

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 9:00 A.M. NOVEMBER 17, 1998

PRESENT:

Joanne Bond, Chairman
Mike Mouliot, Vice Chairman
Sue Camp, Commissioner
Jim Galloway, Commissioner
Jim Shaw, Commissioner

Betty J. Lewis, County Clerk
Katy Simon, 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:

98-1084 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that the agenda for the November 17, 1998 meeting be approved.

PUBLIC COMMENTS

Robert Metz, a Reno citizen, discussed an on-going child neglect case and expressed his discontent with the Department of Social Services regarding the manner in which they are handling his case.

Sam Dehne, a Truckee Meadows resident, addressed the Board regarding appointments to the Airport Authority and a proposed military base in Reno.

County Manager Katy Simon acknowledged several new employees who were in attendance at today's meeting.

98-1085 ACCEPTANCE OF DONATION - BREWERY ARTS CENTER HISTORIC ARCHITECTURAL PRINTS

Upon recommendation of Rita Lencioni, Assistant to the County Manager, through Katy Simon, County Manager, it was ordered that a donation of two poster architectural prints of the Washoe County Courthouse designed by Frederic DeLongchamps in 1910 donated by Joe McCarthy, Director of the Brewery Arts Center in Carson City, be accepted with gratitude.

98-1086 PILOT PROJECT - FEASIBILITY OF ALTERNATIVE PAVED SURFACES - PUBLIC WORKS

Upon recommendation of David Roundtree, Public Works Director, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that a pilot project on one or more private roads to evaluate the feasibility of introducing alternative paved surfaces for Washoe County roads be approved.

It was noted that the pilot project will include the use of a chip sealing process.

98-1087 CONTINGENCY TRANSFER - CORONER'S OFFICE COMPUTER EQUIPMENT UPGRADE - FINANCE

In response to Commissioner Camp's inquiry regarding this item, County Manager Katy Simon advised that 17" computer monitors are included within the scope of this project, although 15" monitors could be considered if the Board so desires.

Commissioner Camp stated that she does not believe it is necessary for all departments to have 17" monitors and Ms. Simon advised that she would convey her comments to the team in charge of County-wide specifications for future computer monitor purchases.

Brian Mirch, Finance Division, stated that information received from Matt Beckstedt, Management Information Services Director, indicated that they have not ordered any 15" monitors within the last year; that the last 600 PC's purchased have been 17" monitors; that the Coroner's Office requires a larger screen for their "record of death reports"; and that the cost differential between a 15" and a 17" monitor is \$100.00 when purchased as part of a package.

Upon recommendation of Brian Mirch, Finance Division, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that a contingency transfer to the Coroner's Office for the upgrading of computer equipment in the Coroner's Office in the amount of \$23,996 be approved; and that the following account transactions be authorized:

Increase Account		Amount	Decrease Account		Amount
1531-7820	Data Processing	\$23,996.00	1890-7328	Contingency	\$23,996.00

98-1088 ALCOHOL BEVERAGE WAIVER - SENIOR DANCE CLUB OF NEVADA - SENIOR SERVICES

Upon recommendation of Karen Mabry, Director, Senior Citizens Service Center, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that a request by The Senior Dance Club of Nevada, Inc., to waive the prohibition of serving alcoholic beverages at their annual "New Year's Eve Dinner and Dance" to be held at the Reno Senior Center on Thursday, December 31, 1998 from 5:00 p.m. to 1:30 a.m., serving champagne punch from 7:30 p.m. to 12:30 a.m., be approved.

98-1089 ACCEPTANCE OF DONATION - PORTABLE RADIOS AND CELL PHONES - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that the donation of four (4) Kenwood portable radio packages including additional battery, charger and microphone: serial numbers 00300666, 00300667, 80300483, and 80300490; and Two N Piper Analog cell phones with battery, charger and car jack: serial numbers 23707431369 and 23707536866, purchased via the Inmate Commissary Fund at no cost to the taxpayer be accepted.

It was noted that these items will be used by the House Arrest Deputies and the Sheriff's Community Service Deputies for the activities of inmates participating in the Alternatives to Incarceration Unit.

98-1090 ACCEPTANCE OF DONATION - 1997 FORD CLUB WAGON 15 PASSENGER VAN - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that the donation of a 1997 Ford Club Wagon 15 Passenger Van, VIN #1FBJS31SOVHA06118, purchased via the Inmate Commissary Fund at no cost to the taxpayer be accepted.

It was noted that the van will be used to transport inmates participating in the Sheriff's Community Work Program.

98-1091 ACCEPTANCE OF DONATION - CELLULAR TELEPHONES - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that the donation of communication equipment (four cellular telephones) purchased via the commissary fund at no cost to the taxpayer be accepted as follows:

Four (4) Ericsson Cellular Telephones - Model Number AT&T 668

Serial Numbers:

- 21308228879
- 23108279567
- 23108279607
- 23108281682

98-1092 WATER RIGHTS DEED - WALTER CRAIG & ENRIQUITA BELL - WATER RESOURCES

Upon recommendation of John Collins, Utility Services Division Manager, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Water Rights Deed for 2.02 acre-feet of water rights from a portion of Permit 24493, Certificate 8058, between Walter Craig Bell and Enriquita C. Bell, as Grantor, and Washoe County, as Grantee be approved; that Chairman Bond be authorized to execute the Water Rights Deed; and that the Utility Services Division Manager be directed to record the Water Rights Deed with the County Recorder.

