

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 9:00 A.M. JULY 15, 1997

PRESENT:

Grant Sims, Chairman  
Joanne Bond, Vice Chairman  
Jim Galloway, Commissioner  
Mike Mouliot, Commissioner  
Jim Shaw, Commissioner

Betty Lewis, Chief Deputy County Clerk  
Katy Simon, Assistant County Manager  
Madelyn Shipman, Legal Counsel

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 E. 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:

97-738 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Sims ordered that the agenda for the July 15, 1997 meeting be approved.

PUBLIC COMMENTS

Robert Metz, Reno resident, stated that there is a very serious issue involving the County's Child Protective Services and their neglect and irresponsibility to carry out their duty under State law in protecting his son. He advised that his 18-month-old son is being neglected by his mother; that his son has weighed 21 pounds for six months, and should be at 32 to 35 pounds now; and that he is asking the Board to convene a committee and investigate this matter. He discussed the State law definition of failure to thrive and then advised that he has documented proof that a County organization is telling people to lie on court documents, which situation needs to be investigated; that the Family Court system in Washoe County is the most biased court system in the entire United States and also needs to be investigated; and that the County needs to clean up its own backyard to assure equal and fair "justice for all" as stated in the Pledge of Allegiance. Mr. Metz stated that he wants his child protected and is pleading with the Board to conduct these investigations; that too many kids die in this County and it is time this gets corrected; and that this Board is the elected officials ultimately in charge of Child Protective Services, the District Family Court, and the TPO Office.

MINUTES

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that the minutes of the regular meeting of June 24, 1997 be approved.

97-739 UNBUDGETED CAPITAL OUTLAY - CAMERA SECURITY EQUIPMENT - JUVENILE SERVICES

Katy Simon, Assistant County Manager, responded to questions of the Board.

Upon recommendation of Brian Mirch, Finance Division, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Sims ordered that the unbudgeted capital outlay purchase of security equipment consisting of 3

continuous recording cameras and monitors for Juvenile Services at a cost not to exceed \$15,000 be approved.

97-740 NEW CLASSIFICATION - PERSONNEL DIVISION

Katy Simon, Assistant County Manager, responded to questions of the Board.

Upon recommendation of the Personnel Committee and the Personnel Division, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Sims ordered that the following new classification be approved:

Employee Development and Training Specialist, code 0515, grade C240 (\$43,160 - \$57,720)

97-741 ACCEPTANCE OF DONATION - SIERRA PACIFIC POWER - JUVENILE SERVICES

Upon recommendation of Brian Mirch, Finance Division, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Sims ordered that the \$500 donation from Sierra Pacific Power Company to the Department of Juvenile Services be accepted with gratitude and the following account transactions be authorized:

Increase Account		Amount
12951D-5802	Donations-General	\$500.00
12951D-7266	Recreation Supplies	\$500.00

97-742 ACCEPTANCE OF DONATIONS - KIDS KOTTAGES

Upon recommendation of May Shelton, Director, Department of Social Services, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Sims ordered that the following cash donations in the amount of \$4,543.50 for children in emergency shelter care be accepted with the gratitude:

Cash Donations

\$ 5.00	from Chris Inskip
\$ 5.00	from Enrique Cabrera and Evangelina Diaz
\$ 5.00	from Stacey Moore
\$ 10.00	from Claudia Garcia
\$ 20.00	from Gene and Norma Elliott
\$ 20.00	from Ronald and Ramona Russell
\$ 25.00	from Donald and Francine McMillen
\$ 25.00	from Russell Sala and Dorothy Bartha in memory of Julia Ricouard
\$ 25.00	from Russell Sala & Dorothy Bartha in memory of Mary Jane Brown
\$ 50.00	from Lisa Jones
\$ 50.00	from Fredric and Jo Ella Barrie
\$ 50.00	from Community Charities
\$ 69.54	from Our Savior Lutheran Church
\$ 70.00	from Holy Cross Catholic Community
\$ 138.00	from Sharon Gibbons
\$ 151.50	from St. Paul's United Methodist Church

\$ 159.56 from Sunday School classes of Good Shepard Lutheran Church  
 \$ 250.00 in gift certificates from Mountaingate Data Systems in Reno  
 \$ 453.00 from the Republican Women's Club of Reno  
 \$ 500.00 from Classic Chevy Club in Reno  
 \$ 600.00 from Folded Wings International in Reno  
 \$ 797.50 from A & H Insurance, Inc.  
 \$1,064.40 from Ferrari-Lund Real Estate  
 Other Donations (no fiscal impact)  
 New clothing, toys & art supplies valued at \$300 from Sierra Nevada Lab

