

TUESDAY 1:30 P.M. NOVEMBER 9, 1999

PRESENT:

- Jim Galloway, Chairman
- Ted Short, Vice Chairman
- Jim Shaw, Commissioner
- Joanne Bond, Commissioner
- Amy Harvey, County Clerk
- Katy Singlaub, County Manager
- Madelyn Shipman, Legal Counsel

ABSENT:

- Pete Sferrazza, Commissioner

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 County Clerk called the roll and the Board conducted the following business.

99-1109 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the agenda for November 9, 1999, be approved with the following changes:

Delete Item No. 5G(2): Affidavit #9 of the Waiver and Consent Apportionment Report to Redistribute SAD 21 Assessments for Peavine View Estates.

Delete Item No. 18: Auction 1999 Tax Delinquent Lands held in trust.

Change 7C: Remove South Truckee Meadows General Improvement District as a signatory on the Water Service Contribution Agreement.

PUBLIC COMMENTS

Chairman Galloway opened the public comment and called upon those wishing to speak, there being no response, Chairman Galloway closed public comment.

99-1110 DISINTERMENT OF HUMAN REMAINS - HEALTH

David Humke, Attorney, appeared on behalf of Peter Kim, who holds power of attorney, on behalf of Reverend Sun Myung Moon, and answered questions from the Board.

Upon recommendation of Gregory Carmichael, District Health Officer, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the Request for Disinterment from Attorney Peter H. Kim on behalf of Sun Myung Moon to disinter and remove the remains of Young Jin Moon, from Sierra Memorial Gardens Cemetery in Reno, Nevada and be reinterred at Paju-Pong-Il Memorial Gardens in Paju, Kyung-Ki, South Korea, be approved, noting that the cause of death was not due to a contagious or loathsome disease.

99-1111 SEXUAL ASSAULT VICTIMS - MEDICAL CARE - PAYMENT

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried,

Chairman Galloway ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care and follow-up treatment for 38 victims of sexual assault in an amount totaling \$15,278.38 as set forth in a memorandum placed on file with the Clerk from Vickie Wedow, Administrative Assistant, District Attorney's Office, dated October 15, 1999.

99-1112 PUBLIC DEFENDER'S OFFICE - TRAVEL ACCOUNT - MANAGER'S OFFICE

In accordance with Washoe County 5.356(2), and upon recommendation of Katy Singlaub, County Manager, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that an appropriation transfer made within the Public Defender's Office budget in the amount of \$975 decreasing account 1241-7181 and increasing account 1241-7620 by that amount be accepted to accommodate travel costs in the Vanissi trial.

99-1113 UNBUDGETED CAPITAL OUTLAY - HEATING SYSTEM - WADSWORTH JUSTICE COURT - FINANCE

Upon recommendation of Brian Mirch, Senior Administrative Analyst, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that an unbudgeted capital outlay, for a new heating system for Wadsworth Justice Court at an approximate cost of \$4,664, to be paid out of the Courts Administrative Assessment Funds, be approved.

99-1114 ACCEPTANCE OF DONATION - GRANITE CONSTRUCTION - WITTENBERG HALL - FINANCE

Upon recommendation of Brian Mirch, Senior Administrative Analyst, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the donation of a basketball court overlay at Wittenberg Hall, by Granite Construction Company in the estimated value of \$5,725, for labor and materials be accepted with gratitude.

99-1115 ACCEPTANCE OF DONATION - CORD FOUNDATION - LAW LIBRARY - FINANCE

Upon recommendation of Brian Mirch, Senior Administrative Analyst, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the donation of furniture, valued at \$35,000 from the Cord Foundation, for the newly remodeled law library, be accepted with gratitude.

99-1116 ACCEPTANCE OF DONATION - WAL-MART - KID'S KORNER PROGRAM - SHERIFF'S DEPARTMENT

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the donation from Wal-Mart Store #2106 in the amount of \$1,000 for the Kid's Korner Program, to be used to purchase supplies, be accepted with gratitude.