It was noted that the water rights are being dedicated in support of the Bell's parcel map creating one new parcel currently a part of APN 041-130-28.

98-1093 WATER RIGHTS DEED - GEORGE W. GILLEMOT, TRUSTEE GEORGE W. GILLEMOT FAMILY TRUST - WATER RESOURCES

Upon recommendation of John Collins, Utility Services Division Manager, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Water Rights Deed for a combined duty of 60.0 acre-feet of water rights being portions of Permits 61627, 61628, 61629 and 61724 be approved; that Chairman Bond be authorized to execute the Water Rights Deed; and that the Utility Services Division Manager be directed to record the Water Rights Deed with the County Recorder.

It was noted that the water rights are being dedicated in support of future development in West Washoe Valley, by Robert L. Weise or his assigns.

98-1094 WATER RIGHTS DEED - HIRD & WEBER PARTNERS WATER RESOURCES

Upon recommendation of John Collins, Utility Services Division Manager, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Water Rights Deed for 3.50 acre-feet of surface water rights from a portion of Claim 613, as further changed by application 64515, between Hird & Weber Partners, a

Nevada general partnership, as Grantor, and Washoe County, as Grantee be approved; that Chairman Bond be authorized to execute the Water Rights Deed; and that the Utility Services Division Manager be directed to record the Water Rights Deed with the County Recorder.

It was noted that the water rights are being dedicated on behalf of Hawco Development, Inc., in support of future development.

98-1095 WATER RIGHTS DEED - W.R. ROGGENBIHL - WATER RESOURCES

Upon recommendation of John Collins, Utility Services Division Manager, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Water Rights Deed between W.R. Roggenbihl, as Grantor, and Washoe County, as Grantee, for a total duty of 4.089 acre-feet of surface water rights from portion of Claim 251/455 1.696 acre-feet, as changed by application 64530; Claim 431 0.553 acre-feet, as changed by application 64532; and Claim 434 1.84 acre-feet, as changed by application 64531.

It was further ordered that Chairman Bond be authorized to execute the Water Rights Deed; and that the Utility Services Division Manager be directed to record the Water Rights Deed with the County Recorder.

It was noted that the water rights are being dedicated on behalf of the Lighthouse Baptist Church in support of their parcel map creating three new parcels currently a part of APN 021-140-22; and that the remaining 0.359 acre-feet are in support of future development.

98-1096 AWARD OF BID - LAW LIBRARY REMODEL - WASHOE COUNTY COURTS COMPLEX PHASE II - BID NO. 2124-99 GENERAL SERVICES

This was the time to consider award of bid, Notice of Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on October 12, 1998, for the Washoe County Courts Complex Phase II - Law Library Remodel, on behalf of the Building and Grounds Division of the General Services Department. Proof was made that due and legal Notice had been given.

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

- F. Evans Construction, Inc.
- Q&D Construction
- K.W. Western, Inc.
- Frank Lepori Construction
- Paragon Construction

Bruce Beesley, Chairman, Library Board of Trustees, reviewed background information regarding the Law Library's numerous requests for additional space stating that a plan had been previously approved by the District Attorney's Office ("District Attorney's Option 2") which provided space on the first floor, a portion of the basement and the old jail to be remodeled for the Law Library; and that they have been proceeding on this premise since the plan had been discussed.

Mr. Beesley further explained that six months ago, District Attorney Richard Gammick determined that he had not correctly anticipated his space requirements and was in need of additional space; and that he made the determination that the only space suitable to him was the space

that had been designated in Option 2 for the Law Library; and that they have had several meetings regarding this issue, and to date, neither he nor Mr. Gammick have altered their position.

Mr. Beesley advised that bids received were \$50,000 over what was allowable by the County; that additional contributions have been received to cover the deficit; that the next lowest bid is \$50,000 to \$60,000 higher than the first bid; and that he is fearful that should they go out to bid again, there would be a significant increase in the bids; that they have raised a total of \$232,000 from various foundations for furnishing of the law library and to defray construction costs; that the County has already spent \$140,000 on the project; and that it would be a waste of the County's resources to "tank" the Law Library at this time. In conclusion, Mr. Beesley urged the Board to proceed with the bid as recommended stating that the Library Board of Trustees and the District Judges support the recommendation. He read into the record a letter from Judge Steinheimer in support of the bid for the Washoe County Law Library remodeling project.

Richard Gammick, District Attorney, stated that he does not oppose the Law Library project which he has previously spoken in favor of; that they did come up with a plan which appeared to be workable and viable at the time; that some serious changes have taken place since that time; that his employees are working in very cramped spaces; and that they are simply out of room. Mr. Gammick requested that the Board delay the award of bid until such time as they see an architectural master plan to determine what space is available; that in 27 months they will lose the lease for the Family Support Division which approximates 13,000 square feet and houses 60 employees who will have to be placed elsewhere; that currently the Victim Witness Assistance Center is occupying 2,000 square feet of the first floor of the old jail; and that they do not have another location for them as well.