It was further ordered that the Comptroller be directed to make the following account transactions:

Increase Revenues		
Account 28-28052-5802	(General Donations) by	\$4,543.50
Increase Expenditures		
Account 28-28052-7205	(Minor Furniture and Equipment) by	\$4,543.50

97-743 FY 1997/98 DISTRICT HEALTH DEPARTMENT BUDGET AMENDMENT - AIDS PROGRAM

Upon recommendation of David Rice, District Health Officer, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Sims ordered that the amendment to the FY 1997/98 District Health Department AIDS Program budget be approved and the following account transactions be authorized:

Account Number	Description	Amount
002-1700-17120-5802	Donations	\$2,000.00
-7140	Other Professional Services	\$2,000.00

97-744 1997/98 DISTRICT HEALTH DEPARTMENT BUDGET AMENDMENT - EIC PROGRAM

Upon recommendation of David Rice, District Health Officer, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Sims ordered that the amendment to the FY 1997/98 District Health Department EIC Program in the amount of \$152,704 be approved and the following account transactions be authorized:

Account Number	Description	Amount	Amount
002-1700-1715G2-4301	Federal Funds	\$14,071.00	
-7108	MD Consultants		\$ 31,800.00
-7140	Other Professional Services		(1,870.00)
-7418	Outpatient Laboratory		(15,859.00)
	TOTAL	\$14,071.00	\$ 14,071.00

002-1700-1715G3-4301	Federal Funds	\$138,633.00	
-7140	Other Professional Services		\$(10,000.00)
-7403	Biological		148,633.00
	TOTAL	\$138,633.00	\$138,633.00
	TOTAL REVENUES	\$152,704.00	
	TOTAL EXPENDITURES		\$152,704.00

97-745 BUDGET AMENDMENT - FY 97/98 STD PROGRAM - HEALTH

Upon recommendation of David Rice, District Health Officer, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Sims ordered that the amendments to the FY 97/98 District Health STD Program in the amount of \$10,000 be approved and the following account transactions be authorized:

Account Number	Description	Amount
002-1700-1713G1-4301	Federal Funds	\$10,000.00
002-1700-1713G1-7403	Biologicals	\$10,000.00

97-746 BUDGET AMENDMENT - FY 97/98 WIC PROGRAM - HEALTH

Upon recommendation of David Rice, District Health Officer, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Sims ordered that the amendments to the FY 97/98 District Health WIC Program to increase a Community Health Nutritionist (PC#201) from part time to full time by permanently reducing the base budget be approved and the following account transactions be authorized:

Account Number	Description	Amount	Amount
002-1700-1746G1-7001	Salaries	\$34,465.00	
-7002	Part Time		\$(31,730.00)
-7048	Retirement		513.00
-7049	Medicare		40.00
-7247	Medical Supplies		( 3,288.00)
	TOTAL	\$34,465.00	\$(34,465.00)
002-1700-17460-7001	Salaries	\$ 3,829.00	

-7002	Part Time		\$(3,526.00)
-7036	Contractual Wages		( 363.00)
-7048	Retirement		56.00
-7049	Medicare		4.00
	TOTAL	\$ 3,829.00	\$(3,829.00)

97-747 WATER RIGHTS DEED - GARY D. BADER AND LETA KAYE BADER - TRUCKEE CANYON SEGMENT PLANNING AREA - UTILITY SERVICES

Upon recommendation of John Collins, Manager, Utility Services Division, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Water Rights Deed for 2.02 acre-feet of water rights being a portion of Permit 59607 between Gary D. Bader and Leta Kaye Bader, as Grantor, and Washoe County, as Grantee, on behalf of Robert W. White in support of his future parcel map creating new parcels within the Truckee Canyon Segment Planning Area, be approved and Chairman Sims be authorized to execute. It was further ordered that the Utility Services Division Manager be directed to record the Water Rights Deed with the County Recorder.