99-1117 ALCOHOL PROHIBITION WAIVER - SPARKS SERTOMA AND SENIOR DANCE CLUBS OF NEVADA - SENIOR SERVICES

Upon recommendation of Karen Mabry, Senior Services Director, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that permission be granted to serve alcohol at the Sparks Sertoma Free Seniors Christmas Dinner on December 11, 1999, and the Senior Dance Club of Nevada New Year's Eve Dinner and Dance on December 31, 1999, both to be held at the Reno Senior Services Center.

99-1118 QUITCLAIM DEED - USDA - FOREST SERVICE - INCLINE VILLAGE UNIT I WATER IMPROVEMENT PROJECT - PUBLIC WORKS

Upon recommendation of James Gale, Sr. Property Agent, through David Roundtree, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the Quitclaim Deed from the United States Department of Agriculture, Forest Service as Grantor and Washoe County as Grantee, concerning erosion control improvements, as part of the Incline Village, Unit I, Water Improvement Project, be accepted.

99-1119 QUITCLAIM DEEDS - DOLORES DRIVE - PUBLIC WORKS

Upon recommendation of James Gale, Sr. Property Agent, through David Roundtree, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that Quitclaim Deeds necessary for the

right-of-way needed to improve apportion of Dolores Drive from theRichards Family Trust, Joseph R. & Lola J. Granata, Lois A. & Michael R. Rodrigues and Martin C. Chavez, Maria R. Chavez and Luis F. Martinez as Grantors and Washoe County as Grantee, be accepted and Chairman Galloway be authorized to execute.

99-1120 QUITCLAIM DEED - SOUTHWEST POINTE ASSOCIATES - SAD 23 - PUBLIC WORKS

Upon recommendation of John Collins, Utility Services Division Manager, through Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that the Quitclaim Deed from Southwest Pointe Associates, Grantee to Washoe County, Grantor, for improvements constructed in connection with Special Assessment District No. 23, be accepted and Chairman Galloway be authorized to execute. It was further ordered that the Utility Services Division Manager be directed to record the Quitclaim Deed with the County Recorder.

99-1121 AFFIDAVITS OF WAIVER AND CONSENT - REDISTRIBUTE SAD 21 ASSESSMENTS - COLD SPRINGS WASTEWATER - WATER RESOURCES

Upon recommendation of John Collins, Utility Services Division Manager, through Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that,

1. The Affidavit #8 of Waiver and Consent and Apportionment Report to redistribute the SAD 21 assessments for Peavine View Estates, Unit 6, be accepted and Chairman Galloway be authorized to execute; and
2. The Utility Services Division Manager be directed to record the Affidavit with the County Recorder.

99-1122 REJECTION - BID NO. 2201-2000 - SELF PROPELLED ROAD SWEEPER - EQUIPMENT 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 September 22, 1999, for the purchase of a new Self-Propelled Road Sweeper, on behalf of the Equipment Services Division, General Services Department. Proof was made that due and legal Notice had been given.

A bid, a copy of which was placed on file with the Clerk, was received from the following vendor:

Western Traction

Sierra Freightliner submitted a "no-bid" response.

Upon recommendation of John Balentine, C.P.M., Purchasing & Contracts Administrator, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the single bid received for Bid No. 2201-2000, for the Self-Propelled Road Sweeper, on behalf of Equipment Services Division of the General Services Department, be rejected and the Purchasing and Contracts Administrator be authorized to rebid requirements in an effort to obtain additional bids that may better meet County requirements.

99-1123 AWARD OF BID - SOCIAL SERVICES COUNTER REMODEL - BID NO. 2204-2000 - PUBLIC WORKS

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 4, 1999, for the Washoe County Social Services Counter Remodel on behalf of the Public Works Department. Proof was made that due and legal Notice had been given.

