

TUESDAY 1:30 P.M. OCTOBER 26, 1999

PRESENT:

- Jim Galloway, Chairman
- Ted Short, Vice Chairman
- Joanne Bond, Commissioner
- Pete Sferrazza, Commissioner
- Jim Shaw, Commissioner
- Amy Harvey, County Clerk
- Betty Jo Vonderheide, Chief Deputy County Clerk
- Katy Singlaub, County Manager
- Madelyn Shipman, Legal Counsel

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

**99-1070 AGENDA**

In accordance with the Open Meeting Law, on motion by Commissioner Short, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that the agenda for the October 26, 1999, meeting be approved with the following amendments: ADD, as an emergency, Item 23, a revision to the purchase price to be paid for the property located at 925 East Eighth Street; CHANGE the dollar amount in Item 8.H(3), award of bid for roofing and fascia renovations at Wilson Commons Park, to \$41,351; and DELETE the Nevada Division of Forestry in Item 19.D, an agreement concerning reseeding burn areas.

**PUBLIC COMMENTS**

Sam Dehne, a Reno citizen, objected strenuously to the Reno-Sparks Convention and Visitor's Authority meeting concerning issuance of bonds for expansion of facilities noticed as a Reno meeting when it is actually going to be held at Lake Tahoe. He also expressed his objections to the Airport Authority using federal funds designated for runway improvements to build cargo ramps to further the expansion of cargo-type private business at the airport. Mr. Dehne also alleged that the City of Reno is violating the Open Meeting Law during briefing meetings.

Madelyn Shipman, Assistant District Attorney, advised that the RSCVA meeting is being re-published and re-noticed in accordance with Nevada Revised Statutes.

**99-1071 CORRECTION OF FACTUAL ERRORS - 1999-2000 SECURED AND UNSECURED TAX ROLLS**

Commissioner Sferrazza stated that taxpayers have to file their appeals of the assessed values by January 15th of each year and asked why the Board receives these roll corrections throughout the year. He further asked whether the Board has the option of directing that, once the tax roll has closed, all Roll Change Requests be considered at the next Board of Equalization session rather than by the Commissioners.

James Anderson, Chief Deputy Assessor, explained the process. Commissioner Sferrazza stated that it appears that appeals are being handled by the Assessor throughout the year even though the taxpayer did not appeal by the January 15 deadline. Mr. Anderson stated that every letter of appeal received is processed by the Assessor.

Katy Singlaub, County Manager, suggested a workshop be scheduled on this topic to review the current policy and consider changes in the process. Madelyn Shipman, Assistant District Attorney, further explained the procedures established by Nevada Revised

Statutes for appealing assessed values, granting tax refunds and correcting factual errors.

Upon recommendation of Jean Tacchino and Tom Sokol, Assistant Chief Deputy Assessors, on motion by Commissioner Sferrazza, with the understanding that a workshop will be scheduled, seconded by Commissioner Short, which motion duly carried, it was ordered that the following Roll Change Requests, correcting factual errors on tax bills already mailed, be approved for the reasons stated thereon and mailed to the affected property owners, a copy of which has been placed on file with the Clerk. It was further ordered that the Order on each roll change directing the Treasurer to correct the error be approved and Chairman Galloway be authorized to execute on behalf of the Commission.

NAME	APN or I.D. NO.
Darrell & Mary Reed	050-403-16 (1999-2000 Secured Roll)
Corporate Air Travel	5/100-073 (1999-2000 Unsecured Roll)
Corporate Air Travel	5/200-003 (1999-2000 Unsecured Roll)
Union Flights	5/200-087 (1999-2000 Unsecured Roll)
Mack Trucks Inc.	2/300-253 (1999-2000 Unsecured Roll)

#### **99-1072 ACCEPTANCE OF DONATIONS - KIWANIS CLUB OF RENO ON BEHALF OF DON LUCAS - KIDS KOTTAGE**

Kiwanis Club members Don Lucas and Donald Klasic presented donations to the Kids Kottages and Chairman Galloway presented plaques to them expressing the Board's appreciation for the support the Kiwanis Club and especially Mr. Lucas have given to Kids Kottage over the years. Mr. Lucas thanked the Board for the recognition and stated that Washoe County's Kids Kottage is one of the best programs he has seen.

Upon recommendation of May Shelton, Director, Social Services Department, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that the donation in the amount of \$2,000 from the Kiwanis Club of Reno on behalf of Don Lucas be accepted with gratitude. It was further ordered that the Comptroller be directed to make the following account changes:

Cash Donation: \$2,000 from the Kiwanis Club of Reno

Increase Expenditures: Account 28-28052-7205 (Minor Furniture and Equipment) by \$2,000

#### **MINUTES**

On motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the minutes of the regular meeting of September 28, 1999, be approved.

#### **99-1073 ACCEPTANCE OF DONATION - R.R. DONNELLEY & SONS COMPANY - BOOKMOBILE - LIBRARY**

Upon recommendation of Nancy Cummings, Library Director, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that the \$20,000 donation from R. R. Donnelley & Sons Company to be used for the Library's Bookmobile Project be accepted with gratitude.

#### **99-1074 ACCEPTANCE OF GRANT - NEVADA BELL COMMUNITY ENRICHMENT PROGRAM - SHERIFF**

Upon recommendation of Sheriff Richard Kirkland, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that a grant in the amount of \$8,210.00 from the Nevada Bell Community Enrichment Program be accepted and that the following budget adjustments be authorized:

Increase Revenues:	15231D/5802	\$8,210.00
Increase Expenditures:	15231D/72051	\$5,000.00
	15231D/7236	\$1,500.00
	15231D/7222	\$1,710.00

It was further ordered that the purchase of three laptop computers, corresponding software, mounting brackets and supplies, which will be used by the Regional Aviation Enforcement Unit (RAVEN) be approved.

**99-1075 ACCEPTANCE OF LSTA GRANT - BOOKMOBILE SERVICES - LIBRARY**

Upon recommendation of Nancy Cummings, Library Director, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that an LSTA Grant (99-16) in the amount of \$100,000 to be used by the Library for the purchase of a vehicle to provide bookmobile services to the underserved areas of Washoe County be accepted.

**99-1076 BUDGET ADJUSTMENTS - TRUCKEE RIVER WEST BIKE PATH - FINANCE**

Upon recommendation of Kim Carlson, Administrative Analyst II, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that the following budget adjustments representing the required County match for a Nevada Department of Transportation grant for the Truckee River West Bike Path project be acknowledged:

Account	Description	Decrease/Increase
92111-7878	Mayberry Park Phase II	\$20,000.00
92115-7878	Rancho San Rafael Reservoir	\$62,500.00
92121-7878	Hidden Valley Chip Seal Parking Lot	\$ 4,992.01
92116-7880	Truckee River West Bike Path	\$87,492.01

It was noted that the path was completed by the State of Nevada in July, 1999; that 80 percent of the costs were covered by an ISTEA grant; and that the 20 percent local match was split between the City of Reno and Washoe County.