97-748 WATER RIGHTS DEED - GARY D. BADER AND LETA KAYE BADER - TRUCKEE CANYON SEGMENT PLANNING AREA - UTILITY SERVICES

Upon recommendation of John Collins, Manager, Utility Services Division, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Water Rights Deed for 6.06 acre-feet of water rights being a portion of Permit 59607 between Gary D. Bader and Leta Kaye Bader, as Grantor, and Washoe County, as Grantee, in support of his future parcel map creating new parcels within the Truckee Canyon Segment Planning Area, be approved and Chairman Sims be authorized to execute. It was further ordered that the Utility Services Division Manager be directed to record the Water Rights Deed with the County Recorder.

97-749 WATER RIGHTS DEED - STEVE GILDESGARD AND CAROL E. GILDESGARD - FOREST AREA PLAN - UTILITY SERVICES

Upon recommendation of John Collins, Manager, Utility Services Division, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Water Rights Deed for 8.08 acre-feet of water rights being a portion of Permit 36336 between Steve Gildesgard and Carol E. Gildesgard, as Grantor, and Washoe County, as Grantee, in support of Peter W. Hibbett's proposed parcel maps under APN 048-062-04 creating new parcels within the Forest Area Plan, be approved and Chairman Sims be authorized to execute. It was further ordered that the Utility Services Division Manager be directed to record the Water Rights Deed with the County Recorder.

97-750 WATER RIGHTS DEED - PALOMINO VALLEY ESTATES, INC. - WARM SPRINGS HYDROGRAPHIC BASIN-UTILITY SERVICES

Upon recommendation of John Collins, Manager, Utility Services Division, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Water Rights Deed for 8.0 acre-feet of water rights being all of Permit 62598 and 2.0 acre-feet being a portion of Permit 62599 between Palomino Valley Estates, Inc., as Grantor, and Washoe County, as Grantee, in support of their parcel map creating new parcels in the Warm Springs Hydrographic Basin (the parcel to be created is currently a part of APN 077-340-35), be approved and Chairman Sims be authorized to execute. It was further ordered that the Utility Services Division Manager be directed to record the Water Rights Deed with the County Recorder.

97-751 WATER RIGHTS DEED - JOHN C. SERPA - SOUTH VALLEYS AREA PLAN - UTILITY SERVICES

Upon recommendation of John Collins, Manager, Utility Services Division, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Water Rights Deed for 66.26 acre-feet of water rights being a portion of Permit 48448, Certificate 12505, as changed by 57915; and 28.68 acre-feet being a portion of Permit 31848, Certificate 12504, as changed by Permit 57916, for a total of 94.94 acre-feet of water rights, between John C. Serpa, as Grantor, and Washoe County, as Grantee, in support of his 17 proposed parcel maps creating parcels under APN 050-301-01, Case No. PM 5-41-97, within the South Valleys Area Plan, be approved and Chairman Sims be authorized to execute. It was further ordered that the Utility Services Division Manager be directed to record the Water Rights Deed with the County Recorder.

97-752 WATER RIGHTS DEEDS - JOHN H. AND BERNICE W. SHELDON (SHELDON FAMILY TRUST) - JANE ROGERS - SAN ANTONIO RANCH (WEST WASHOE VALLEY) - UTILITY

Upon recommendation of John Collins, Manager, Utility Services Division, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Water Rights Deed for 2.02 acre-feet of water rights being a portion of Permit 27565, Certificate 9459, between John H. and Bernice W. Sheldon, as Grantor, and Washoe County, as Grantee; and a total combine duty of 2.02 acre-feet of water rights from a portion of 20648, Certificate 6086, and Permit 21413, Certificate 6087, between Jane Rogers, as Grantor, and Washoe County, as Grantee, in support of the San Antonio Ranch parcel map creating two new parcels within West Washoe Valley, APN 055-200-69 be approved and Chairman Sims be authorized to execute. It was further ordered that the Utility Services Division Manager be directed to record the Water Rights Deeds with the County Recorder.

97-753 WATER RIGHTS DEED - MAX L. JONES, JR. AND HONOR S. JONES-WATER SALE AGREEMENT- SIERRA PACIFIC POWER - ARAMINI/ORLICH PARCEL MAP - UTILITY SERVICES

Upon recommendation of John Collins, Manager, Utility Services Division, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Water Rights Deed for 3.0 acre-feet of water rights being a portion of Claim 520, between Max L. Jones, Jr. and Honor S. Jones, as Grantor, and Washoe County, as Grantee; and Water Sale Agreement between Sierra Pacific Power Company and Washoe County on behalf of the Aramini/Orlich parcel map, APN 044-270-11, be approved and Chairman Sims be authorized to execute. It was further ordered that the Utility Services Division Manager be directed to record the Water Rights Deed with the County Recorder.

