcoming meeting with State Parks to discuss State Question 1 and Federal funding.

Commissioner Galloway described Incline Village got its name from the incline railway that brought logs from the lake to the rim where they were sent down a flume to Carson City. Commissioner Galloway said the site of the railway is located within the Ponderosa Ranch property. He stated a boundary line adjustment on the parcel marked County would include that site in the event the railway was ever reestablished; and if acquiring this site was not done now, the opportunity would be lost forever. Commissioner Galloway also said community needs might require two or three acres for storing boats and recreational vehicles that currently are parked along the streets.

Ms. Mullen said the community storage would be a location that could be screened so it would not be seen from the Highway 28 corridor. Commissioner Galloway asked if staff could be given direction to work on this in cooperation with the Incline Village General Improvement District (IVGID) and Nevada Department of Transportation (NDOT), and would that be sufficient. Ms. Mullen replied it would. Commissioner Galloway stated the property could be acquired by the County or jointly with the other parties, and would be leased to people who would perform the functions for the community. Ms. Mullen said this would be worked out in the analysis that would be provided to the Board.

Commissioner Weber asked approximately how much money would be required for the County's portion and when would it be needed. Ms. Mullen said the County was looking at 1.2 to 2.3 acres with an estimated value of \$1,250,000 per acre. Commissioner Weber said she was in favor of moving forward, but it needs to be recognized there would be a financial cost to the County. Ms. Mullen said the financial analysis needs to be looked at and options brought back to the Board.

Peter Bandurraga, Nevada Historical Society Director and former member of the Douglas County Planning Commission, stated he was here in support of acquiring the right of way to the funicular railway and he cited the problems the V & T railway and others are having in establishing their rights of way because of increased development. He feels at a time when cultural heritage tourism is increasing, railroads are great attractions and this opportunity should not be lost.

Gary Schmidt, Washoe County resident, said the most requests for directions he gets as the owner/operator of the Reindeer Lodge is for the Ponderosa Ranch, and he would hate to see the ranch disappear. He stated he hoped the majority of the land would be preserved for public use not just public ownership, and that the horse riding ventures on the land should be preserved. He also felt that the ranch house should be preserved by relocation possibly to a location on the V & T railroad.

Ms. Mullen said there was some interest in preserving a small part of the western town on the ranch, including the ranch house and barn. State Parks is evaluating the condition of the buildings to determine which buildings to preserve. She stated that for the Incline funicular, State Question 1 funds could be used.

Commissioner Galloway said until funds are committed, options should be looked at such as going to the public who have indicated in surveys they are in favor of setting aside some sales tax funds for the acquisition of open space and may include preserving historic sites and meeting community needs. The owners of the property would only have to wait until there could be a vote.

Commissioner Sferrazza stated he was serious about seeing if the fans of Bonanza would be interested in helping to raise funds to preserve the ranch possibly by selling an acre of land in one-inch increments. Ms. Mullen replied that Tahoe Rim Trail Association is aware of Commissioner Sferrazza's suggestion and is working on some of this and will keep the Board apprised of what is going on.

Upon recommendation of Karen Mullen, Parks and Recreation Director, through Michelle Poché, Assistant County Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that staff be directed to pursue a Preliminary Offer letter indicating the County's interest in the purchase of all or a portion of the 4.35 acre parcel, with the contingencies outlined below and with the understanding that the Board will review the options and financial analysis and approve the Final Offer. It is further ordered that staff pursue an option on the preservation of the Incline Cog Rail alignment in addition to the 4.35 acres, to pursue an option of two to three acres being obtained for community needs with the project being done in possible cooperation with IVGID and NDOT, to work on an agreement by which a Community Plan amendment could be proposed to TRPA, and to prepare and bring back to the Board any necessary agreements or Memorandums of Understanding that will assist in finalizing the proposed project.

Contingencies:

1. Staff to provide the final options and financial analysis regarding whether or not to purchase all or a portion of the 4.35-acre parcel.
2. The appraisal value for the property and Washoe County's ability to fund the value,
3. The approval of State Question 1 grants,
4. The acceptance by the County of the Environment Phase 1 Report for the property,
5. The review of the Preliminary Offer letter by the District Attorney, Finance and Risk Management, and
6. The Board of County Commissioners approval of final offer and intent to purchase.