The following is a summary of the bids received:

COMPANY	AMOUNT
Dennis Banks Construction	\$35,324.00
Gill Construction Inc.	\$38,722.00
Greth Construction Inc.	\$40,100.00

Q & D Construction Inc.

\$44,300.00

Reno Construction Inc.

\$47,853.00

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that Bid No. 2204-2000, on behalf of the Public Works Department, for the Social Services Counter Remodel, be awarded to Dennis Banks Construction, the lowest responsive and responsible bidder, in the amount of \$35,324. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute agreement with Dennis Banks Construction to perform the work.

99-1124 AWARD OF BID - LIBRARY BOOKMOBILE - BID NO. 2191-2000 - LIBRARY

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 August 10, 1999, for the purchase of a new Library Bookmobile on behalf of the Washoe County Library.

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:

Farber Specialty Vehicles
OBS Inc.

El Dorado Bus Sales, Matthews Specialty Vehicles and Sunset Bus submitted "no-bid" responses.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that Bid No. 2191-2000 for the purchase of a new Library Bookmobile, on behalf of Washoe County Library, be awarded to Farber Specialty Vehicles, in the amount of \$156,950 for the base bid item #1, which includes a 100% performance bond and a 5-year extended warranty on the engine and transmission, and bid item #1B for a wheelchair lift and swingaway bookcase in the amount of \$5,600 for a total cost of \$162,550. It was further ordered that bid item #1A was rejected as alternatively fueled engines were not offered for this application.

MINUTES

On motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the minutes of the Joint Meeting of October 7, 1999, be approved. On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the minutes of the Regular Meeting of October 19, 1999, be approved.

99-1125 COOPERATIVE AGREEMENT - TITLE IV-D SERVICES CONTRACT - STATE WELFARE DIVISION - DISTRICT ATTORNEY

Katy Singlaub, County Manager, advised the Board that the possible budget estimate for this agreement is somewhere in the neighborhood of \$50,000 or more, but stated she is not sure of the exact dollar amount.

Madelyn Shipman, Assistant District Attorney, advised that Brian Mirch from the Finance Department, had been informed by the District Attorney's Office that they do not perform Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) activities, as those are State responsibilities, and the amount should be minimal or none.

Chairman Galloway inquired if the scope of the entire project would be a significant matter that the Board needs to resolve before they vote on this item. Mrs. Singlaub responded that this is a reimbursement item and should not have a significant financial impact that is significant to the County regardless of the budget amount.

Upon recommendation of Madelyn Shipman, Assistant District Attorney, on motion by Commissioner Short, seconded by Commissioner

Bond, which motion duly carried, it was ordered that the Amendment to the Cooperative Agreement with the State for Title IV-D Services, be approved and Chairman Galloway be authorized to execute.

99-1126 WHOLESALE WATER SERVICE AGREEMENT - SOUTHEAST TRUCKEE MEADOWS - SIERRA PACIFIC POWER COMPANY - WATER RESOURCES

Chairman Galloway stated that this item and the Water Services Contribution Agreement with Nevada Tri-Partners (Item No. 99-1127) can be addressed together as they are intertwined.

Ed Schmidt, Director of Water Resources Department, stated that one of the Agreements before the Board today is between Washoe County and Sierra Pacific Power Company for a wholesale water supply agreement with Sierra Pacific; that they are similar to 2 agreements done recently with Spanish Springs and Hidden Valley; and that the agreement is for Nevada Tri-Partners to reimburse 100% of the costs involved in serving their project. He then explained the technical aspects of the agreement.

Chairman Galloway stated that one of his concerns is that in this agreement the rates the users will be paying are higher than what is normally obtained in the County, as the rates will be Sierra Pacific rates; and that possibly this cost was being amortized in the Sierra Pacific rate base and therefore might effect the rates of other taxpayers in the Truckee Meadows. He further stated that he was assured that this was not the case and requested Mr. Schmidt to confirm that for the record. Mr. Schmidt responded that the philosophy for the County has been for years, and will continue to be, that growth pays for itself and that 100% of the costs involved in serving Nevada Tri-Partners will be paid for by Nevada Tri-Partners.