97-754 REFUND OF TAXES - RICHARD WOOD

This action is to record Chairman Sims' vote in support of the Resolution approving refund of taxes for Richard D. Wood, which previous action was taken in the Chairman's absence on June 17, 1997 [BCC Item No. 97-644].

97-755 CONTRACT - ARCHITECTURAL SERVICES - COURTHOUSE WEST AND LAW LIBRARY

Bob Hall, County Architect, advised that the agreement with Architects+ is for the remodeling of the Old Courthouse and two areas located in Courthouse West; that the old jail portion on the first floor and part of the basement in the Old Courthouse will be remodeled for the Law Library, and the first and second floors of the Courthouse West will be remodeled for the District Attorney and Constable. Mr. Hall then responded to questions of the Board and affirmed that the contract is for a not-to-exceed amount of \$175,000 with approximately \$20,000 for architectural services relating to the Constable's Offices that once remodeled can be used for a variety of purposes; and that a selection committee of approximately 7 persons interviewed architectural firms and selected Architects+.

Sandy Marz, Director, Law Library, and Katy Simon, Assistant County Manager, responded to additional questions of the Board.

On motion by Commissioner Shaw, seconded by Commissioner Mouliot, which motion duly carried, Chairman Sims ordered that the Agreement between Washoe County and Gregory Erny (DBA Architects+) concerning architectural services for Courthouse West and Law Library be approved and Chairman Sims be authorized to execute.

97-756 FY 1997/98 EXPENDITURES - CHILD PROTECTIVE SERVICES - SOCIAL SERVICES

Mike Capello, Division Director, Child Protective Services, responded to questions asked at yesterday's caucus and advised that each of the five unit supervisors is allotted \$5,000 during the fiscal year and has the authority to approve up to \$300 for any single expenditure out of that \$5,000; that if something arises where they want to expend more than that amount, they have to obtain authorization from the Division Director; and that in the last fiscal year there was only one such occasion. He responded to questions of the Board and explained that, although funds for these expenditures have been approved in the budget, the Purchasing Department and the Comptroller's Office have requested specific approval from the Board each year. Mr. Capello provided a summary report containing examples of funding expenditures made last year.

Katy Simon, Assistant County Manager, commented that because a new fiscal year has started, this request is for authorization of what is current practice, which system works quite well.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that the Department of Social Services be authorized to expend funds from the Child Protective Services account, Referral Services (28081G-7423), to benefit children and families in order to promote keeping families intact.

97-757 BILL NO. 1160 - AMENDING WCC CHAPTER 50 - DEFACEMENT OF PROPERTY BY GRAFITTI

9:30 a.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on July 4, 1997, to consider the second reading and adoption of Bill No. 1160. Proof was made that due and legal notice had been given.

Chairman Sims opened the public hearing and called on those wishing to speak and there was no response.

Pursuant to discussion at yesterday's caucus meeting concerning some of the content of the Ordinance, it was directed that this item be continued.

97-758 BILL NO. 1161 - ORDINANCE NO. 986 - AMENDING WCC CHAPTER 53 - DEFINING PROHIBITED CONDUCT AND ESTABLISHING PENALTIES

9:30 a.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on July 4, 1997, to consider the second reading and adoption of Bill No. 1161. Proof was made that due and legal notice had been given.

Madelyn Shipman, Legal Counsel, advised that the Ordinance was drafted in response to a Nevada Supreme Court decision in which the court struck down vagrancy laws contained in the Nevada Revised Statutes and ruled that laws designed to punish persons for their status as vagrants rather than for culpable acts are unconstitutional; that the original Ordinance copied State law and the new Ordinance contains revisions that will bring the Washoe County Code into compliance with the court decision; and that the Board has been provided with a copy of the original language and the language amended into the new Ordinance.

Chairman Sims opened the public hearing and called on those wishing to speak. There being no response the public hearing was closed.

On motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Sims ordered that Ordinance No. 1161, Bill No. 986, entitled "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE TO MAKE CERTAIN ACTS UNLAWFUL INCLUDING SOLICITATION, PANDERING, PROCURING, LOITERING, AND PROWLING, SETTING FORTH PENALTIES THEREFOR, AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO", be approved, adopted, and published in accordance with NRS 244.100.

Chairman Sims stated that approval of the Ordinance includes the understanding that, henceforth, ordinance changes are to be submitted in a format showing deletions and specific additions.