**5:45 p.m.** The Board recessed.

**6:40 p.m.** The Board reconvened with all members present.

**04-431**      **PUBLIC HEARING –AMENDMENT TO THE BOUNDARIES OF THE GROUNDWATER REMEDIATION DISTRICT – CENTRAL TRUCKEE MEADOWS – WATER RESOURCES**

**5:30 p.m.** This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on April 23, 2004 on a proposed amendment to the boundaries of Washoe County Nevada District No. 24 (Groundwater Remediation).

The Chairman opened the public hearing by calling on anyone wishing to speak concerning this matter. There being no one wishing to speak, the Chairman closed the public hearing.

**04-432**      **BILL NO. 1418 - AMENDING ORDINANCE NO. 1000 – DISTRICT NO. 24 GROUNDWATER REMEDIATION - CENTRAL TRUCKEE MEADOWS REMEDIATION DISTRICT - BOUNDARIES**

Bill No. 1418, entitled, “AN ORDINANCE AMENDING ORDINANCE NO. 1000 CREATING THE WASHOE COUNTY, NEVADA DISTRICT NO. 24 (GROUNDWATER REMEDIATION) IN ORDER TO CHANGE THE BOUNDARIES OF THE DISTRICT; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF,” was

introduced by Commissioner Sferrazza, the title read to the Board and legal notice for final action of adoption directed.

**04-433**            **BILL NO. 1419 – DISTRICT NO. 24 GROUNDWATER  
REMEDICATION - CENTRAL TRUCKEE MEADOWS  
REMEDICATION DISTRICT - FEES**

Bill No. 1419, entitled, “AN ORDINANCE CONCERNING THE WASHOE COUNTY, NEVADA DISTRICT NO. 24 (GROUNDWATER REMEDIATION); PROVIDING FOR THE PAYMENT OF A PORTION OF THE COSTS OF DEVELOPING AND CARRYING OUT A PLAN FOR REMEDIATION; IMPOSING A FEE TO PAY SUCH COSTS ON THE PARCELS OF LAND IN SUCH DISTRICT NO. 24; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE FEE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED TOWARD THOSE PURPOSES; AND PRESCRIBING OTHER MATTERS RELATING THERETO,” was introduced by Commissioner Sferrazza, the title read to the Board and legal notice for final action of adoption directed.

**04-434**            **ORDINANCE 1234 - BILL NO. 1413 - AMENDING WASHOE  
COUNTY CODE, CHAPTER 110, DEVELOPMENT CODE –  
HEARING EXAMINER**

**5:30 p.m.**        This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on April 30, 2004 to consider second reading and adoption of Bill No. 1413. Proof was made that due and legal Notice had been given.

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

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that Bill No. 1413, Ordinance No. 1234, entitled, "AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE, CHAPTER 110, ARTICLE 104, GROWTH MANAGEMENT SYSTEM, BY DELETING THE REFERENCE TO ZONING ADMINISTRATOR AND ADDING A REFERENCE TO HEARING EXAMINER; ARTICLE 324, COMMUNICATION FACILITIES, BY DELETING THE REFERENCE TO ZONING ADMINISTRATOR AND ADDING A REFERENCE TO HEARING EXAMINER; ARTICLE 414, NOISE AND LIGHTING STANDARDS, BY DELETING THE REFERENCE TO ZONING ADMINISTRATOR AND ADDING A REFERENCE TO HEARING EXAMINER; ARTICLE 808, ADMINISTRATIVE PERMITS, BY DELETING THE REFERENCE TO ZONING ADMINISTRATOR AND ADDING A REFERENCE TO HEARING EXAMINER, AMENDING REVIEW, NOTICING AND APPEAL PROCEDURES, AND DEFINING WHEN A PERMIT BECOMES NULL AND