Chairman Galloway stated that he was concerned about the role of South Truckee Meadows General Improvement District (STMGID) in this agreement; that it appeared they were deleting them from the whole item by removing their name from the item description; that his understanding now is that STMGID does have a role, as the developer is required to apply to STMGID for annexation, as they are in the annexation area of STMGID; and that it depends on what action STMGID takes as to how this matter would be handled. Mr. Schmidt provided a flow chart which shows the steps that would occur if STMGID accepts the annexation request or rejects the request.

Mr. Schmidt advised that if STMGID approved the annexation, then Water Resources would come back to the Board with an Interlocal Agreement with STMGID, for providing service to their newly annexed territory through Washoe County, and if they decided not to annex, then he would not be back before the Board.

Dwight Blevins, Vice-Chairman of STMGID, stated that last night they held a special meeting to inform the STMGID Board about the situation regarding the Wholesale Water Agreement; that two of the members had been involved in the negotiations but that the balance of the Board had not heard the full scenario; and that Commissioner Short and staff were present to answer questions. He further stated that STMGID would like to take the opportunity to decide whether or not to annex this area.

Following discussion, upon recommendation of Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Short, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Wholesale Water Service Agreement for portions of the Southeast Truckee Meadows between Sierra Pacific Power Company and Washoe County, be approved with a boundary adjustment to the actual area, excluding the area that has been previously annexed by STMGID, and Chairman Galloway be authorized to execute on behalf of Washoe County.

99-1127 WATER SERVICE CONTRIBUTION AGREEMENT - NEVADA TRI-PARTNERS - SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT - WATER RESOURCES

Upon recommendation of Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Water Service Contribution Agreement between Washoe County and Nevada Tri-Partners concerning passing all financial costs of the wholesale agreement to the County through to the developer and County's future projects, which will receive the benefits of the wholesale agreement, be approved and Chairman Galloway be authorized to execute. [See item 1126.]

John Sherman, Finance Director, stated that the introduction of this ordinance will set the process in motion to hold a public hearing in 2 weeks; that the cooperative agreement will have some minor changes to clarify a point that was raised after the draft was created; that in the event the County makes any payment on these Reno-Sparks Convention Visitors Authority (RSCVA) bonds, the amount paid will then become an obligation of the Authority to the County; and that although he believes this mechanism already exists in this document he would like to make sure that issue is clear.

In response to Commissioner Short's previous inquiry about combined debt among local governments in Washoe County, a schedule was prepared showing that as of June 30, 1999, the existing debt between Washoe County, the Cities of Reno and Sparks and their Redevelopment Authorities, the School District and the RSCVA, was \$624 million. Mr. Sherman stated that Scott Nash from Howarth and Associates is present to address an error in the schedule prepared by the financial advisors.

Scott Nash, Howarth and Associates, stated that the schedule referred to was a table presented to the Debt Management Commission to show the combined debt service of the Authority for certain classes of debt that the total of the combined debt service column did not take into account the medium-term debt of the Authority; and that only the actual total at the bottom is incorrect. Following a detailed explanation Mr. Nash advised the Board that he spoke with bond counsel; that he was told the incorrect total does not carry forward to other tables; that it is generally just an information item; and that the more meaningful number is the annual debt service obligation, which was correctly presented.

Madelyn Shipman, Assistant District Attorney, advised that the correspondence received from Attorney Glade Hall does not relate to this hearing today except by subject matter, and does not have any impact on the action this Board would take today, which is merely the introduction of the Ordinance. She further stated that the issues raised by the letter would be resolved, as her response to the letter indicates that the District Attorney's Office will review the process and then, assuming this is resolved, the issue would really be on November 23, 1999, as to whether the Board goes forward or not.