97-759 FY 1997/98 CONTRACT RENEWALS - SOCIAL SERVICES

Katy Simon, Assistant County Manager, reviewed questions raised at yesterday's caucus meeting regarding this item. Commissioner Shaw requested that the names of the principles for each contract be provided as this would give him a higher level

of comfort in approving the renewal requests. Mike Capello, Social Services Department, advised that in a couple of instances administrators that actually sign are in Carson City and one is out of state, but Social Services deals with their local office; and that the Principles are as follows: Choices Unlimited, Inc., Graham Simpson, M.D., President; Committee to Aid Abused Women, Joni Kaiser, Executive Director, Family Counseling Service of Northern Nevada, Dr. Marlene Chrissinger, Executive Director; Family Preservation Program, Ken Patterson, Division Administrator; Coram Healthcare, Lynell Mohen, Local Acting Manager; REMSA, Patrick Smith, President; and University Pediatric Professionals, Trudy Larson, M.D., President. Mr. Capello reviewed issues relative to performance requirements and advised that the specific requirements expected from each provider is incorporated into the contract.

Following discussion, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the contract renewals for fiscal year 1997/98 for the following organizations and amounts be approved and Chairman Sims be authorized to execute:

ORGANIZATION	AMOUNT
Choices, Unlimited, Inc.	\$ 30,000.00
Committee to Aid Abused Women	\$ 63,000.00
Family Counseling Service of Northern Nevada, Inc.	\$ 60,000.00
Family Preservation (Division of Child and Family Services)	\$ 35,000.00
Coram Healthcare	\$120,000.00
Regional Emergency Medical Services Authority (REMSA)	\$350,000.00
University Pediatric Professionals, Inc. (SAINT)	\$ 64,000.00

97-760 BILL NO. 1163 - AMENDING EFFECTIVE DATE OF ORDINANCE NOS. 974 AND 975

Bill No. 1163 entitled, "AN ORDINANCE AMENDING THE EFFECTIVE DATES OF ORDINANCE NO. 974 AND ORDINANCE NO. 975; AND PROVIDING THAT ALL ACTIONS TAKEN PURSUANT TO SAID ORDINANCES BE VALIDATED, RATIFIED, APPROVED AND CONFIRMED," was introduced by Commissioner Shaw, the title read to the Board, and legal notice for final action of adoption directed.

97-761 APPOINTMENT-VERDI TOWNSHIP CITIZEN ADVISORY BOARD

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that James Kimsey be appointed as alternate for the Verdi Township Citizen Advisory Board with term to expire June 30, 1998.

97-762 SPEED LIMITS - NORTH VIRGINIA STREET

Upon recommendation of Clara Lawson, Engineering Division, through David Price, County Engineer, on motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that the speed limits be increased on North Virginia Street at the following locations:

LOCATION	SPEED LIMIT CHANGE (mph)	
	From	To
Golden Valley Road to Kennedy Drive	35	40
Kennedy Drive to Stead Boulevard	35	45

Upon recommendation of Clara Lawson, Engineering Division, through David Price, County Engineer, on motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that the Nancy Gomes Elementary School zones be expanded at Limkin Street, Fantail Street, and Egret Lane, as outlined in the agenda material, and the speed limit of 15 mph within the new school zones be approved.

97-764 RIGHT-OF-WAY AND EASEMENTS ACQUISITION BY EMINENT DOMAIN - ZOLEZZI/US 395 INTERCHANGE - REGIONAL TRANSPORTATION COMMISSION

Stan Peck, Legal Counsel, Regional Transportation Commission, provided background information and advised that the South Meadows Properties is currently in litigation with the federal government over the classification of a portion of all of the subject property as wetlands; that under the current classification the property would be cheaper to acquire resulting in less cost to Nevada Tri Partners, who, as the fee payer under the Regional Road Impact Fee, has requested that the RTC acquire the needed property; and that if South Meadows is successful in their litigation, the measure of damages would be recovered from the federal government.

Chairman Sims commented that the Board is constrained by local ordinances to move forward on this item under the Regional Impact Fee Program and Nevada

Tri Partners has every right to proceed forth in this matter.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that the RTC be authorized to exercise the power of eminent domain for the acquisition of all right-of-way and easements required for the Zolezzi/US 395 Interchange Project.