**99-1077 QUITCLAIM DEED - ROBERT Z. HAWKINS AMPHITHEATER - BARTLEY RANCH PARK**

Upon recommendation of Karen Mullen, Parks and Recreation Director, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Quitclaim Deed from the Robert Z. Hawkins Foundation for the Robert Z. Hawkins Amphitheater at Bartley Ranch Park be accepted and Chairman Galloway be authorized to execute.

**99-1078 WATER RIGHTS DEED - H & N PROPERTIES - MOANA NURSERY**

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, it was ordered that the following actions be taken regarding H & N Properties, LLC, on behalf of Moana Nursery:

1. The Water Rights Deed for 2.02 acre feet of groundwater rights from a portion of Permit 64508, between Washoe County as Grantor, and H & N Properties, LLC, as Grantee, be approved and Chairman Galloway be authorized to execute;
2. The Utility Services Division Manager be directed to record the Water Rights Deed and with the County Recorder.

**99-1079 ENGAGEMENT OF CONSULTANTS - HOBBS, ONG & ASSOCIATES AND WALKER & ASSOCIATES - FISCAL EQUITY STUDY - FINANCE**

Upon recommendation of John Sherman, Finance Director, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that the Finance Director be authorized to engage Hobbs, Ong & Associates and

Walker & Associates, in an amount not to exceed \$22,500 plus reimbursable expenses, to assist in the upcoming fiscal equity study.

**99-1080 ENGAGEMENT OF AUDITOR - KOHN COLODNY LLP - SHERIFF'S TRUST AND AGENCY FUNDS - CONTINGENCY TRANSFER - FINANCE**

Upon recommendation of John Sherman, Finance Director, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that the Finance Department be authorized to engage Kohn Colodny LLP, in the amount of \$49,000, to audit the Sheriff's Trust and Agency Funds. It was further ordered that the Comptroller be directed to make the following transfer from the Contingency Account:

Account	Description	Decrease/Increase
1890-7328	Contingency	\$28,000.00
1011-7105	Consulting Services	\$28,000.00

It was noted that the original budget for the entire audit work program was \$35,000 to audit three agencies; that the budget remaining after the audits of the Collections Division and the Parks Department is approximately \$21,000; and that the budget for the Sheriff's Trust and Agency Funds has been revised to \$49,000, therefore, a Contingency transfer is necessary.

**99-1081 AWARD OF BID - MOBILE DATA COMPUTER EQUIPMENT - BID NO. 2183-99 - SHERIFF**

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on July 20, 1999, for mobile data computer equipment for the Sheriff's Office. 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:

Motorola, Inc.  
Microage of Sacramento  
PCS

L&E Mobile Computers & Mounts withdrew their bid; Computerland and Acclaim Technology submitted "no-bid" responses; and CompUSA, Inc., Computer Base of Nevada, GTSI, GTE Network Services, Microage (Reno) and Sierra Electronics, Inc., failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that Bid No. 2183-99 for mobile data computer equipment for the Sheriff's Office be awarded to Motorola, Inc., in the amount of \$145,830.00.

It was further ordered that the Purchasing and Contracts Administrator be authorized to purchase additional equipment from the successful bidder through June 30, 2000, provided there is no increase in pricing. It was noted that acquisition of the mobile data computers is part of a federal grant which was accepted in February, 1999; that Motorola was the lowest responsive bidder for the 30 laptop computers (Bid Item #1) and offered the only acceptable computer docking station (Bid Item #3); and that the CD-ROM's (Bid Item #2) were \$300.00 total higher than the lowest bid, but it is more advantageous to purchase the equipment from a single source.

**99-1082 AWARD OF BID - ELISA REAGENTS AND EQUIPMENT RENTAL - BID NO. 2202-2000 - SHERIFF**

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on September 17, 1999, for ELISA reagents and equipment rental for the Sheriff's Office Forensic Science Division.

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:

Immunoanalysis Corporation  
Diagnostix Ltu

STC Technologies Inc. failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that Bid No. 2202-2000 for ELISA reagents and equipment rental for the Sheriff's Office Forensic Science Division be awarded to the lowest responsive, responsible bidder, Immunoanalysis Corporation, in the amount of \$171,136.00 for a 5-year period, with annual costs estimated at \$34,272.00 as follows:

Bid Item #1	Amphetamine Specific Test Kit	\$571.20/ea. x 10 Test Kits = \$ 5,712.00
Bid Item #2	Benzodiazepines Test Kit	\$571.20/ea. x 10 Test Kits = \$ 5,712.00
Bid Item #3	Cannabinoids Specific Test Kit	\$571.20/ea. x 10 Test Kits = \$ 5,712.00
Bid Item #4	Cocaine Metabolite Test Kit	\$571.20/ea. x 10 Test Kits = \$ 5,712.00
Bid Item #5	Methamphetamine Test Kit	\$571.20/ea. x 10 Test Kits = \$ 5,712.00
Bid Item #6	Opiates Test Kit	\$571.20/ea. x 10 Test Kits = \$ 5,712.00
	Grand Total Bid Items 1 - 6	\$34,272.00

(Test kits contain 480 tests/per kit, cost per test is \$1.19)

It was further ordered that the Purchasing and Contracts Administrator be authorized to enter into a 5-year agreement with Immunoanalysis Corporation commencing approximately November 15, 1999 and effective through November 14, 2004.

#### **99-1083 AWARD OF BID-ROOFING AND FASCIA RENOVATIONS AT WILSON COMMONS PARK-BID NO.2206-2000 GENERAL SERVICES DEPARTMENT**

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on October 13, 1999, for roofing and fascia renovations at Wilson Commons Park for 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 vendors:

Hansen Enterprises  
Bison Construction

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that Bid No. 2206-2000 for roofing and fascia renovations at Wilson Commons Park for the Facilities Management Division of the General Services Department be awarded to the low bidder, Hansen Enterprises, in the amount of \$41,351.00. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute an agreement with Hansen Enterprises to perform the work.

#### **99-1084 AWARD OF BID - GALENA CREEK REHABILITATION PROJECT - PWP-WA-2000-97 - PUBLIC WORKS**

This was the time to consider award of bid, Notice to Contractors for receipt of sealed bids having been published in the Reno Gazette-Journal on October 6 and 11, 1999, for Galena Creek Rehabilitation Project on behalf of the Public Works Department. Proof was made that due and legal Notice had been given.