Chairman Galloway stated that he will reference the letters as part of the record, so that it is known that the Commissioners have received the letter and the draft initial reply from the Civil Division. Chairman Galloway then called on persons wishing to speak on this matter.

David Farside, Sparks resident, requested that an action item be placed on an agenda to coincide with the second reading, or prior to the second reading of the Resolution, which will allow the Commissioners to grant an extension of time before they approve or disapprove the bonds. He stated that he is not an opponent of the expansion or the bonds; that he is a concerned citizen who would like this process clarified and requested that the process be constitutional, legal and fair; that he would like this process to provide an opportunity for accountability by the RSCVA and the Commissioners; and that there should be a process for inclusiveness. He further requested an extension of time for the actual petition process, because after the 60 days is up, as far as the petition process is concerned, there is nothing that mandates that on the 61st day the bonds be approved or disapproved. He further stated that the only thing the 60 days relates to is that there is no more opportunity for a petition and that section 15 of the Resolution of Intent by the RSCVA, which really needs clarification, states that this Resolution shall become effective and be enforced immediately upon adoption, unless a petition is presented to the Authority on or before 5:00 p.m. on November 17th asking for an election upon the question whether or not the proposed bonds shall be incurred and if such petition satisfies the requirements of 350, the President or his designee shall not take any further action with respect to the sale of the bonds, unless otherwise directed by the Authority Board.

Ms. Shipman advised that the District Attorney's Office has looked at this issue and feels that because it is statutory the Board does not have the authority to extend the 60 day petition time. The Board requested that Ms. Shipman give them a written opinion reflecting the options available to them so that if necessary it could be placed on an agenda.

Commissioner Shaw inquired about Attorney Hall's letter, which stated that if this delay is not granted they would then apply for action in Federal District Court for clarification. Mr. Farside responded that their intention is to look at the issue constitutionally and to challenge the process, and if they cannot solve it on the local level and with the Commission, then they

will take it to Federal District Court for some kind of declaratory judgment.

Commissioner Bond inquired that once Ms. Shipman responds to their questions raised today, and they still do not get back the interpretation that they feel they should get, will they still go forward with the lawsuit. Mr. Farside stated that they do not want to hold up the issuance of the bonds and just because there is a constitutionality question with regard to the petition process, he does not know that that will hold up the issuance of the bonds.

Ms. Shipman advised that she has looked into this issue and believes that any lawsuit or action of litigation has the potential to impact the bonds, whether it is the constitutional issue or not. She further advised that in going forward, however, the bonds could either be sold at a higher interest rate, or alternatively being conservative, you wouldn't issue the bonds and it would be a delay, pending the litigation.

Sam Dehne, Reno citizen, stated that this expansion should not occur until they address parking issues.

Michael Robinson, area resident, addressed NRS 350.020 concerning when issuance of General Obligation Bonds must be voted on by the public and he requested that this matter be put on the ballot for a vote from the people. He further addressed petition requirements in seeking a public vote for such an issue.

Tim Smith, Vice-President of Finance with the RSCVA, stated that he would like to clarify a couple of comments that were made by various people; that under SB 477, all funds that have been received by the RSCVA since the approval, are in a bank account and not one penny has been spent; and that regarding expenditures to date the RSCVA has signed 2 contracts that total less than \$10 million. He further advised that with the type of conventions they are trying to attract parking needs do not need to be doubled, since people will be coming in by airplanes, buses and taxicabs from the hotels.

Commissioner Short requested a copy of the survey for projected conventions the RSCVA would draw with the expansion. Mr. Smith responded that he would be more than happy to share that information with the Board.

John Swendseid, Bond Counsel, advised that the 3% debt limit cap applies to bonds issued by county fair and recreation boards through County Commissions for purposes such as is being requested and not for parks purposes, and therefore they will not be impinging on any funds meant for that purpose. Following some discussion by Board members regarding the cooperative agreement, Mr. Swendseid stated that the ordinance contains a section wherein the cooperative agreement is approved through the adoption of the ordinance, but that if the Board desires, they may approve it separately as suggested by Ms. Shipman.