97-765 "LOOKING FINE IN '99" - SUN VALLEY CAMPAIGN - COMMUNITY DEVELOPMENT

Romany Woodbeck, Community Development, provided a status report of the "Looking Fine in '99" campaign advising that the staff committee and the volunteer committee have been meeting weekly and have decided that the volunteer committee will basically encourage clean up, educate people on the different code violations, and work on public relation issues; and that the role of the staff committee, called "Sun Valley Community Services Team," will basically be one of enforcement. She then advised that Sun Valley has been sectioned into eight grids and enforcement will be concentrated on one grid at a time, which procedure is expected to commence on August 1st. Ms. Romany then discussed efforts being made to establish a storefront office in Sun Valley, advising that the Sheriff's Office has located a site; that the budget for the storefront totals approximately \$400,000 of which approximately \$160,000 is requested in federal funding with the remainder to be provided with in-kind services by the County; and that it looks positive that the grant will come through but if it does not, she may be back before the Board requesting funding for the storefront.

Ms. Woodbeck then discussed issues regarding to ordinance revisions needed relative to the clean-up effort and suggested that the revisions be drafted to encompass the entire County and not just Sun Valley. Commissioner Bond suggested that the issue of how many animals would be allowed on a given parcel of land should be looked at when determining ordinance revisions.

A discussion commenced relative to funding and the estimated two year timeframe needed for the storefront. Commissioner Galloway stated that he supports the storefront with the idea that the County might get the grant funding, and that if that funding does not come through, he would like to take another complete look at this matter. He further stated that he is always hesitant to start something that may go on and on without constant scrutiny as to whether the purposes served are worth the dollars expended, and requested that it not be assumed that this will just continue without the Board taking another look at it.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Sims ordered that:

1. The progress made towards the Sun Valley "Looking Fine in '99" campaign with the public/private partnership between the community and County staff be recognized.

2. The application for a federal Community Oriented Policing (COP) grant to facilitate establishment of the Sun Valley storefront office be endorsed.

3. Staff be directed to prepare ordinance revisions to help implement enforcement procedures.

#### 97-766 FILING OF APPEAL TO BUREAU OF INDIAN AFFAIRS - TRUST ACQUISITION OF RENO-SPARKS INDIAN COLONY LAND IN VERDI, NEVADA

Cheryl Ryan, Planner, Department of Community Development, provided background information regarding the proposed trust acquisition of a 1.1-acre parcel of land in Verdi on behalf of the Reno-Sparks Indian Colony and responded to questions of the Board. She advised that Federal guidelines allow two levels of appeal of the Bureau of Indian Affairs (BIA) notice to approve trust status, being (1) whether or not there is an impact on the County's tax base, and (2) whether there are potential land use conflicts.

She noted that the tax impact would be minimal, and the land use conflict, therefore, would be the appropriate basis for appeal, as identified in former BCC Chairman Bradhurst's letter dated November 25, 1996 regarding this issue.

Commissioner Galloway suggested that the appeal basis of potential conflicts of land use might be broadened to state that the County is appealing not only for the present intended use but for possible future uses of the land that at this time are not foreseen, noting that once this land achieves trust status it is basically an island that would be out of control of the planning area, which would defeat the purpose of area planning.

Ms. Ryan advised that subsequent to the time the Board previously considered this item on November 12, 1996 the Indian Colony has stated that they will also ask for trust status on the parcels surrounding the subject 1.1-acre parcel for a total of five acres. She further stated that the property was previously zoned C2 Commercial under the old land use zoning classifications and on June 30th it became LDS, Low Density Suburban, which is a residential zoning classification that allows neighborhood shopping centers; that it was difficult to say that a smoke shop, the intended use for the property, was not consistent with Commercial zoning, and now with LDS designation it would be up to the Planning Commission to make a determination as to whether or not a smoke shop would fit in a neighborhood convenience center. She pointed out that a bill passed last year by the Legislature allows Colonies and Tribes to have unlimited gaming without review by local jurisdictions, and five acres might allow a moderate casino.

Commissioner Galloway commented that, although he thinks everything stated in the Commission's previous letter of November 25, 1996 is valid with regard to the intended use, he feels something broader should be included to indicate that the Board is concerned about possible serious negative effects from the proliferation of islands that are permanently out of control of the planning areas.