County Manager Katy Simon stated that several meetings have been held regarding this issue; that one meeting will not resolve the issues that still exist; that they do have a proposal for a master planning process for the downtown courthouse complex; that the expectation and direction to the providers is a completion date of late February or early March; that the Board has several options: (1) to approve the bids as presented, and (2) to exercise the offer from the successful bidders to extend the bids (45 days from one bidder and 60 days from the other bidder) to allow them to meet Mr. Gammick's space requirements, or (3) to reject the bids and wait until the master plan process is completed.

Ms. Simon clarified that it is not anyone's intent not to proceed with the Law Library project as it has already been budgeted; and that they are committed to moving forward on this within the current budget year.

Commissioner Shaw stated that he would support the recommendation to approve the bids as presented as representatives from the Law Library have appeared before the Board on numerous occasions requesting additional space. Commissioner Camp concurred inquiring if it would be possible to extract the Law Library section from the Master Plan.

Mr. Gammick stated that they have looked at various other locations near the Courthouse; that none of these locations would serve their needs; and that he would request that staff be directed to have an approved and agreeable plan in place prior to a Notice to Proceed being issued if the Board approves the bid as recommended.

Following discussion, upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Mouliot, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that Bid No. 2124-99 for the Washoe County Courts Complex Phase II - Law Library Remodel, on behalf of the Building and Grounds Division of the General Services Department be awarded to the

lowest responsive and responsible bidder F. Evans Construction, Inc. in the net amount of \$835,740.00 based on acceptance of the base bid (\$871,740.00) less the deductive alternate "A" (\$36,000.00) which eliminates the replacement of wood paneling, base and trim with painted drywall finishes and resilient base; and that staff be directed to have an agreeable plan in place before issuing the notice to proceed.

It was further ordered that the Purchasing and Contracts Administrator be authorized to execute an agreement with F. Evans Construction, Inc., upon approval of the final construction details by the County and Architect to ensure the project will not exceed the budgeted amount.

98-1097 AWARD OF BID - LAW LIBRARY REMODEL FURNITURE BID NO. 2125-99

This was the time to consider award of bid, Notice of Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on October 13, 1998, for the Law Library Remodel Furniture. Proof was made the due and legal Notice had been given.

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

- Hodkinson Associates, Inc.
- Machabee Office Environments
- Spacesaver Storage Systems
- B&C Cabinets & Millwork, Inc.
- Advanced Office Interiors
- Bob Maloy & Associates
- HASCO

Corporate Express and Tab Office Planning Group submitted "no-bid" responses and ASRS, Hopley Company, Ken Burchill, Library Bureau, Palmieri Furniture, Solution Source, Tenssco, Worden Company, Victory Woodworks, Ross MacDonald. Co., Jax International and Space & Systems Solutions failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Mouliot, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that Bid No. 2125-99 for Law Library Remodel Furniture be awarded to the lowest responsive and responsible bidders as follows:

Machabee Office Environments	Steel Shelving Lot S and Alternate #1	\$ 30,957.00
Spacesaver Storage Systems, Inc.	Compact Shelving Lot CS:	\$117,685.00
Hodkinson Associates, Inc.	Wood Furniture Lot WF w/ Alternate #1 Deduction:	\$ 28,081.00
	TOTAL BID AWARD:	\$176,723.00

It was further ordered that Compact Shelving alternates 1 and 2 be rejected due to budget constraints (\$8,821.00 savings).

98-1098 IMPOSITION OF TAX FOR FINANCING OF INFRASTRUCTURE AND FINANCING RAILROAD GRADE SEPARATION PROJECT NRS CHAPTERS 377B &

9:30 a.m. This was the time set in a Notice of Public Hearing, published in the Reno-Gazette Journal on November 7 and 12, 1998, to hold a hearing on the imposition of taxes for financing infrastructure pursuant to Chapter 377B of NRS, and for financing a railroad grade separation project pursuant to Chapters 506 and 439 of Statutes of Nevada, 1998. Proof was made that due and legal notice had been given.

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

Kathy Carter, Public Affairs Director, reviewed the public information process and numerous public forums conducted regarding the sales tax issue.

Shaun Carey, Public Works Director, City of Sparks, gave an overhead presentation regarding the proposed sales tax increase, related projects and funding sources.

Mark Demuth, Environmental Consultant, MADCON, gave a presentation regarding the railroad merger, the railroad project and funding sources. Mr. Demuth advised that to date, he has made 28 presentations concerning the railroad merger and responded to technical questions regarding the project.

Commissioner Galloway stated that in his opinion, many of the public workshops regarding the proposed sales tax increase and related projects were not in-depth presentations; that these meetings are just now starting to accelerate and generate public input; that the presentations only addressed the merits of the projects and not their shortcomings; that half of the land proposed to be purchased for flood control projects is already owned by the City of Reno and the City of Sparks which is a fact just recently presented; and that his concern is that half of the proposed tax money will be spent buying back the land.