**VOID; ARTICLE 810, SPECIAL USE PERMITS, BY DELETING THE REFERENCE TO ZONING ADMINISTRATOR AND ADDING A REFERENCE TO HEARING EXAMINER, AMENDING THE REVIEW PERIOD FROM 95 DAYS TO 65 DAYS; ARTICLE 902, DEFINITIONS, BY DELETING THE DEFINITION OF ZONING ADMINISTRATOR; ARTICLE 912, ESTABLISHMENT OF COMMISSIONS, BOARDS AND HEARING EXAMINER, BY AMENDING WHO MAY SERVE AS A HEARING EXAMINER, THE POWERS OF A HEARING EXAMINER, AND THE REVIEW PERIOD OF APPLICATIONS ACTED UPON BY A HEARING EXAMINER; AND ARTICLE 914, ESTABLISHMENT OF DEPARTMENT, BY DELETING THE REFERENCE TO ZONING ADMINISTRATOR; AND OTHER MATTERS RELATING THERETO,”** be approved, adopted and published in accordance with NRS 244.100.

**04-435            ORDINANCE 1235 - BILL NO. 1415 - AMENDING WASHOE COUNTY CODE – MASSAGE THERAPIST’S WORK PERMIT – COMMUNITY DEVELOPMENT**

**5:30 p.m.**        This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on April 30, 2004 to consider second reading and adoption of Bill No. 1415. Proof was made that due and legal Notice had been given.

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

Jim Bemis, Washoe County Board of Massage Examiners Chairman, stated the County Board was in preliminary discussions with the Boards from Reno and Sparks about regionalizing the function. He said this ordinance change streamlines the approval process, after they have met all of the requirements, by allowing them to work while the Sheriff completes the background check.

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

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that Bill No. 1415, Ordinance No. 1235, entitled, **“AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REPEALING CERTAIN SECTIONS RELATING TO THE REQUIREMENTS FOR ISSUANCE OF A MASSAGE THERAPIST’S WORK PERMIT BY THE SHERIFF; BY ADDING PROVISIONS ALLOWING THE BUSINESS LICENSE DIVISION TO ISSUE TEMPORARY MASSAGE THERAPIST’S PERMITS, PROVIDING GROUNDS AND REASONS FOR DENIAL AND REVOCATION OF MASSAGE THERAPIST WORK PERMITS; AND, PROVIDING OTHER MATTERS PROPERLY RELATING THERETO,”** be approved, adopted and published in accordance with NRS 244.100.

04-436

**ORDINANCE 1236 - BILL NO. 1416 - AMENDING WASHOE COUNTY CODE, CHAPTER 110, GRADING STANDARDS - COMMUNITY DEVELOPMENT**

**5:30 p.m.** This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on April 30, 2004 to consider second reading and adoption of Bill No. 1416. Proof was made that due and legal Notice had been given.

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

Commissioner Sferrazza asked if this only dealt with grading or also with adjacency standards and buffering. Paul Kelley, Community Development, responded the grading standards are being removed from the Adjacency Standards Section of the Code and put into Article 438 so all the grading standards are in one place.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that Bill No. 1416, Ordinance No. 1236, entitled, **“AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE, CHAPTER 110, BY CREATING ARTICLE 438, GRADING STANDARDS, FOR THE PURPOSE OF COMBINING INTO ONE ARTICLE THOSE GRADING STANDARDS AND REQUIREMENTS CURRENTLY LOCATED IN THE DEPARTMENT OF BUILDING AND SAFETY, THE DEPARTMENT OF PUBLIC WORKS, AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT; ARTICLE 302, ALLOWED USES, BY DELETING SECTION 110.302.45, EXCAVATION AND GRADING; ARTICLE 434, REGIONAL DEVELOPMENT STANDARDS WITHIN COOPERATIVE PLANNING AREAS AND ALL OF WASHOE COUNTY, BY DELETING SECTION 110.434.30, GRADING; AND OTHER MATTERS RELATING THERETO,”** be approved, adopted and published in accordance with NRS 244.100.

04-437

**REQUEST FOR RECONVEYANCE - MT. ROSE DEVELOPMENT COMPANY – APN 048-112-05 – SLIDE MOUNTAIN SKI AREA - PARKS**

**5:30 p.m.** This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on April 28, 29, 30, 2004 to consider possible reconveyance of the Slide Mountain Ski area land. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak on this matter.