Following is a summary of the BidResults:

Highfield Construction	\$ 91,127.50
Gradex Construction	\$114,575.00
Granite Construction	\$127,007.00
V & C Construction	\$134,030.00
Marv McQueary Excavating	\$144,020.00
A & K Earth Movers, Inc.	\$182,000.00

Upon recommendation of Janelle Thomas, Engineering Division, through Dave Roundtree, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, it was ordered that the bid for Galena Creek Rehabilitation Project (PWP-WA-2000-97) be awarded to the low, responsive bidder, Highfield Construction in the amount of \$91,127.50, and that Chairman Galloway be authorized to execute the contract documents for same.

**99-1085 AWARD OF BID - ZOLEZZI LANE WATERLINE EXTENSION - UTILITY SERVICES DIVISION**

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on September 20, 23, and 28, and October 1, 6, and 12, 1999, for construction of Zolezzi Lane Waterline Extension on behalf of the Utility Services Division. Proof was made that due and legal Notice had been given.

Following is a summary of the Bid Results:

Joe Suter Construction Co., Inc.	\$280,806
Perata Excavation	\$335,524
A & K Earth Movers	\$338,992
Mike's Trenching	\$341,380
Gerhardt & Berry	\$347,934

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, it was ordered that the bid for construction of Zolezzi Lane Waterline Extension be awarded to Joe Suter Construction Co., Inc., the lowest responsible, responsive bidder in the amount of \$280,806 and that Chairman Galloway be authorized to execute the contract documents upon presentation. It was further ordered that the Utility Services Division Manager be authorized to issue the Notice to Proceed and that all bids for Additive Alternate Bid Item "A," Welcome Way cul-de-sac, be rejected.

**99-1086 COOPERATIVE AGREEMENT - MEDICAL SCHOOL ASSOCIATES NORTH (JAY D. JOHNSON, M.D.) - JUVENILE SERVICES DEPARTMENT**

Upon recommendation of Mary Ann Woolley, Assistant Director, Juvenile Services, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, it was ordered that an agreement between Washoe County and Medical School Associates North, through Jay D. Johnson, M.D., concerning setting forth the provisions wherein Dr. Johnson agrees to function as the physician preceptor for the pediatric nurse practitioner and to provide consultative and clinical services for the Wittenberg Hall clinic, be approved and Chairman Galloway be authorized to execute on behalf of Washoe County.

**99-1087 AMENDMENTS TO INTER-GOVERNMENTAL AGREEMENT - CITY OF RENO AND CITY OF SPARKS - HOME CONSORTIUM**

Upon recommendation of Robert Sellman, Director, Community Development Department, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, it was ordered that amendments to the InterGovernmental Agreement forming the Washoe County HOME Consortium (Reno, Sparks and Washoe County), concerning providing for participating jurisdictions to self

direct housing funds, be approved and Chairman Galloway be authorized to execute on behalf of Washoe County.

**99-1088 BILL NO. 1257 - AMENDING WCC CHAPTER 100 - UNIFORM BUILDING CODES**

Pursuant to discussion at Caucus, Madelyn Shipman, Assistant District Attorney, advised that this ordinance does not address the issues raised concerning expiration/renewal of building permits and that subject could be dealt with as a policy matter.

Bill No. 1257, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REPEALING PROVISIONS RELATING TO BUILDINGS AND CONSTRUCTION AND ADDING UNIFORM CODES WITH CERTAIN CHANGES, ADDITIONS AND DELETIONS, RELATING TO BUILDINGS AND CONSTRUCTION" was introduced by Commissioner Sferrazza, the title read to the Board and legal notice for final action of adoption directed.

**99-1089 ACCEPTANCE OF RESIGNATION AND APPOINTMENT - INCLINE VILLAGE/CRYSTAL BAY CITIZEN ADVISORY BOARD**

Upon recommendation of Chairman Galloway, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, it was ordered that the resignation of Robert P. Olsen as an Incline Village at-large representative to the Incline Village/Crystal Bay Citizen Advisory Board (CAB) be accepted and that Norman Rosenberg be appointed to fill the vacant position with a term to expire June 30, 2000.

**99-1090 APPOINTMENTS - LEGISLATIVE INTERIM ADVISORY COMMITTEE TO STUDY THE USE OF DESIGN/BUILD**

**CONTRACTING IN THE STATE OF NEVADA**

Upon recommendation of Katy Singlaub, County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that Dave Roundtree, Public Works Director, be appointed to serve as Washoe County's representative, with Capital Projects Division Manager Rod Savini to serve as alternate, on the Legislative Interim Advisory Committee to Study the Use of Design/Build Contracting in the State of Nevada.

**99-1091 AUTHORIZATION FOR AMERICORPS WORKER TO DRIVE COUNTY VEHICLE - LIBRARY**

Upon recommendation of Nancy Cummings, Library Director, on motion by Commissioner Short, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Galloway ordered that approval be granted for Lisa Lensky, an Americorps worker, to drive the Washoe County Library's "Traveling Tales" Story Van, subject to staff obtaining a background check on her driving record and that she take the Driver Safety Training course.

**99-1092 RESIDENTIAL GARBAGE RATE INCREASE - INDEPENDENT SANITATION - MANAGER**

Upon recommendation of Howard Reynolds, Assistant County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that a 2 percent residential garbage rate increase for Independent Sanitation be approved effective November 1, 1999, which will result in the following rate structure, not including the \$1.25 per month charge for the curbside recycling program:

Service Level	Current Monthly Rate	Proposed Monthly Rate 11/1/99
1 Can	\$ 7.59	\$ 7.74
2 Cans	\$10.13	\$10.33
1 Can/1 Cubic Yard	\$12.64	\$12.89
1 Mobile Toter	\$14.89	\$15.14
2 Mobile Toters	\$17.14	\$17.39

**99-1093 TRUCKEE RIVER PLANNING EFFORTS - BIKE PATHS AND TRAILS - PARKS**

Commissioner Sferrazza stated that he accompanied Karen Mullen, Parks and Recreation Director, on a field trip touring the Truckee

River and that he agrees with her recommendations.