Steve Varella, Public Works Director, City of Reno, discussed engineering and design elements of the railroad project advising that the time frame for the project is estimated to be 30 to 32 months; that they have been working with the downtown property owners regarding the project; and that the final Environmental Impact Study will take 12 to 18 months to be completed.

Jeff Griffin, Mayor, City of Reno and Bruce Breslow, Mayor, City of Sparks spoke to the many merits of the flood control and railroad projects and urged the Board to approve the quarter cent sales tax increase for these needed public safety improvements. Mayor Breslow expressed his displeasure with Commissioner Galloway's previous remarks concerning land being donated by the City of Reno and the City of Sparks for flood control projects clarifying that it was never their intention to charge anyone for this land and utilize it for another purpose.

Terry Reynolds, Manager, City of Sparks, spoke in support of the projects stating that they will bring economic vitality to the economy and make the Truckee Meadows a safer place to live.

Joe Guild, attorney representing Union Pacific Railroad, stated that this has been an intensive negotiation process performed in good faith between all parties involved. Mr. Guild speaking as a long-time resident of Reno encouraged the Board to support the railroad project as well as the other public safety projects.

Dr. Iliescu, a downtown property owner and a 30-year resident of Reno, spoke in support of the proposed projects requesting that the railroad trench be refined to address issues of train noise and ventilation and to consider the use of a span over the tracks which could be utilized for additional parking and other uses.

Steve Ruddell, Chairman, Reno/Sparks Chamber of Commerce and Dave Howard, Reno/Sparks Chamber of Commerce, and David Ginsburg, Sparks Chamber of Commerce, spoke in support of the projects stating that they represent an investment for the entire Truckee Meadows.

Tom Herndon, Reno City Council member, spoke in support of the proposed tax increase and related projects.

Anita Sullivan, representing Senator Harry Reid, read a letter of support for the proposed sales tax into the record from Senator Reid.

Elaine Guenagen, representing Fitzgeralds Casino, stated that they support the railroad project, however, they have concerns regarding the temporary "shoofly" construction which could seriously impact their business in loading and unloading zones as well as ingress and egress as the "shoofly" would be located right outside their front door; that they have met with representatives from the railroad regarding this issue; and that they support the use of an alternate alignment during construction of the railroad project.

John Frankovich, representing the Eldorado, Silver Legacy, Circus Circus, and the Pioneer casinos, stated that they support the railroad depression project because the alternative would mean permanent disruption in downtown Reno; that this project would represent a positive addition to the downtown area; and that all of the projects are an investment in everyone's future in the Truckee Meadows.

Richard Kirkland, Washoe County Sheriff, stated that the railroad project is not a new project; that it has been "studied to death"; and that all of the projects are public safety projects that are very critical to this community.

Jeff Holt, Goldman Sachs, discussed the funding plan for the railroad depression project stating that it was understood by the railroad that 50% of the project costs would be covered from non-rail sources including construction of the tracks and other related equipment. Mr. Holt explained that the specifics of the package include land, air rights and the railroad trench; that a 54-foot right-of-way is being donated by the railroad and is part of the settlement to the City of Reno; that a number of lease income properties owned by the railroad were given to the City, approximating between 30 and 40 properties that generate over \$1.1 million in lease income which, in their opinion, is cash and can be used to offset the cost of the project over time. Mr. Holt advised that if the cost estimates for the railroad project come in higher than estimated, the project will not be built, but at the present time, \$146,000,000 is estimated for the project with a additional \$45,000,000 contingency set aside for a "what if" scenario.

Richard Vitali, Legal Counsel, Harrah's Reno, spoke in support of the projects stating that the entire region would reap tremendous economic benefit from them; and that he has not heard credible opposition to what the City of Reno has put together over the last three years.

Numerous private citizens spoke in support of the proposed tax increase to finance flood control projects and a railroad grade separation project stating that all of these projects are critical to enhance public safety in the Truckee Meadows and to meet the quality of life indicators.

Several private citizens spoke in opposition to the proposed tax imposition and projects citing the following reasons:

That the tax issue should be taken to a vote of the people.

That the railroad project is being rushed through too quickly

Concerns expressed regarding the actual railroad construction techniques (temporary Shoofly construction)

Formation of a downtown Special Assessment District to help defray the cost of the railroad project

That the public was not fully informed as to the scope of the projects

Aesthetics and safety concerns regarding an open trench for the railroad

Possible cost overruns for all projects

That this issue should be deferred until newly elected Commissioners are in place

Insufficient data regarding the railroad project and lack of investigating other less costly alternatives

Correspondence received prior to the meeting regarding this issue was placed on file with the Clerk.

Received in the Clerk's Office after the meeting were protests from Frank M. Lepori, President, Lepori Construction, and Lynn Zongo, Hydrologist, Summit Envirosolutions.

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

Commissioner Galloway commented that this is the first time everyone has had the opportunity to be in the same room at the same time to ask important questions regarding these projects and stated that he as well as other County staff had not heard anything prior today's meeting regarding a contribution of \$25,000,000 in land to be donated by the City of Reno and Sparks for the flood projects; that there are alternatives to some of the projects which have not been considered; and that he has not heard any testimony that would make him change his view that this issue should have gone to a vote of the people.