Tom Gadd, Public Works Director, said the Planning Commission voted five to two to bring this item back to the Board for reconveyance. He said because there in still no final map that contains a legal description of the property and because the

reconveyance agreement has not been completed, he is requesting this item be continued until June 22.

Commissioner Sferrazza asked if residential development could be added to existing restrictions on condominiums, timeshares, casinos, and hotels. Madelyn Shipman, Legal Counsel, replied that is negotiable. She stated current zoning would allow a single residence, which was desired as a caretaker's residence.

Commissioner Galloway said it is a matter of fair value of the property not the current zoning. The Board could change the zoning and the value of the property depends on the prospects of that occurring. In earlier discussions, he had noticed it was stated the \$250,000 figure was reasonable based on the permanent restrictions Mt. Rose was willing to place on the property, and to be permanent it would have to be something like a deed restriction.

In response to Commissioner Galloway, Ms Shipman stated conditions cannot be placed on the reconveyance but can be placed on the agreement that is reached prior to the reconveyance.

Commissioner Humke referred to the last two bullets under Previous Action in the staff report as the basis of County's position.

Steven Mollath, attorney representing the Mt. Rose Development Company, stated six weeks ago an outline of an agreement encompassing the deal points was sent to the District Attorney for review, and the final map is waiting for the snow covering the parcel to melt so an accurate calculation of the acreage can be done. He stated the Mt. Rose Development Company is looking for direction from the Board to staff to commence drafting the acquisition agreement and the parceling of the property allowing the acreage to be reconveyed to Mt. Rose Development Company, consistent with the parameters set by the Board. Mr. Mollath said the company would agree to a deed restriction that would prohibit any further parceling of the property in terms of single-family lots being carved out and sold. He stated, in bad weather, with potential road closures, it is essential to have a facility available, in close proximity to the ski area, for the personnel that make Slide Mountain area safe for skiers. He further stated the single-family residence would be for the general manager, which would allow for more efficient supervision of the area's operation.

Commissioner Galloway asked if the Mt. Rose Development Company would be agreeable if the agreement were drafted to state that other than the lodge and the one single-family residence near the lodge, there would be no condominiums, timeshares, hotel, casino, or other residential development on the property. Mr. Mollath replied they would agree to that deed restriction and would agree to forever forgo any zone change that would allow that to happen. Commissioner Galloway said this makes the arguments for the company's valuation of the property more in line with what it would be worth under these restrictions.

Chairman Shaw read the public comment cards from local residents, Wilma Dang, Daniel Horgan, Phil Miller, and Gloria Smith in support of the reconveyance contract with the Mt. Rose Development Company.

Local residents and skiers, Dean Smith, Joe Murin, and Cindi Murin spoke in favor of the reconveyance contract with the Mt. Rose Development Company along with local resident Gary Schmidt. Mr. Schmidt said that along with the \$250,000, the County would receive an additional \$20-40,000 a year in property tax.

Commissioner Sferrazza read into the record a letter from local resident Carl Adams urging the Board to retain the Mount Rose property but, if the decision was made to reconvey, enough cash should be generated to replace the acres and to dedicate the money to acquisition of new public recreation land.

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

Upon recommendation of Michelle Poché, Assistant County Manager, through Katy Singlaub, County Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that staff be directed to prepare an agreement with implementation by deed restrictions to prohibit any other residential or tourist accommodation development besides the lodge and the caretaker residence and to include all easements necessary for continued public access and that the matter be continued to June 22, 2004.

**04-438      APPEAL CASE NUMBERS AX04-004/AX04-005 – AMENDMENT  
OF CONDITIONS CASE NUMBERS AC04-003/AC04-002 –  
SPECIAL USE PERMIT SB03-024/SB03-025 - BLACK ROCK  
CITY, LLC**

**5:30 p.m.** This was the time set in a Notice mailed to affected property owners by the Department of Community Development on April 29, 2004 to consider the Appeal Case Numbers AX04-004/AX04-005, amendment of conditions case numbers AC04-002/AC04-003 (amendment of special use permits SB03-024/SW03-025 for Black Rock City, LLC) to remove condition number 20 (which requires the exterior of all structures to be a non-reflective tan or brown color) from the conditions of approval of the special use permits.