Upon recommendation of Ms. Mullen, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that the following actions be taken to ensure that preservation of lands along the Truckee River continues to be a high priority and that the bike path routes continue to be explored:

1. A letter be sent from the Board of County Commissioners to Union Pacific Railroad requesting a staff member be assigned to work with the County on possible right of way acquisitions for the bike path and to look at areas where there may be mutual benefits in erosion control and construction of bike path improvements.
2. A letter be sent from the Board of County Commissioners to Sierra Pacific Power Company thanking them for being open to discussing the Truckee River bike path system at a meeting with County staff and to request that a staff member be assigned to work with the County on possible alignments, issues and concerns.
3. A letter be sent from the Board of County Commissioners to the U. S. Forest Service stating the urgency and importance of acquiring private lands adjacent to USFS lands along the Truckee River and stating the high priority of possible land exchanges along the river.
4. A letter be sent from the Board of County Commissioners to the Bureau of Land Management stating the urgency and importance of acquiring private lands adjacent to BLM lands along the Truckee River and stating the high priority of acquisition and possible land exchanges of certain lands along the river.
5. Parks staff be directed to work with the Water Resource staff to determine status of existing unbuilt properties that are located within the floodplain from Mayberry Park west to the State line, and review the possible sewer and path system alignment opportunities, and report back to the Board.
6. Parks staff be directed to define critical land acquisition needs for possible voter approved bond issue and report same to the Board.
7. Parks staff be directed to pursue acquisition of tax delinquent properties along the Truckee River as a high priority.
8. Parks staff be directed to work on possible federal assistance to coordinate California and Nevada river corridor planning efforts.

#### **99-1094 IMPLEMENTATION PLAN - ELECTIONS TASK FORCE RECOMMENDATIONS - REGISTRAR OF VOTERS**

Dan Burk, Registrar of Voters, presented an implementation plan for the recommendations outlined by the Elections Task Force, including approximate costs. He stated that one of the greatest concerns in the 1998 election was that the ballots could not be read by the machines and they are recommending that ballots not be produced in-house for the 2000 election; that instead, all the ballots will be secured from a very reliable outside vendor; and that a better ballot testing process will be conducted. Mr. Burk further stated that the new computer system has been purchased; that it will be certified under the authority of the Secretary of State and tested on November 30, 1999; and that there will then be two training sessions for all staff. The next recommendation discussed was better communication between ROV staff and the voters and Mr. Burk reviewed proposals for developing a comprehensive Media Kit, holding a Candidate Fair, including more information on the website, etc. Mr. Burk stated that the concern that the absentee and mail-in ballots were not secure has been addressed by the use of Secrecy Envelopes for those voters.

In response to Commissioner Bond, Mr. Burk stated that at the polling places each ballot box will have a special, security seal attached and that they will be forming a committee to physically inspect every polling place location to determine if they meet the standards necessary for people to vote quickly and confidentially and, if any do not, they will be looking for alternate locations. He also explained that every election board worker will be required to attend standardized training.

Mr. Burk stated that they have never felt confident that the central count system in the Global system has operated properly and they have never received an adequate explanation from Global concerning exactly what occurred in the 1998 election when there were approximately 10,000 ballots, besides the ones misproduced by Reprographics, that could not be counted in the central count system. He advised that what they intend to do in the 2000 elections is only count with the precinct-based individual Accu-vote units and not use the central count system; that thereafter they will go through a very rigorous testing process to determine if it can be used in the Sparks election in 2001; and that they have learned that most jurisdictions in the country that use the Global system do not use the central count feature.

Commissioner Sferrazza commented that the County should not pay for this system if it is defective. Mr. Burk stated that the County is withholding \$25,000 from the original purchase contract until final implementation of the GEMS program, and that if they do not ever get the central count feature working properly, it would be a good idea to discuss whether or not the County should pay the full price for the system.

Mr. Burk reported that they have upgraded the scanning and signature imaging system and the voter registration system is now Y2K--OK; that staff has gone through and cleaned out all the dual-name files and will be doing a comprehensive purge of the system to clean out the names of people who no longer live here; and that the GIS system they are producing is going to be a very high quality system that provides detailed information on a level never before available to the voters.

Chairman Galloway commented that he would like Mr. Burk to have some latitude in dealing with situations that require fast resolution, such as being able to obtain ballots from Reprographics if there is a problem with the ones obtained from the vendor. He further stated that if the central count system is really defective and cannot be used at all, he would rather it be abandoned and Mr. Burk seek reimbursement from the supplier.

Chairman Galloway also recognized the Election Task Force members and thanked them, as well as staff, for the many hours and hard work contributed towards this effort.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the Registrar of Voters Implementation Plan for the Elections Task Force recommendations be accepted.

**99-1095 DISCUSSION & STAFF DIRECTION - TRUCKEE MEADOWS REGIONAL PLAN AMENDMENT SPONSORSHIP - GOLDEN VALLEY - COMMUNITY DEVELOPMENT DEPARTMENT**

Dean Diederich, Planning Manager, Department of Community Development, presented a proposed public input process for the Board to consider concerning County sponsorship of a Truckee Meadows Regional Plan Amendment to establish either a "Rural" or "Suburban" Community designation for the Golden Valley area to reduce or eliminate annexation of the area by the City of Reno. He reviewed the actions and proposed timetable that would be required in order to submit a regional plan amendment for the year-2000 cycle by the December 30, 1999, deadline. Mr. Diederich stated that another decision in this designation needs to be made concerning the boundaries of the area, and a graphic was presented on the overhead depicting the current City of Reno Sphere of Influence boundary and land use designations.

Mr. Diederich then discussed the current land use plan, compatible allowed uses, and uses that would be allowed with a special use permit. He stated that if it is the Board's desire to further limit additional development in Golden Valley, a comprehensive plan amendment will also be required.

Commissioner Sferrazza noted that the "suburban" designation would allow increased density of up to three dwelling units per acre whereas the "rural" designation, as well as the current land use pattern in Golden Valley, is one dwelling unit per acre; and that he believes the residents of Golden Valley want to keep the one-acre density.

Neal Cobb, President, Golden Valley Homeowners Association, stated that the residents desire to maintain as much of their rural lifestyle as possible; that they would like to mend the fences and be good neighbors with the new high school they are going to have; and that at the very least they would like to see everything north of Golden Valley Road designated as rural.

A discussion ensued concerning what should be included in the notices of the hearings and it was determined that both the community designation and the land use issues, as well as establishing the boundaries, should all be included. Commissioner Bond stated that she would not like to include the Lemon Valley rural area, but would rather stay within the boundaries proposed by staff.

Mr. Diederich proposed that the meetings should start with the North Valleys Citizen Advisory Board at their November 8, 1999, meeting; that the formal process then begin at the Planning Commission level at their regular November meeting; that the public hearing on the Planning Commission recommendation then be held at the County Commission level at the December 14, 1999, meeting; and that both the Planning Commission and County Commission hearings be noticed by postcard to all affected property owners. He stated that staff has also been requested to make a presentation to the Golden Valley Homeowners Association, which they will do.