Commissioner Shaw stated that he would support all of the projects; that a lot of information has been presented to many individuals regarding this issue; that these are regional projects and this represents a regional decision; and that everyone regardless of where they live will benefit from all of the projects.

Commissioner Camp stated that she concurs with Commissioner Shaw; that many individuals have been involved in these discussions including U.S. Senators, Governors, Legislators and City Council members; that this is a regional issue; that 1/4 of a cent is a minimal amount to pay to protect 20,000 jobs and over \$680,000,000 in losses that occurred in the flood of '97; and that this represents an insurance policy for our region.

Chairman Bond stated that the Board previously elected not to put this issue on the ballot as they felt at the time that there was insufficient information available to render a decision; that since that time more information has been brought to the forefront including the process taking place today; that she supports all of the projects; and that the Board needs to take a stand to assure incoming residents and businesses that the Truckee Meadows is a viable place to work and live.

Commissioner Mouliot stated that he supports the projects as well; that the entire heart of the track depression project runs through his District No. 3 which is currently dying; that the only way to revive this area is to do something with the tracks which will make track front properties more valuable; and that it is governmental responsibility to protect its people and these projects reflect this to the utmost.

Commissioner Galloway stated that everyone on the Board is attempting to do what is right for the people of Washoe County; that there is disagreement on how and when to implement some of these projects; that many individuals are result oriented and may not be as concerned as he is about the process; that the "Gibbons Initiative" which was previously passed with an overwhelming majority in two general elections was intended to make it very difficult to raise taxes; that he respects the intent of that initiative which is one of the factors in his decision to vote in opposition; that these projects with the exception of the EOC, would take a long time to get off the ground; that it would take many years to build the railroad and flood project as well; that he felt a public vote was appropriate for that kind of tax; and that he felt it was important to wait to consider this issue until the newly elected Commissioners were on board.

Following public testimony, on motion by Commissioner Mouliot, seconded by Commissioner Camp, which motion duly carried, with Commissioner Galloway voting "no," Chairman Bond ordered that the public testimony be accepted and a determination be made to impose a 1/4 cent sales tax to finance infrastructure pursuant to NRS Chapter 377B (public safety and flood control projects) and Chapters 506 and 439 of the Statutes of Nevada (railroad grade separation project) in order to provide revenue to the County for the foregoing approved projects.

98-1098 PLAN FOR EXPENDITURE OF THE PROCEEDS OF TAX IMPOSED PURSUANT TO NRS CHAPTER 377B - FOR PURPOSE OF FINANCING INFRASTRUCTURE

5:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on November 5, and 12, 1998 to consider a plan for expenditure of the proceeds of the tax imposed pursuant to NRS Chapter 377B for the purpose of financing infrastructure. Proof was made that due and legal notice had been given.

Madelyn Shipman, Assistant District Attorney, stated that all comments expressed in the previous agenda item applicable to this item are incorporated herein by reference.

Chairman Bond opened the public hearing and called on anyone wishing to speak.

Peggy Lear Bowen, President, Friends of Rancho San Rafael Park, expressed concerns about a proposed dam project north of the park stating that before a dam is constructed she would request that it be studied in depth to ensure that there are no negative impacts to the park.

Pat Swaggert, President, Reno/Sparks Association of Realtors, advised that their Board of Directors met on October 12, 1998 and voted to support all four of the proposed projects.

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

On motion by Commissioner Mouliot, seconded by Commissioner Camp, which motion duly carried, with Commissioner Galloway voting "no," Chairman Bond ordered that a plan for the expenditure of proceeds for a tax imposed pursuant to NRS Chapter 377B for the purpose of financing infrastructure be approved as recommended and placed on file with the Clerk.

98-1099 RESOLUTION APPROVING INTERLOCAL AGREEMENT - COLLECTION OF TAXES - RAILROAD GRADE SEPARATION PROJECTS

On motion by Commissioner Camp, seconded by Commissioner Mouliot, which motion duly carried, with Commissioner Galloway voting "no," it

was ordered that the following resolution be adopted and Chairman Bond authorized to execute:

RESOLUTION

A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT REGARDING THE COLLECTION OF TAXES FOR RAILROAD GRADE SEPARATION PROJECTS; DIRECTING THE APPROPRIATE COUNTY OFFICERS TO EXECUTE THE AGREEMENT BETWEEN THE COUNTY AND THE CITY OF RENO; PROVIDING CERTAIN DETAILS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the Board of County Commissioners of Washoe County, Nevada (the "Board," "County," and "State," respectively) proposes to enter into an Interlocal agreement (the "Agreement") with the City of Reno, Nevada (the "City") regarding the collection of taxes to fund, in part, the acquisition, establishment, construction or expansion of one or more railroad grade separation projects (the "Project"); and

WHEREAS, the Board hereby determines that it is in the best interest of the County to enter into the Agreement.

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

All action, proceedings, matters and things heretofore taken, had and done by the Board, and the officers thereof (not inconsistent with the provisions of this resolution) directed toward the Agreement, be and the same hereby are, ratified, approved and confirmed.