Jim Craner, Verdi resident, presented documentation and advised that he represents the residents in the West Verdi area. He stated that the community was given a 30-day notice, which was not sufficient time to prepare a response, but they were able to obtain several signatures of residents stating their opposition to the trust acquisition for the proposed smoke shop and their wholehearted support of the recommendation set forth in Commissioner Bradhurst's letter last year; and that he agrees with Commissioner Galloway's comments regarding concerns relative to future usage of the parcel. He stated that their review indicates the property is no longer intended for commercial use and that it is rural residential intended for homes, not strip malls; that they would argue that the current trust status has only been conditionally granted and is not in effect, so the conditions by which the County Commission is evaluating this project have changed and, therefore, the Commission's recommendations need to change accordingly; and that the fact that an application was never submitted is de facto evidence that the Colony is not willing to guarantee that they will comply with County regulations, and, not only could a casino be put on that property, it could be used as a hazardous waste site and they could defeat the County ordinance on billboards, etc., as they would not even be required to come before the Board. Mr. Craner further stated that the County has made great strides in trying to improve that area to remove billboards and limit development with the regional development plan, and this would clearly contradict that; and that they are

questioning the economic viability of the property, noting that because a smoke shop is intended on that land people are moving out, property values are declining, and they feel the tax impact insignificant. He then referred to the Supreme Court case of the City of Boerne, Texas vs. P.F. Flores in San Antonio, Texas, which was a successful legal challenge with regard to a Federal entity being able to purchase land as set forth in Federal law, and which basically said that the Federal law which allowed religious organizations to essentially bypass local zoning regulations in order to build on their properties was deemed to provide an excessive amount of freedom to a religious organization. He explained that there is a lot of analogy in terms of the ability of the Indian Colonies to purchase noncontiguous land and use that for any purpose and not abide by County regulations; and that they feel if the Colony had to abide by County regulations that would not only be unprofitable, there is virtually no way they could operate that business without erecting a tall sign. He further commented that the State of Nevada is in the process of collecting billions of dollars from a Federal class action suit against the tobacco industry with regard to health problems that have developed in many Nevadans as a direct result of smoking and, while the Federal government is cracking down on tobacco and saying it is a horrible thing, it essentially is encouraging the sale of cigarettes without regulation, which the community feels is very inconsistent and throws dirt in the face of the County with regard to its ability to regulate; and that with the existing scenario of both the Legislative and Federal versus local issues, he would recommend that this matter also be referred to the Nevada Attorney General to further pursue.

Pat McLaughlin, Verdi resident, advised that the lot across the street from the location of the proposed smoke shop is for sale, and was valued four years ago at \$129,000 and has dropped to \$75,000 with no takers; that Gold Ranch has all the cigarettes one would want to buy by the carton and another commercial property is not needed; that he would like to see someone come up with the money to make the property a park which would provide a small buffer zone between the homes and Gold Ranch; and that he definitely opposes the smoke shop proposal.

Legal Counsel Shipman stated that under Federal law the Indian Colonies are tied to State law as it relates to gaming, and because Nevada has a 200-room minimum requirement in Washoe and Clark County, it is unlikely that a one-acre parcel would meet those requirements. Ms. Ryan responded that the concern is that the Colony has publicly stated that they intend to put the other acres into trust status which would give them a five-acre parcel. Upon inquiry of Commissioner Galloway, Ms. Shipman stated that there is probably less impediment to using the property as a waste disposal or storage site than there would be for gaming. She further stated that her understanding is that, when land is placed into trust status there is always the option on the part of the Federal agencies that make that determination to place conditions upon the land, and the Board may want to have discussion relative to what is considered the most obnoxious potentials to guard against that could be used as an argument.

Commissioner Mouliot stated that he does not support filing an appeal as the Tribe applied for trust long before June 30, 1997, the property was commercial when they purchased it, and they applied and purchased outside County regulations which is the way Tribes operate their business ventures.

A discussion then commenced relative to broadening the statements made in Mr. Bradhurst's letter. Chairman Sims stated that he would want to insure that the Board's action directly addresses the criteria that the Federal Court will use so that no points are missed. Commissioner Galloway requested that he and any other Board members who so desire, be provided with a draft of the appeal as soon as possible.