Commissioner Sferrazza stated that he will not be able to attend the first meeting in November; that there are two vacancies on the NV CAB; and that for those reasons, he would like to request that the schedule be moved up to December. Mr. Diederich stated that would not allow enough time to meet the Regional Planning Agency requirement that all three jurisdictions have their governing board's action on regional plan amendment requests in by December 30, 1999.

Following further discussion, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, it was ordered that staff be directed to begin the process to submit a request to the Truckee Meadows Regional Planning Agency for a Regional Plan amendment requesting that the Golden Valley area be designated as a "Rural" community with rural land use designations according to the map boundaries included in the "hashmarks" on the map Mr. Diederich presented and that all affected property owners be noticed of the Planning Commission and County Commission hearings by postcard mailing. Commissioner Sferrazza requested that the notice include a way for people who cannot attend the meetings to mail their card back in, or call in, to voice their support or opposition.

**99-1096 REGIONAL WATER PLANNING COMMISSION - REPORT ON RECENT ACTIVITIES**

Paul Neuffer, Chairman of the Regional Water Planning Commission, presented an update of RWPC activities stating that one of the first priorities originally established was water savings through conservation. He described changes they plan to propose to the Uniform Plumbing Code and the idea of a toilet retrofit program to achieve significant water savings. Mr. Neuffer also discussed other on-going projects and activities, such as the water and wastewater facility planning for the lower Truckee River and for the South Truckee Meadows, use of the Orr Ditch for conveyance of the recycled water, review of the Evans Creek flood control project, etc. He further stated that the RWPC has what they call an "issues" list that they are continually working on and they have made some real progress on some of the issues.

Commissioner Sferrazza stated that he thought Evans Creek was deleted from the project list noting that there are people in his District who are adamantly opposed to the project. Steve Walker, Water Management Planner, explained that they have been meeting with both the opponents and proponents of the project to get all the issues out in an open, public, process in order for staff to make a recommendation to the County Commissioners concerning Evans Creek. Mr. Walker stated that he believes those in opposition the Commissioner is referring to are attending these meetings but that he would provide a list of the participants.

Following further discussion, on motion by Commissioner Short, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that the RWPC update report be accepted.

**99-1097 INTERFUND TRANSFER-WATER RESOURCES(FUND 066)TO HEALTH FUND(FUND 002)-ENVIRONMENTAL SERVICES DIVISION - HIRING TWO NEW PUBLIC SERVICE INTERNS**

Upon recommendation of the Regional Water Planning Commission, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that an interfund transfer of \$25,000 of Water Planning 1-1/2% Surcharge Funds to the District Health Department Environmental Services Division for software, training services and personnel be approved and that the Environmental Services Division be authorized to hire two public service interns. It was further ordered that an additional interfund transfer of \$25,000 from the Water Resources Fund to the Health Fund be approved and that the Comptroller be

directed to make the following appropriation adjustments:

Fund 066 Water Resources

66132-7140 Other Professional Services Decrease by \$25,000

66132-8102 Transfer to Health Fund Increase by \$25,000

Fund 002 Health Fund

17240-70021 Pooled Positions Increase by \$25,000

17240-6966 Transfer from Water Resources Increase by \$25,000

**99-1098 AGREEMENT - KENNEDY/JENKS CONSULTANTS - GROUNDWATER RECHARGE - REGIONAL WATER MANAGEMENT FUND**

Upon recommendation of Steve Walker, Water Management Planner, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Agreement for Consulting Services between Washoe County and Kennedy/Jenks Consultants, concerning developing a groundwater recharge site analysis and Geographical Information System coverage of analysis in Southern Washoe County be approved and Chairman Galloway be authorized to execute. It was further ordered that an expenditure from the Regional Water Management Fund in the not-to-exceed amount of \$134,000 be approved for these consulting services.

**99-1099 LETTER OF UNDERSTANDING - SOUTH MEADOWS PROPERTIES - OVERSIZE WATER MAINS - WATER RESOURCES**

Upon recommendation of Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Letter of Understanding between Washoe County and South Meadows Properties for oversizing water main lines located within Double R Boulevard be approved and that reimbursement to South Meadows Properties for oversizing costs when construction is completed be authorized. It was noted that the approximate costs are \$268,163.

**99-1100 AGREEMENTS - WASTEWATER FACILITIES PHASE III - FINAL DESIGN - SOUTH TRUCKEE MEADOWS WATER RECLAMATION FACILITY**

Upon recommendation of Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Interlocal Agreement between Washoe County, the City of Reno, and the City of Sparks for Phase III of the Wastewater Facilities be approved and Chairman Galloway be authorized to execute. It was further ordered that the agreement between Washoe County and Carollo Engineers, P.C., concerning final design of expansion of the South Truckee Meadows Water Reclamation Facility, in the amount of \$1,401,118, be approved and Chairman Galloway be authorized to execute.

**99-1101 AGREEMENTS - RESEEDING MIRALOMA, RESERVOIR & RED ROCK WILDFIRE AREAS - CONTINGENCY TRANSFER - WATER RESOURCES**

Upon recommendation of Leonard Crowe, Water Resources Planning Manager, who was present and responded to Board questions, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, it was ordered that two agreements between Washoe County and (1) the U.S. Department of Interior, Bureau of Land Management, and (2) the U.S. Department of Agriculture Natural Resources Conservation Service, concerning reseeding of the Miraloma, Reservoir, and Red Rock wildfire areas be approved and Chairman Galloway be authorized to execute. It was further ordered that \$49,550 be transferred from the Contingency Fund (001-1890-7328) to the Water Resources Fund (6901), expenditure account 66112-7140, to pay for Washoe County's share of the reseeding effort, and that the Comptroller be directed to make the appropriate accounting adjustments.

**99-1102 TRUCKEE MEADOWS FLOOD PROTECTION PROJECT - BUDGET FOR COMMUNITY BASED PLANNING AND DESIGN - WATER RESOURCES**

Paul Urban, Flood Control Hydrologist, presented and reviewed the budget needed to implement the Action Plan for the Community Based Planning and Design Effort for the Truckee Meadows Flood Protection Project, highlighting the items that would be paid by the 1/8-cent sales tax.

Katy Singlaub, County Manager, noted that there was a Board workshop on this item and advised that it is also scheduled on the Reno City Council's November 16, 1999, agenda.

Chairman Galloway asked if this would complete the flood warning system. Mr. Urban stated that it would.

Frank Partlow stated that staff and the Commission are to be complimented for managing the use of these monies and cueing the dollars the taxpayers are paying so that projects can be bought in the best way possible. He further stated that in approximately 2002, matching funds are going to be needed from the community in order to get about \$60-million in federal money, and the Commission should not risk losing those funds.