Section 2. The Board hereby approves the terms and conditions of the Agreement in substantially the form in Exhibit "A" placed on with the Clerk and any necessary amendments thereto which are approved by the District Attorney or a deputy thereof, and authorizes the Chairperson of the Board to execute the Agreement and the County Clerk to attest such execution.

Section 3. All resolutions, or parts thereof, in conflict with the provisions of this resolution, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution, or part thereof, heretofore repealed.

Section 4. If any section, paragraph, clause or other provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this resolution.

Section 5. This resolution shall become effective and be in force immediately upon its adoption.

98-1100 BILL NO. 1223 - AMENDING WCC CHAPTER 20 - IMPOSING INFRASTRUCTURE SALES TAX OF 1/4 CENT - 1/8 CENT RAILROAD SEPARATION PROJECT & 1/8 CENT FLOOD CONTROL & PUBLIC SAFETY PROJECTS

Bill No. 1223 entitled "AN ORDINANCE AMENDING WASHOE COUNTY CODE, CHAPTER 20, BY IMPOSING INFRASTRUCTURE SALES TAX OF .25 (1/4 CENT) WITH THE COLLECTION OF SAID TAX TO BE COMMENCED APRIL 1, 1999; PROVIDING FOR .125 (1/8 CENT) TO BE DEDICATED TO A RAILROAD GRADE SEPARATION PROJECT; PROVIDING FOR .125 (1/8 CENT) TO BE DEDICATED TO CERTAIN FLOOD CONTROL AND PUBLIC SAFETY PROJECTS; PROVIDING FOR THE ESTABLISHMENT OF AN INFRASTRUCTURE FUND AND A RAILROAD GRADE SEPARATION PROJECTS FUND; PROVIDING FOR GENERAL TAX PROVISIONS SUBSTANTIALLY IDENTICAL TO THOSE CONTAINED IN NRS CHAPTER 374 AND AS SAID CHAPTER IS AMENDED; PROVIDING

FOR THE COUNTY TO CONTRACT WITH THE DEPARTMENT OF TAXATION PRIOR TO THE COMMENCEMENT OF COLLECTION OF SAID TAX AND FOR THE PERFORMANCE OF FUNCTIONS INCIDENT TO THE ADMINISTRATION OF THE TAX IN THE COUNTY; PROVIDING FOR AN EXEMPTION FROM THE TAX THE GROSS RECEIPTS FROM THE SALE OF AND THE STORAGE, USE OR OTHER CONSUMPTION IN THE COUNTY OF TANGIBLE PERSONAL PROPERTY USED FOR THE PERFORMANCE OF A WRITTEN CONTRACT ENTERED INTO PRIOR TO THE EFFECTIVE DATE OF THE IMPOSITION OF TAX OR FOR WHICH A BINDING BID WAS SUBMITTED PRIOR TO THE EFFECTIVE DATE OF THE IMPOSITION OF TAX; AND OTHER MATTERS RELATING THERETO," was introduced by Commissioner Camp, the title read to the Board, and legal notice for final action of adoption directed.

98-1101 RESOLUTION - AUTHORIZING SALE OF SALES TAX REVENUE BONDS

On motion by Commissioner Shaw, seconded by Commissioner Mouliot, which motion duly carried with Commissioner Galloway voting "no," it was ordered that the following resolution be adopted and Chairman Bond authorized to execute:

A RESOLUTION PERTAINING TO THE ISSUANCE OF WASHOE COUNTY, NEVADA, SALES TAX REVENUE BONDS; AUTHORIZING THE COUNTY MANAGER OR HER DESIGNEE TO ARRANGE FOR THE SALE OF BONDS FOR THE PURPOSE OF DEFRAYING WHOLLY OR IN PART THE COST OF FINANCING THE ACQUISITION, ESTABLISHMENT, CONSTRUCTION OR EXPANSION OF PROJECTS FOR THE MANAGEMENT OF FLOOD PLAINS OR THE PREVENTION OF FLOODS OR FACILITIES RELATING TO PUBLIC SAFETY IN THE COUNTY; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH.

WHEREAS, pursuant to 350.500 to 350.720, inclusive, Nevada Revised Statutes (the "Bond Act") and chapter 377B of Nevada Revised Statutes (the "Project Act"), the Board of County Commissioners (the "Board") of Washoe County, Nevada (the "County") is authorized, on behalf and in the name of the County to issue bonds for the purpose of financing wholly or in part for the acquisition, establishment, construction or expansion of projects for the management of flood plains or the prevention of floods or facilities relating to public safety (the "Project").

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

This resolution shall be known and may be cited by the short title "1998 Sales Tax Sale Resolution."

The County Manager or her designee is hereby authorized to arrange for the issuance and sale of bonds (the "Bonds") to finance all or any part of the Project, in accordance with the Bond Act and the Project Act.

The County Manager or her designee is authorized to specify the terms of the Bonds, the method of their sale, the final principal amount of the Bonds, the terms of their repayment and security therefor, and other details of the Bonds, and if appropriate, to advertise the Bonds for public sale, and to execute a contract for the sale or accept bids for Bonds, all subject to the Bond Act and further authorization or ratification by the Board by the adoption of one or more ordinances specifying the Bond terms and details and approving their sale (collectively, the "Bond Ordinance").