Commissioner Shaw requested that staff keep the Verdi citizens apprised of the status of this appeal. Chairman Sims asked if there is an appeal process available to the homeowners and Ms. Ryan advised that she believes Federal guidelines require that the appeal be made by the governing agency and/or agencies that work with the governing agency, but she will confirm this. Mr. Craner stated that he feels comfortable having the Board appeal on behalf of the citizens and requested that their letter be included or at least referenced with the appeal and the language reflect the stated concerns of the community. Commissioner Galloway stated that he would want to insure that the appeal is drafted in such a manner that it covers all these bases and is filed on behalf of the County and the citizens of Verdi; and that if the Verdi citizens have material they want to bring forth and if they have an attorney that wants to help file a statement or brief, etc., they be given as much latitude as possible in this regard.

On motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, with Commissioner Mouliot voting "no," Chairman Sims ordered that the District Attorney's Office be authorized to file an appeal of the granting of trust status

for the 1.1-acre parcel of land in Verdi, Nevada for the Reno-Sparks Indian Colony to the U. S. Department of the Interior, Interior Board of Indian Appeals, based on the following: (1) concern for potential conflicts of land use and possible negative effects on scenic and environmental quality, and (2) concern relative to potential problems created with having islands of land which are exempt from the planning process.

It was further ordered that the District Attorney's Office be authorized to assure that the appeal is within the grounds of appeal and that all applicable issues within the context of the staff report and testimony presented today have been appropriately covered.

97-767 1997 WASHOE COUNTY STRATEGIC PLAN - COMMUNITY DEVELOPMENT

John Slaughter, Strategic Planning Program Manager, Community Development, provided comments relative to the Strategic Plan.

On motion by Commissioner Mouliot, seconded by Commissioner Bond, which motion duly carried, Chairman Sims ordered that the 1997 Washoe County Strategic Plan be adopted and endorsed, and staff be directed to continue implementation as outlined in the July, 1997 Washoe County Strategic Plan Implementation Report.

COMMISSIONERS' /MANAGER'S COMMENTS

Chairman Sims advised that Commissioner Mouliot has requested that an item be placed on a future agenda regarding the possible adoption of an ordinance or policy that would eliminate potential problems when an application for a festival, special event, etc. is submitted to the County. Commissioner Mouliot commented that Planning and Business License would like input in this process also.

COMMUNICATIONS AND REPORTS

The following communications and reports were received, duly noted, and ordered placed on file with the Clerk:

97-768 Communications

A. From the State of Nevada Department of Transportation, the following original copies of documents containing special provisions, proposals, contracts, and bonds on the following projects (all forwarded to Public Works):

- 1) Contract No. 2809 on SR 667, Kietzke Lane at Moana Lane, Reno, Granite Construction Company, Contractor.
- 2) Contract No. 2795 on Interstate Route 80 at Pyramid Way Interchange in Sparks, Granite Construction Company, Contractor.
- 3) Contract No. 2815 for Statewide Sander Rack Replacement Phase I, Bison Construction, Contractor.
- 4) Contract No. 2786 for the Truckee River Bicycle/Pedestrian Improvements from West City Limits to Arlington Avenue in Reno, Canyon Creek Construction, Contractor.
- 5) Contract No. 2810 on Center Street at Liberty Street, McCarran Boulevard at Mira Loma Drive and Peckham Lane at Longley Lane in Reno, Harker & Harker, Inc., Contractor.
- 6) Contract No. 2824 on U.S. 50 at .3 kms. west of U.S. 395 and on SR 431 a 3.6 kms. east of S.R. 28, Carson City and Washoe Counties, Harker & Harker, Inc., Contractor.

B. Notices of Completion on the following Utility Projects:

- 1) Thomas Creek Water System Well Booster Station
- 2) South Truckee Meadows General Improvement District Well House No. 2
- 3) Spanish Springs Elementary School Sanitary Sewer

C. Notice of Intent to Annex into the City of Sparks 21.242 acres of land, being a portion of Spanish Springs Road and La Posada Drive, east of the Pyramid Highway and north of Cimarron Subdivision, pursuant to petition for annexation from County Engineer David T. Price [City of Sparks Bill 2075].

D. A report from Richard Kirkland, Washoe County Sheriff, regarding the "State of the Sheriff's Office, 1996."

97-769 Reports - Monthly (May 1997)

- A. Animal Control
- B. County Clerk
- C. Court Clerk
- D. Social Services
- E. Treasurer

97-770 Financial Report - Fiscal Year ending June 30, 1996 and Final Budget 1997/98 Palomino Valley General Improvement District

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There being no further business to come before the Board, the meeting adjourned at 10:50 a.m.

GRANT D. SIMS, Chairman  
Washoe County Commission

ATTEST: JUDI BAILEY, County Clerk