Paul DeLorey, Reno Southeast Neighborhood Advisory Board, stated that most of the southeast area is in one floodplain or another and they are in support of this program. He also stated that every development that occurs impacts flooding problems; that there is no where they can go to determine what those long-term impacts might be; and that a regional program that could deal with those kinds of flooding issues would be very helpful.

Upon recommendation of Mr. Urban, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion carried unanimously, it was ordered that the budget and the following actions to implement the Action Plan for the Community Based Planning and Design Effort for the Truckee Meadows Flood Protection Project be approved with the additional direction that staff make this as broad as possible to include as much of the Truckee River as possible:

- 1. The Project Cooperation Agreement for Section 205 Non-Structural Flood Control Projects between the County of Washoe and the Department of the Army (represented by U.S. Army Engineer for Sacramento District), concerning construction of Reno Flood Warning System be approved and Chairman Galloway be authorized to execute.
- 2. The amount of \$364,000 for the Reno Flood Warning System be approved.
- 3. One million dollars from the 1/8-cent sales tax bond money and earned interest be approved as outlined to partially fund the approved Action Plan for the Truckee Meadows Flood Protection Project.

Engineering Services for 2 years \$ 700,000  
 Project Manager (Flood Control Manager) for 2 years 200,000  
 Water Resources Project Consultant for 2 years 100,000

Total \$1,000,000

- 4. A transfer from the Contingency Fund (\$75,000) for Public Planning & Predesign process until June 30, 2000 (to match \$75,000 of Regional Water Management Funds recommended by Regional Water Planning Commission to fund Public Planning & Pre-design process until June 30, 2000) be approved.
- 5. Regional Water Management Funds in the amount of \$75,000 to fund the Public Planning & Pre-design process until June 30, 2000 be approved.
- 6. The budgeting of \$125,000 from the General Fund for Fiscal Year 2000-2001 for the Public Planning & Pre-design process be committed to be matched by \$125,000 from the Regional Water Management Fund.
- 7. The filling of the position at the Department of Water Resources, Water and Natural Resources Planning Division, in the

existing employment classification of Flood Control Manager (this would be a licensed engineer who would be the Project Manager for implementing the Action Plan and overseeing the Truckee Meadows Flood Protection Project) be authorized.

8. The Department of Water Resources be authorized to solicit consultants for engineering services and public planning and pre-design services as outlined in the Action Plan and the contract(s) be submitted to the County Commission for approval and execution.

**99-1103 AMEND AUTHORIZATION FOR PURCHASE OF 925 EAST 8TH STREET PROPERTY - GENERAL SERVICES**

This item was declared an emergency and added to today's agenda.

Upon recommendation of Clayton Gadd, General Services Director, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, it was ordered that the purchase price to be paid to owners Everett A. Allec and Bonnie C. Allec for the property located at 925 East Eighth Street (APN 008-162-17) be amended to reflect a decrease in property value resulting from damages incurred through an act of vandalism on October 20, 1999, by a value to be determined by a written estimate of damages provided by owner's insurance claims adjuster and Chairman Galloway be authorized to execute pertinent amended documentation.

\* \* \* \* \*

4:30 p.m. The Board recessed.

5:00 p.m. The Board reconvened with all present as in the morning.

**99-1104 REPORT OF FINAL COSTS - RESOLUTION - DEMOLITION OF DANGEROUS BUILDINGS - BUILDING AND SAFETY/FINANCE/DISTRICT ATTORNEY**

5:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on October 15, 1999, pursuant to the Board of County Commissioners authority under the Uniform Code for the Abatement of Dangerous Buildings (1994), to conduct a hearing for the presentation of a report of the costs incurred by the County in the removal of dangerous buildings located at 5388 Carroll Drive, Sun Valley, Nevada, Assessor's Parcel No. 085-154-38, which costs, if approved, will be assessed against the property or the property owner. Proof was made that due and legal notice had been given.

Jess Traver, County Building Official, presented the report of final costs in the amount of \$7,590.75 that the County expended on the demolition of buildings that were creating a public nuisance at 5388 Carroll Drive, and reviewed the resolution approving the payment of the assessment for cost recovery in equal installments with interest. Upon inquiry, Mr. Traver advised that there has been no communication with the property owner even though staff made several attempts to do so over the expanse of the project.

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

On motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that, as authorized by Washoe County Code Chapter 100 (UCADA - Uniform Code for the Abatement of Dangerous Buildings), the report of final costs in the amount of \$7,590.75 incurred to remove dangerous structures located at 5388 Carroll Drive, Sun Valley, Nevada, be approved; and that staff be directed to record charges to be assessed against the property and assessment on the assessment roll. It was further ordered that the following Resolution be adopted and Chairman Galloway be authorized to execute:

**RESOLUTION APPROVING THE PAYMENT OF ASSESSMENT IN EQUAL INSTALLMENTS WITH INTEREST**

WHEREAS, on January 26, 1999 the Department of Building and Safety requested and the Washoe County Board of County Commissioners (the "board") approved funding for the removal of buildings located at 5388 Carroll Drive, Sun Valley, Nevada (APN 085-154-38) under authority of the Washoe County Code Chapter 100 (UCADB: The 1994 Uniform Code for the

Abatement of Dangerous Buildings); and

WHEREAS, Sections 801.2 and 905 of the UCADB authorize the board to determine the method of cost recovery by either making the charge a personal obligation of the owner or assessing the charges against the property; and

WHEREAS, Section 907 of the UCADB authorizes the board to allow an assessment to be paid in up to five equal annual installment payments and to determine whether to require interest on the installments by adopting a resolution and the board intends that this resolution satisfy the requirements of Section 907; and

WHEREAS, in 1998 Washoe County earned 5.0168% on its investments which represents a fair interest rate to charge for debts owed to the county; and

WHEREAS, the charge for the expenses of demolition of dangerous buildings at 5388 Carroll Drive totaled Seven Thousand Five Hundred Ninety Dollars and Seventy-Five Cents (\$7,590.75) which was paid by the county as follows: \$1,468.75 on 2/24/99, \$4,392.00 on 3/10/99, \$840.00 on 4/14/99 and \$85.00 on 5/26/99; and

WHEREAS, Section 908.2 of the UCADB permits the county to impose an interest rate of 7% on unpaid assessments that are delinquent;

NOW, THEREFORE, be it resolved as follows:

1. The charge for the expenses of demolition of dangerous buildings at 5388 Carroll Drive (APN 085-154-38) approved by the board in the amount of Seven Thousand Five Hundred Ninety Dollars and Seventy-Five Cents (\$7,590.75) is hereby confirmed as a special assessment against the property and shall be recorded.
2. Certified copies of this assessment shall be given to the Assessor and the Treasurer who shall bill it as a special assessment against the parcel.
3. The assessment may be paid at once or in not more than 5 equal annual installments and the unpaid balance shall bear interest at the rate of 5.0168% per annum from May 26, 1999.
4. All assessments remaining unpaid after 30 days they are due are delinquent and shall bear interest at the rate of 7 percent per annum from and after said date and shall also be subject to any penalties, procedures and sale as in the case of delinquency as provided for with ordinary property taxes.