The officers and employees of the County are hereby authorized to take all action necessary or appropriate to effectuate the provisions of this resolution, including without limitation (a) assembling of financial and other information concerning the County, the Project, and the Bonds, and (b) preparing and circulating an official statement for the Bonds, and, if deemed appropriate by the County Manager or her designee, preparing and circulating a preliminary official statement, a notice of bond sale for the Bonds, or both, in the forms specified by the County Manager or

her designee. The County Manager or her designee is authorized to deem the official statement or preliminary official statement to be a "final" official statement on behalf of the County for the purposes of Rule 15c2-12 of the Securities and Exchange Commission.

This resolution shall be effective on its passage and approval and shall be effective for a period of one year.

98-1102 AGREEMENT - DATASTREAM PROFESSIONAL SERVICES GROUP - WATER RESOURCES

Upon recommendation of Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, it was ordered that an Agreement for Professional Services between Washoe County and Datastream Systems, Inc. in the amount of \$37,940.00 concerning data work for the Department of Water Resources be approved and Chairman Bond authorized to execute.

98-1103 INTERLOCAL COOPERATIVE AGREEMENTS - CITY OF RENO, CITY OF SPARKS & REGIONAL TRANSPORTATION COMMISSION - FUEL TAX & REGIONAL ROAD IMPACT FEE

Upon recommendation of Derek Morse, Deputy Executive Director, Regional Transportation Commission, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, it was ordered that Interlocal Cooperative Agreements between the Board of Commissioners of Washoe County, the City Council of Reno, the City Council of Sparks and the Regional Transportation Commission, concerning design, construction, engineering, or construction/right-of-way of specific projects contained in the Regional Transportation Commission's Street and Highway Programs of Projects (Fuel Tax and Regional Road Impact Fee) be approved and Chairman Bond authorized to execute on behalf of Washoe County.

98-1104 RESOLUTION OF INTENT - GENERAL OBLIGATION (LIMITED TAX) WATER REMEDIATION BONDS

A RESOLUTION OF INTENT, PROPOSING THE ISSUANCE OF, AND AUTHORIZING THE PUBLICATION OF NOTICES RELATING TO GENERAL OBLIGATION (LIMITED TAX) WATER REMEDIATION BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) FOR THE PURPOSE OF FINANCING A PLAN OF REMEDIATION OF WATER PROJECTS FOR THE COUNTY; PROVIDING THE MANNER, FORM AND CONTENTS OF THE NOTICE THEREOF; RATIFYING ACTION HERETOFORE TAKEN NOT INCONSISTENT HEREWITH; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, Washoe County in the State of Nevada (the "County" and the "State", respectively) is a county duly organized and created under the provisions of Nevada Revised Statutes ("NRS") Section 243.340; and

WHEREAS, pursuant to NRS 540A.250 through 540A.085, inclusive (the "Project Act"), the County is authorized to develop and carry out a plan of remediation of water (the "Project"), create a district, levy a fee within the district and issue bonds to pay the cost of the Project; and

WHEREAS, the Board of County Commissioners of the County (the "Board" or "Governing Body") has created District No. 24 (Groundwater Remediation) for the Project (the "District"); and

WHEREAS, pursuant to NRS 244A.011 through 244A.065, inclusive (the "County Bond Law"), and pursuant to chapter 350 of NRS and all laws

amendatory thereof which includes the Local Government Securities Laws, being 350.500 through 350.720, NRS, and all laws amendatory thereof (the "Bond Act"), the County is authorized to borrow money and to issue general obligation bonds of the County for the purpose of defraying wholly or in part the cost of the Project; and

WHEREAS, the Board proposes to issue up to \$7,000,000 of general obligation bonds of the County (the "Bonds") for the Project; and

WHEREAS, such Bonds will be additionally secured by a pledge of revenues derived from the fee imposed and to be imposed within the District (the "Pledged Revenues"); and

WHEREAS, based on the following revenue study prepared with the assistance of the County's staff, the Board has determined and does hereby determine that the "Pledged Revenues" will at least equal the amount required in each year for the payment of interest and principal on such general obligation Bonds:

WHEREAS, the Board proposes to incur this general obligation without an election unless a petition signed by the requisite number of registered voters of the County who together with any corporate petitioners represent the requisite assessed value of the taxable property of the County is presented to the Board requiring the Board to submit to the qualified electors of the County for their approval or disapproval the following proposal:

GENERAL OBLIGATION WATER REMEDIATION BOND

PROPOSAL:

Shall the Board of County Commissioners of Washoe County in the State of Nevada, be authorized to incur a general obligation indebtedness on behalf of the County by the issuance at one time, or from time to time, of the County's general obligation (limited tax) water remediation bonds, in one series or more, in the aggregate principal amount of not exceeding \$7,000,000 for the purpose of paying a portion of the cost of developing and carrying out a plan for the remediation of water, the bonds to mature serially commencing not later than five (5) years from the date or respective dates of the bonds and ending not later than thirty (30) years therefrom, to bear interest at a rate or rates not in excess of the statutory maximum rate in effect at the time bonds are sold, to be payable from general (ad valorem) taxes (except to the extent pledged revenues and other moneys are available therefor), and to be issued and sold at par, or below or above par, and otherwise in such manner, upon such terms and conditions, and with such other detail as the Board may determine, including at its option but not necessarily limited to provisions for the redemption of bonds prior to maturity without or with the payment of a premium?