The Chairman opened the public hearing by calling on anyone wishing to speak on the appeal.

Eric Close, Black Rock City, LLC Planning Coordinator, said the appeal being filed and upheld caused Black Rock City, LLC to develop another, much better plan in cooperation with neighboring property owners and County staff. The comprehensive development plan differs from last year's mainly by the removal of the campgrounds proposal; staff will be housed at an RV park in Gerlach making the facility

a day use only facility. He provided the photos of the development's progress and discussed the highlights of the three phases of the project, which includes residential use, general industrial limited and automotive repair, and permanent storage of materials used for the Burning Man event. He stated the only other permits are for a commercial antenna and for inoperable vehicle and operable vehicle storage. Mr. Close said the landscaping now complies with all County landscaping development standards and they are only requesting a Director's Waiver on the parking and paving development standards. He stated a significant, but recent development was the approval of an appropriation for the property of 4.4 acre-feet of water for commercial and domestic use from the State Engineer, which made the landscaping possible. Mr. Close thanked Washoe County staff for their help over the course of the development.

Roger Pelham, Community Development Planner, stated Black Rock City, LLC has before the Board two appeal cases that are identical but refer to two different special use permits that are part of the compliance schedule agreed upon by the County and the applicant. SB03-025 was for the general industrial facility and the SB03-024 was for the automotive repair facility. The Washoe County Planning Commission approved the permits on February 3, 2004 and no appeals were filed. One condition on the permits was the exterior of all structures be painted a nonreflective tan or brown color. The condition was later appealed and the appeal was denied on April 6, 2004, which resulted in today's appeal. The applicant has applied for three additional special use permits and, if you uphold this denial, it will become staff's policy to maintain the condition of painting the exterior of all structures.

Mr. Pelham said Dominic Adams, neighboring property owner, had sent him some correspondence asking the requirement of painting the Quonset huts on the premises be upheld. He stated staff recommends denial of the appeals.

Commissioner Galloway requested the arguments of the appellant be summarized. Mr. Pelham replied the appellant said it is difficult to maintain paint on the Quonset hut's galvanized steel and there are other similar structures in the area that are not painted.

Chairman Shaw asked what makes the structure difficult to paint. Mr. Close responded when a second building was needed, he tried to find a pre-painted building, which he could not find. He said dealers told him customers are not happy with painted buildings because the paint flakes off due to blowing dust in the high desert. Mr. Close stated galvanized steel structures weather after a few years to a darker color that better blends into the surroundings and showed a picture of a building in downtown Gerlach that had weathered. Black Rock City, LLC is not trying to avoid the cost of painting, but is appealing because the result is poor and maintenance is a nightmare. He stated the buildings are screened behind a fence, tree and shrub plantings, and a shade structure obscuring 95 percent of the view. The Gerlach Empire Citizens Advisory Board (CAB) agrees the buildings should not be painted, as do many of the neighbors with which he had spoken.

Commissioner Galloway asked if only a Quonset hut shape could be considered because sheet metal buildings now come painted. Mr. Pelham stated the plan that was brought in by the applicant would have to be looked at to see if maybe a slightly different shape could still be in compliance.

Will Roger Peterson, an owner of Black Rock LLC, stated for the building in question and another being built, for appearances, he would like them to be exactly the same. The building he chose does not come painted, but has an oil coating that gradually wears off and lets the metal darken causing the silver to diminish with time.

Gary Schmidt, Washoe County resident, stated painted metal buildings in the harsh desert environment contribute to ground and air pollution by chipped and oxidizing paint. A farmer or a resident could use a Quonset hut and not paint it. He said he strongly supports lifting this condition.

Kevin Brittner, nearest neighbor, thanked Chairman Shaw and Commissioner Weber for initiating a meeting between Black Rock City, LLC and the appellants resulting in the company addressing all of the raised concerns. He said he cannot recall anyone in the community being concerned about the paint color of the building and he felt it was better to place a condition that the structures not be painted. In response to Commissioner Weber, he said he would rather see two buildings that look the same rather than two different buildings.