**99-1105 RESOLUTION - MEDIUM TERM FINANCING - LEASE PURCHASE - GAS CHROMATOGRAPHS - CRIME LAB - SHERIFF/FINANCE**

5:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on October 15, 1999 to consider a resolution authorizing medium term financing for the lease purchase of two new gas chromatographs to be used primarily for analysis of bodily fluids and tissues to local law enforcement and criminal justice agencies on behalf of the Crime Lab Division of the Sheriff's Office. Proof was made that due and legal notice had been given.

Katy Singlaub, County Manager, reviewed background information regarding this item and advised that these purchases have previously been approved by the Board; and that because a lease purchase mechanism is being utilized, the Nevada Department of Taxation requires that a public hearing be held on the medium term financing.

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

Upon recommendation of Ron Steele, Finance Division, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Galloway be authorized to execute:

**A RESOLUTION AUTHORIZING MEDIUM TERM FINANCING FOR THE LEASE PURCHASE FINANCING OF GAS CHROMATOGRAPHS**

WHEREAS, The Crime Lab Enterprise Fund (063) was established to provide toxicological analysis of bodily fluids and tissues to local law enforcement and criminal justice agencies; and

WHEREAS, The Crime Lab Enterprise Fund is in need of medium term financing in the amount of \$196,985 to enable Washoe County to lease purchase two new gas chromatographs to be used primarily for analysis of bodily fluids and tissues to local law enforcement and criminal justice agencies; and

WHEREAS, The loan is to be repaid out of the operating revenues of the Crime Lab Enterprise Fund of Washoe County, over a five (5) year period with monthly payments of \$3,829.39 in advance. Now, therefore, be it

**RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE IN THE STATE OF NEVADA THAT:**

Section 1. The County Purchasing Department is hereby directed to award bid for lease purchase financing of gas chromatographs on behalf of the Crime Lab Division of the Washoe County Sheriff's Office to Hewlett-Packard Company, Technology Finance, 9780 South Meridian Boulevard, Englewood, Colorado 80112-5912, in the amount of \$196,985, contingent upon approval of the State of Nevada Department of Taxation.

Section 2. The public interest requires the medium term financing of gas chromatographs for the Crime Lab Enterprise Fund to be used primarily for toxicological analysis of bodily fluids and tissues to local law enforcement and criminal justice agencies.

Section 3. There is adequate appropriation authority within the Crime Lab Enterprise Fund and no expenditure augmentations are recommended at this time.

Section 4. The term of this medium term financing shall be for five (5) calendar years, commencing upon approval of the State of Nevada Department of Taxation.

Section 5. There shall be interest with an effective APR not to exceed 6.24%.

Section 6. This Resolution shall be effective on passage and approval.

Section 7. The officers of the County designated in the form of the lease purchase agreement and other documents to be executed in connection with the lease purchase financing authorized by this resolution are hereby authorized to execute and deliver those documents on behalf of the County in substantially the form as is now before the Board, contingent upon approval of the Department of Taxation.

Section 8. The County Clerk is hereby directed to distribute a copy of the Clerk's Order and an executed copy of this resolution to the Finance Division within 5 days.

Section 9. The Finance Division is hereby directed to distribute copies of this Resolution and related documents to the Executive Director of the Department of Taxation within 7 days.

**99-1106 BILL NO. 1255 - ORDINANCE NO. 1079 - AMENDING WCC CHAPTER 25 - ADULT CHARACTERIZED BUSINESSES**

5:00 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on October 15, 1999 to consider the second reading and adoption of Bill No. 1255. Proof was made that due and legal notice had been given.

Mike Harper, Planning Manager, Department of Community Development, stated that the purpose of the proposed ordinance is to regulate the location of adult characterized businesses and to address the secondary impacts they create, noting that the

ordinance is not intended to regulate the content of adult material. He reviewed the proposed ordinance, CAB comments and questions, and a letter from attorney Roger Diamond who represents a potential adult oriented business in Washoe County. He advised that the City of Reno adult businesses ordinance was used as a model; and that any existing non-conforming use in the County would be allowed to stay in its present location, but would need to conform to the other portions of the ordinance within one year. Mr. Harper presented several area maps advising that they identify 23 potential locations, and that in his opinion, only 5 to 10 sites would actually provide an opportunity for a new adult use. He then stated that a minor change is requested to delete language in 25.0551 which requires a licensee to obtain a work card as that requirement would replicate the work card process already in place. A discussion commenced concerning specific plan regulations and Mr. Harper and Legal Counsel Shipman provided information regarding that issue.

Chairman Galloway opened the public hearing and called on those wishing to speak.

Pat Puchert, County resident, advised that she is a member of the South Hills Association and Citizens for Responsive Government, but would be speaking on her own behalf. She stated that the people she has spoken with have indicated that they want to continue to enjoy their rural style of living, and are very concerned about the ordinance relative to the following four issues:

- (1) that in the unincorporated County there should be at least 2,000 feet between adult businesses and residences, schools and churches,
- (2) that adult businesses should be confined to industrial zoning areas;
- (3) that a special use permit should be required and the opportunity for citizen input should be provided, and
- (4) that grandfathering of properties should not be allowed.

Commissioner Sferrazza noted that, in the absence of the ordinance, adult businesses would be able to locate in other areas; and that the Board has been advised that going much beyond 1,000 feet would subject the ordinance to challenge and possible defeat.

Chairman Galloway commented that if the ordinance is challenged the courts will look at other ordinances for guidance; that staff found no other ordinances concerning this issue that had a restriction of 2,000 feet; that there is a first amendment issue to consider; and that the Board has been advised that if it goes too far with restrictions, the ordinance stands a chance of failing.

\* \* \* \* \*

Katy Singlaub, County Manager, left the meeting and Howard Reynolds, Assistant County Manager, substituted for her during the rest of the meeting.

Ike Eichbaum, Washoe County citizen, stated that he is concerned for the future and supports Ms. Puchert's comments; that he is concerned that these businesses will locate in their area, which is experiencing a lot of growth and becoming highly residential with many new churches and schools being built; and that the ordinance should require more distancing and a special use permit.