(the "Proposal"); and

WHEREAS, pursuant to Sections 350.001 to 350.006, inclusive, Nevada Revised Statutes ("NRS"), the Board has submitted the Proposal to the Debt Management Commission of Washoe County (the "Commission"); and

WHEREAS, the Commission has heretofore approved the Proposal; and

WHEREAS, subsection 3 of NRS 350.020 in effect provides that if the payment of a general obligation of the County is additionally secured by a

pledge of the gross revenues of a project to be financed by its issue, and the governing body (i.e., the Board) determines that the pledged revenues will at least equal the amount required in each year for the payment of interest and principal, the County may incur the general obligation without an election, unless a petition requesting an election signed by 5% of the registered voters who, together with any corporate petitioners, own not less than 2% in assessed value of the taxable property in the County is presented to the Board within 60 days after the publication of a notice of the adoption of this resolution of intent; and

WHEREAS, Subsection 3 of NRS 350.020 also requires that a public hearing be held before the Bonds are issued.

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

Section 1. This resolution shall be known as and may be cited by the short title "Resolution of Intent to Issue Water Remediation Bonds" (this "Resolution").

Section 2. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the Board and the officers of the Board directed:

- (a) Toward the Project to be financed by the Bonds; and
- (b) Toward the issuance of the Bonds to defray, in part, the cost thereof, be, and the same hereby is, ratified, approved and confirmed.

Section 3. The County and the officers of the County be, and they hereby are, authorized and directed to publish a notice of the adoption of the resolution of intent relating to the Board's proposal to issue the Bonds in a newspaper of general circulation in the County, at least once, such notice to be published in proper legal form.

Section 4. The County Clerk is authorized and directed to publish once, at least 10 days before the date of the public hearing in proper legal form.

Section 5. A public hearing on the Bonds is hereby ordered to be held before the Board at the time, date and place specified in the Notice set forth in Section 4 hereof or at such other time designated by the County Manager in such Notice.

Section 6. The Bonds, in the event no petition is filed during the period allowed by MRS Section 350.020(3), shall be authorized by an ordinance or ordinances to be enacted by the Board after the expiration of the above specified period of publication.

Section 7. The authority to issue the Bonds designated in the Proposal set forth in the notice shall be deemed and considered a continuing authority to issue and deliver the Bonds designated in such Proposal at one time or from time to time, in one series or in more than one series, all as ordered by the Board. Neither the partial exercise of the authority so conferred nor the lapse of time shall be considered as exhausting or limiting the full authority so conferred.

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

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

Section 10. If any section, paragraph, clause or other provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this resolution.

Section 11. This resolution shall become effective and be in force immediately upon its adoption.

COMMUNICATIONS & REPORTS

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

98-1105 Communications:

- A. Notice of Completion - ArrowCreek Production Well No. 3, as published by the Department of Water Resources.
- B. Original copy of the following documents containing the special provisions, proposal, and bond on the following Contract Nos. and Projects:
 - 1. No. 2903, on SR 430 (U.S. 395) fro. .31 miles south to 3.25 miles north of Bowers Mansion Road (SR 429) and on SR 430 (U.S. 395) from .27 miles north to 1.24 miles north of Bowers Mansion Road (SR 429), Frehner Construction Co., Inc., Contractor (forwarded to Public Works 10-27-98)
 - 2. No. 2793, Washoe Lake Wetland Mitigation Area, Phase 2A, Frehner Construction Co. Inc., Contractor (forwarded to Public Works 11-9-98)
 - 3. No. 2904, Bowers Mansion Road, from .72 kilometers south of East Lake Boulevard to SR 430 and on SR 428, East Lake Boulevard, from SR 429 to .11 kilometers east, includes Carson City, A & K Earth Movers, Inc., Contractor (forwarded to Public Works 10-29-98)
- C. Public Notice that the Washoe County Commission members were invited to attend the First Annual Washoe County Design Awards Ceremony at the Lone Eagle Grill at Lake Tahoe Hyatt Regency, on Wednesday September 23, 1998.

98-1106 Reports - Quarterly - 1997/98

- A. J.P. Verdi, Jul-Aug-Sep, 1998
- B. J.P. Incline Village, Jul-Aug-Sep, 1998
- C. J.P. of Sparks, Jul-Aug-Sep, 1998
- D. J.P. of Gerlach, Jul-Aug-Sep, 1998
- E. Court Clerk/County Clerk, Jul-Aug-Sep, 1998
- F. Gerlach General Improvement District, Jul-Aug-Sep

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

* * * * *

There being no further business to come before the Board, the meeting adjourned at 2:30 p.m.

JOANNE BOND, CHAIRMAN
Washoe County Commission

ATTEST: BETTY J. LEWIS, County Clerk