Chairman Galloway, in his justification of supporting this bond issue without a vote of the people which he has supported on another issue, stated that the other issue involved a separate tax which he viewed as different because it came from taxpayers as opposed to this, which is a room tax funded revenue stream out of the resorts where the people benefiting are the ones paying. He also commented that this involves selling bonds and does not affect the tax rate in the least.

Following discussion, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the cooperative agreement between the Reno-Sparks Convention and Visitors Authority and Washoe County regarding general obligation backing of bonds be approved with the amendments that will be forthcoming.

Bill No. 1258 entitled, "AN ORDINANCE CONSENTING AND AGREEING TO BE BOUND BY THE PROVISIONS OF THE AUTHORITY'S RESOLUTION AUTHORIZING THE ISSUANCE OF THE GENERAL OBLIGATION (LIMITED TAX) CONVENTION CENTER BONDS; AUTHORIZING THE EXECUTION OF A COOPERATIVE AGREEMENT BETWEEN THE COUNTY AND THE AUTHORITY RELATING TO THE BONDS; RATIFYING, APPROVING AND CONFIRMING ACTIONS HERETOFORE TAKEN IN THE AUTHORITY'S FINANCING AND IN THE IMPOSITION, COLLECTION AND ASSIGNMENT OF SUCH TAXES AND THE PLEDGE OF SUCH TAXES TO SAID BONDS; PRESCRIBING OTHER DETAILS IN CONNECTION HEREWITH; AND PROVIDING THE EFFECTIVE DATE THEREOF," was introduced by Chairman Galloway, the title read to the Board and legal notice for final action of adoption directed.

On motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the resignation of John Reilly as an at-large representative on the North Valleys Citizen Advisory Board be accepted and Jeannie Fow be appointed to fill this position with a term to expire June 30, 2000. It was further ordered that the Board remove Ramie Pratt as an at-large representative and appoint Deloris Clem with a term to expire June 30, 2001.

99-1130 APPOINTMENT - RESIGNATION - STREAM ADVISORY COMMITTEE

Upon recommendation of Steve Walker, Water Management Planner, through Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that Vince Griffith, P.E., be appointed to fill the vacant position on the Stream Advisory Committee. It was further ordered that a new position be added and Charles Donahue, the newly hired Washoe-Storey Conservation District Watershed Coordinator, be appointed to fill that position, which would provide continuity between the Steamboat Creek Restoration Committee and the Stream Advisory Committee.

99-1131 REGIONAL WATER PLANNING COMMISSION - LAKE TAHOE - WATER RESOURCES

Upon recommendation of the Regional Water Planning Commission, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, it was ordered that the letter directed to Larry Sevison, Chairman, Tahoe Regional Planning Agency, wherein the Washoe County Commission is opposing any lowering of Lake Tahoe, that could impact the regional water supply, be approved and Chairman Galloway be authorized to execute on behalf of the Board.

99-1132 TAHOE REGIONAL WETLANDS - INCLINE & THIRD CREEK WATERSHEDS - AQUATIC ECOSYSTEM RESTORATION PROJECT - ENGINEERING DIVISION

David Roundtree, Public Works Director, and Kimble Corbridge, P.E., Engineering Division, were present and answered questions for the Board.

Chairman Galloway stated that the Incline Village CAB and the Incline Village General Improvement District requested that they be allowed to have a community review in this matter, before any decision is made, and he therefore requests on their behalf, a continuance in this matter to a December meeting date.

After further discussion by the Board, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that this matter be continued to the December 14, 1999, agenda.

99-1133 SETTLEMENT - PRITCHARD VS WASHOE COUNTY - RISK MANAGEMENT

Upon recommendation of Raymond Sibley, Risk Management Division, through Katy Singlaub, County Manager, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the Risk Management Department be authorized to settle the matter of Pritchard vs. Washoe County.