Mr. Harper showed a map to Mr. Eichbaum and Ms. Puchert that depicted the one potential adult use location in their area. He then stated that a 2,000-foot restriction would eliminate virtually any location in Washoe County; and that restricting adult businesses to industrial areas would result in only five potential sites with four being located in the East Truckee Canyon, raising the issue of geographical concentration, which would not be allowed. Legal Counsel Shipman advised that limiting sites to industrial areas only would result in too few sites available in the County for adult businesses to locate and the County would lose the ordinance altogether; that a special use permit requirement cannot be imposed because it allows the subjective and discretionary element to come into play, which the court does not allow; and that the application procedure cannot be subjected to the time delay that would occur with the special use permit process.

Mark Dagher, The Ore House, advised that during the past year they have requested on several occasions to be made a part of the ordinance drafting process and each time they were assured that this would happen, but it did not; that it was indicated that they were noticed about workshops, etc., but they received no notices; and that they have several concerns about the ordinance and request an extension on the moratorium in order to work with the County to develop an ordinance that is enforceable and will not cause a problem to the County and the businesses involved.

Upon inquiry, Mr. Harper advised that all five versions of the ordinance were sent to Mr. Dagher; and that he was never given any assurance that he would be in a position to help write the ordinance, but was advised that he would be able to participate in the process and provide comments.

Mr. Dagher then advised that their concerns with the ordinance include work card requirements, stage height and railing, a 6-foot aisle between patrons and the stage, etc.

Mark J. Dagher, The Ore House, advised that he contacted Mr. Harper on a couple of occasions requesting to be included in the proposed ordinance process, but was never notified in any way about what was occurring; that since the regulations will impact their business, he believes it is only fair to have some input into the ordinance; and that they would like to have the opportunity to work with the County and develop an ordinance that makes some sense.

Upon inquiry, Mr. Harper advised that a notice of the workshop was sent to Mr. Dagher who called him after the workshop and indicated that they had been unable to attend; and that he does not know why the Daghers' did not receive the documents forwarded to them.

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

The Board then discussed the various issues presented. Mr. Harper commented that the ordinance represents the best of what staff found to be successful in other areas and meets the balance of providing geographical locations and opportunity, but also provides limited additional opportunities for adult businesses.

Commissioner Bond stated that she would like to move forward with the ordinance, including the amendment concerning work card requirements, as it makes an effort to address the concerns of the County and its citizens where there was nothing before; that the County cannot and should not jeopardize anyone's right to conduct business within reason; and that the ordinance can be amended in the future if it is determined appropriate to do so.

Chairman Galloway recommended that Mr. Dagher submit his suggestions to staff, noting that there is always the possibility to amend the ordinance if staff and the Board feel it is warranted. He stated that he sympathizes with the citizens concerns regarding this issue but believes that making the ordinance more restrictive would cause it to fail in court and there would then be no protection for citizens; and that he thinks this represents the strongest ordinance possible that will hold up in court.

Commissioner Short stated that he is uncomfortable with the ordinance; that the citizens of the unincorporated County are uncomfortable with the ordinance; and that he cannot support it.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried with Commissioner Short voting "no," Chairman Galloway ordered that Ordinance No. 1079, Bill No. 1255, entitled "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REVISING THE PROVISIONS PERTAINING TO ADULT BOOKSTORES, AND ADULT MOTION PICTURE THEATERS, TO ADD DEFINITIONS OF ADULT CHARACTERIZED BUSINESSES, TO ADD REGULATIONS FOR ADULT INTERACTIVE CABARETS AND ADULT OUTCALL SERVICES, TO ADD REGULATIONS THAT APPLY TO ALL ADULT CHARACTERIZED USES, TO ADD AND AMEND FINDINGS AND PURPOSES FOR REGULATING ADULT CHARACTERIZED BUSINESSES, TO CHANGE THE REGULATORY ZONES IN WHICH AN ADULT CHARACTERIZED BUSINESS IS PERMITTED, TO ADD TO THE LIST OF USES FROM WHICH AN ADULT CHARACTERIZED BUSINESS MUST BE DISTANCED AND OTHER MATTERS PROPERLY RELATING THERETO," as amended, be approved, adopted, and published in accordance with NRS 244.100.

**COMMISSIONERS' /MANAGER'S COMMENTS**

Howard Reynolds, Assistant County Manager, noted that the Courthouse Historical and Preservation Society Kick-Off Reception will be held tomorrow from 4:00 - 7:00 p.m. at the old Courthouse.

Commissioner Bond commented that she thinks the Board should tour Yucca Mountain. Commissioner Sferrazza stated that he would like to tour Black Rock Desert.

Commissioner Short stated that he would like to see a formal procedure where Washoe County staff would bring public works projects such as repaving of streets or rerouting of streams, etc. before the CAB's that would be affected so that people are noticed about what is going to be done.

Commissioner Sferrazza requested that an item be placed on a future agenda to discuss the possibility of placing items that are generally uncontested at the beginning of the agenda which could be approved with one motion in order to expedite the meetings and allow staff and others present to not have to wait.

**COMMUNICATIONS AND REPORTS**

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

**99-1107 COMMUNICATIONS**

- A. Minutes and related materials of a joint meeting between the Washoe County Human Services Consortium Triumvirate and the Advisory Board of Wednesday March 31, 1999, held at the City of Sparks Council Chambers.
- B. Proof of Publication of Notice of Intent to Sell Property in furtherance of the Truckee River Quality Settlement Agreement published on August 13, 20, & 27, 1999.
- C. Notice of Intent to annex land into the City of Sparks, Bill No. 2196, at 2115 Shadow Lane, being 1.25 acres, owned by James and Jeanne Ohl.
- D. Contract No. 2983, containing special provisions, proposal, contract and bond, from NDOT on 580 including interchanges at Del Monte to Glendale, US 395, Oddie to Golden Valley, on 580, Bridge at Plumb Lane, on 580 at Moana Lane, Mill Street, and at Kietzke Lane, and U.S. 395 at Lemon Valley Interchange, The Accurate Companies, LLC, Contractor.
- E. Contract No. 2985, containing special provisions, proposal, contract and bond, from NDOT on I-80 from the Mae Anne Grade Separation to Wadsworth on certain structures, Q & D Construction, Inc., Contractor.

**99-1108 REPORTS - MONTHLY (AUGUST 1999)**

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

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There being no further business to come before the Board, the meeting adjourned at 6:25 p.m.

JIM GALLOWAY, Chairman  
Washoe County Commission

ATTEST: AMY HARVEY, County Clerk