Matthew Ebert, Black Rock Station Manager and a member of the CAB, stated his major concern was a false community standard was being established because no area Quonset huts are painted except the one with the experimental paint job that was done to see how the paint lasts. He said the CAB supported the buildings not being painted.

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

Commissioner Galloway asked if the painting of new structures is required, such as putting up an unpainted Quonset hut in Gerlach. Mr. Pelham said yes, but it would be for an agricultural or residential type use. Commissioner Galloway said he is still looking for a basis that the restrictions are reasonable. He asked if this restriction had been put on the development in the Eagle Ranch Estate.

Sharon Kvas, Planner, said painting was not a staff condition but was generated by the Planning Commission. She stated in the Mt. Rose scenic corridor metal roofs are prohibited where they are not muted.

In response to Commissioner Galloway, Mr. Pelham said the appeal only removes the condition from permanent structures, and there is a separate condition that requires the containers to be painted because they are not structures, they are items.

Having made the following findings, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the appeal for Amendment of Conditions Case Numbers AC04-002 and AC04-003, be upheld. It is further ordered that metal storage containers be excluded from the removal of condition number 20 from the conditions for the SB03-024 and SW03-025 special use permits for Black Rock City, LLC.

FINDINGS:

1. Consistency. That the proposed modification is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the applicable area plan, specifically High Desert Plan Policy and Action Program HD1.1.1: Maintain the rural character of the planning area and protect scenic resources, designated wilderness areas, and natural habitats and preserves;
2. Issuance Detrimental. That elimination of the condition will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area, by allowing structures that do not blend in with the surrounding area;
3. Reasoned Consideration. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.
4. That the Washoe County Commission gave reasoned consideration to the information contained within the reports transmitted to the County Commission from the Washoe County Planning Commission, and the information received during the Washoe County Commission public hearings.

**04-439      DISCUSSION – WASHOE COUNTY BOARD OF EQUALIZATION**

Commissioner Galloway stated he would like this item continued to the last meeting in May, since no one was here on this issue. Commissioner Sferrazza agreed, but he requested the Assessor's Office prepare a ratio study for the commission districts showing comparison of sales to assessed values in each district. Commissioner Sferrazza believes this study will show if any one district needs representation.

Katy Singlaub, County Manager, stated she needed to check with the Assessor's staff to see if they can prepare the study by that date.

Commissioner Sferrazza asked if applications were still being accepted and Commissioner Galloway responded that it was still open and he wanted to bring to

the Board some preference factors that could be used in selecting Board of Equalization (BOE) members.

Gary Schmidt, member of the Washoe County BOE, pointed out that NRS 361.340 states the Chairman of the Board of County Commissioners shall nominate persons to serve on the BOE who should be sufficiently experienced in business to be able to bring knowledge and sound judgment to the deliberations of the Board. He stated other members of the County Commission could not nominate because it is the sole prerogative of the Chair. He felt considering the difficulty getting anyone to apply for the job, restricting it by districts might be difficult. He felt the bill draft raising the pay might help in getting more applicants, but what should really help would be to hold the hearings over a longer period of time so a full month is not taken out of someone's life.

Ms. Singlaub stated the selection of the Vice Chair and Chair would be removed from the agenda item because the Chair has already been selected and the BOE selects the Vice Chair.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that this item be continued to May 26th, or the earliest possible meeting thereafter, to allow preparation of the ratio study by the Assessor's Office, and for staff to bring back proposed rules to the Board.

**04-440            REPORTS/UPDATES FROM COUNTY COMMISSIONERS**

Commissioner Sferrazza said the Water Board meeting is scheduled for May 20, 2004 and if the Commission had comments, he would be happy to express them.

Commissioner Humke said the Jan Evans Juvenile Detention Center opening was a great day for the County and for the kids of this community.

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

There being no further business to come before the Board, the meeting adjourned at 8:45 p.m.

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**JAMES M. SHAW**, Chairman  
Washoe County Commission

**ATTEST:**

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

*Minutes Prepared by  
Jan Frazzetta, Deputy County Clerk*