99-1134 MARKET RESEARCH FIRM - TELEPHONE SURVEY - FINANCE

Sam Dehne, Reno Citizen, stated that he is almost always opposed to government phone surveys, as he feels they are biased, and does not take public input into consideration. Katy Singlaub, County Manager, responded that they are conducting this survey to get public input.

Upon recommendation of Kim Carlson, Administrative Analyst II, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that staff be directed to proceed with an informal bid process to hire a market research firm to conduct a telephone survey of registered voters in Washoe County to measure support for various proposed ballot questions.

99-1135 POSITION CONTROL NUMBER 99 - TWO PART TIME POSITIONS - SOCIAL SERVICES

Upon recommendation of Mike Capello, Acting Director, Social Services Department, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that one full-time Child Protective Services Intake Screener position (Position Control #99), be changed to two part-time positions effective November 15, 1999; and that the Human Resources Department be directed to make the appropriate adjustments.

99-1136 ELIMINATION PART TIME PERMANENT POSITION - FULL TIME PERMANENT POSITION - LAW LIBRARY

Upon recommendation of Brian Mirch, Senior Administrative Analyst, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the elimination of position number 10, which is a Law Library Aide position budgeted at part time\permanent status (budgeted at 1048 hours for fiscal year 1999-2000), be approved.

It was further ordered that an increase in hours for position number 8, which is a Law Library Aide position from part time\permanent status to permanent full time status be approved.

99-1137 NEW CLASSIFICATION - WATER RIGHTS TECHNICIAN SUPERVISOR - HUMAN RESOURCES

Upon recommendation of Joanne Ray, Human Resources Director, on motion by Commissioner Short, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that a new classification and salary for a Water Rights Technician Supervisor, classcode 3050 and salary range grade Y140 (\$35,505.60 - \$45,361.60) be approved.

99-1138 RECLASSIFICATION - REGISTERED NURSE I POSITIONS - COMMUNITY HEALTH NURSE II - CLERK TYPIST II POSITION - PROGRAM ASSISTANT - HUMAN RESOURCES

Upon recommendation of Joanne Ray, Human Resources Director, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that,

1. Reclassification of three vacant Registered Nurse I positions within the Health Department, class code 0602 and salary range grade N110 (\$37,169.60 - \$49,337.60) to the existing classification of Community Health Nurse II, class code 0604 and salary range grade N120 (\$37,731.20 - \$50,148.80), be authorized. It was further ordered that the Department of Human Resources be authorized to fill future vacancies at the Community Health Nurse II Level; and
2. Reclassification of a vacant Clerk Typist II position within the Health Department, class code 0021 and salary range grade W060 (\$23,483.20 - \$31,012.80) to the existing class of Program Assistant, class code 0172 and salary range grade Y120 (\$33,904.00 - \$45,052.80), be authorized.

99-1139 OPEN SPACE - ARROWCREEK DEVELOPMENT - SOUTHWEST POINTE ASSOCIATES LLC - PARKS & RECREATION

Upon recommendation of Karen Mullen, Parks & Recreation Director, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Restrictive Covenant, Grant, Bargain and Sale Deed, and Easement for Drainage and Utilities, for the second transfer of open space (195.31 acres) at Arrowcreek Development from Southwest Pointe Associates, L.L.C., be accepted and Chairman Galloway be authorized to execute. It was further ordered that the assessments be cleared before title is conveyed.

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The Board recessed at 3:00 p.m. until the scheduled 5:00 p.m. public hearing.

5:00 p.m. The Board reconvened with all Board members present as in the earlier session and Chief Deputy County Clerk Betty Jo Vonderheide substituting for County Clerk Amy Harvey.

* * * * *

5:00 p.m. This was the time set in a Notice of Public Hearing mailed to affected property owners by the Department of Community Development on October 27, 1999, and published in the Reno Gazette-Journal on October 29, 1999, to consider the appeal of Elayna Joy Hocking, applicant, of the decision of the Washoe County Planning Commission to deny Abandonment Case No. AB8-10-98, which is a request to abandon Reno Avenue north of Lot 1, Block B of Amended Rocky Point Subdivision, 6th Street west running to the center of the street in front of the lot and 7th Street running to the center of the street at the rear of the property. The undeveloped .057-acre parcel is located approximately 600 feet above State Highway 28 at Rocky Point, Lot 1, Block B, Amended Rocky Point Subdivision, designated High Density Suburban (HDS) in the Tahoe Area Plan, and situated in a portion of Section 26, T16N, R18E, MDM, Washoe County, Nevada. Proof was made that due and legal Notice had been given.

Chairman Galloway opened the public hearing.

Sharon Kvas, Planner, Department of Community Development, located subject property and described the surrounding area on maps and photographs displayed on the overhead, provided detailed background and historical information concerning the property and Rocky Point Subdivision, and reviewed the Planning Commission's recommendation and findings. She also described the topography of the property, discussed the United States Forest Service attempts to purchase these lots, and the Tahoe Regional Planning Agency IPES score process and requirement for building, stating that subject has no IPES score. Ms. Kvas pointed out that the USFS is recommending denial of this abandonment request and answered numerous questions from Board members.

Elayna Joy Hocking, applicant, stated that she uses this lot for painting, writing, etc.; that there really are no roads as they are paper roads only or footpaths; that she used to wrap her supplies and materials in camouflage and hide them; that a couple of years ago someone stole her belongings; that after that incident she did post no trespassing signs, but someone took them down; that she has had the property professionally surveyed; and that she thought if the abandonment was approved, she could place no trespassing signs farther out so other people would know that this is private property and perhaps that would protect her from such vandalism. Ms. Hocking emphasized several times that she has no intention of building anything on this lot and offered to document that in writing. She also responded to several questions from the Board.

George Armstrong stated that he owns property on the same block; that this would restrict access to his property; and that taking away ingress/egress to any property does not make sense.

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

Legal Counsel Madelyn Shipman reminded the Board that the statutory standard for approving abandonment's is whether there is material injury to the public.

Commissioners Short and Bond commented that they did not feel abandoning the road and putting up more signs would make the property any more secure or offer any more protection for Ms. Hocking; and that access to public lands would be restricted if this was approved. Commissioner Shaw agreed and stated that he could make the findings necessary to deny the appeal.

On motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that the appeal of Elayna Joy Hocking of the Planning Commission's decision to deny Abandonment Case No. AB8-10-98 be denied and the denial by the Washoe County Planning Commission be upheld based on the following findings:

1. The abandonment involves property that is inaccessible by vehicle, has neither sewer or water service, nor a plan to provide such service, and does not have the mandated Tahoe Regional Planning Agency (TRPA) Individual Parcel Evaluation Score (IPES) to allow development;
2. The possible development potential of the properties in private ownership has not been ascertained and it is premature to determine whether the abandonment would create a detriment to abutting or surrounding properties;

3. The public would be materially injured by the abandonment because of limited or restricted access to other private property and public lands; and

4. The Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

COMMISSIONERS' /MANAGER'S COMMENTS

Chairman Galloway called for a workshop to discuss issues unique to Incline Village/Crystal Bay.

Commissioner Bond stated that there are areas in her District that also have unique topographical situations and asked that staff also evaluate those for inclusion in the workshop.

Commissioner Shaw reported that he and Commissioner Short toured Empire, Gerlach, the Black Rock Desert and the High Rock Canyon area over the past weekend and requested that staff bring forth a future agenda item regarding concerns in conjunction with Humboldt and Pershing Counties. Katy Singlaub, County Manager, advised that staff is assembling information and a workshop will be scheduled.

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There being no further business to come before the Board, the meeting adjourned at 5:45 p.m.

JIM GALLOWAY, Chairman
Washoe County Commission

ATTEST: AMY HARVEY, County Clerk

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