

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

DECEMBER 12, 2000

PRESENT:

Ted Short, Chairman
Jim Shaw, Vice Chairman
Joanne Bond, Commissioner
Jim Galloway, Commissioner
Pete Sferrazza, Commissioner

Amy Harvey, 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:

00-1155 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Short ordered that the agenda for the December 12, 2000, meeting be approved with the following change: **Amend Item 6K:** Bid No. 2264-2001 EPA Approved Road De-Icing Sand to the correct amount of \$46,000.00.

PUBLIC COMMENTS

Al Hesson, area resident, expressed his concern about armed guards at the Department of Motor Vehicles.

Robert Metz, Reno citizen, requested that the public be included in submitting ideas for proposed uses of the Pioneer property.

Sam Dehne, area resident, expressed his continued concern about the proposed expansion at the Airport. He requested that Item 16 be moved to the front of the agenda, as there are many people present to speak on that issue.

Gary Schmidt, area resident, informed the Board that he had just won a case in Court against the County in which the County was ordered to pay his attorney's fees. He said the County had failed to release public documents to him; therefore he was unable to make a proper case concerning his proposed project to the Board.

Rob Seaton, on behalf of the Sierra Sage Bar & Grill, requested that a 5-year extension be granted to continue operating their business at the Sierra Sage Golf Course. He said they will be making a full presentation to the Board at their December 19, 2000, meeting.

COMMISSIONER AND MANAGER'S COMMENTS

Commissioner Sferrazza requested that a resolution requesting the Airport Authority to conduct a full EIS be placed on the next meeting agenda. He further requested that staff report back to the Board concerning the release of public documents in the Gary Schmidt matter.

Commissioner Galloway clarified that there was no action under way by this Board to remove either of the County's appointees on the Airport Authority Board. One of the appointees is resigning by his own volition and is not the result of any action taken by this Board.

Commissioner Shaw said an ad was placed in the newspaper requesting applications for an appointment to the Airport Authority Board.

MINUTES

On motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that the minutes of the regular meetings of November 14 and 21, 2000, be approved.

00-1156 SEXUAL ASSAULT – MEDICAL CARE - PAYMENT

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short 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 medical or psychological treatment for 71 sexual assault victims in an amount totaling \$19,632.63 as set forth in a memorandum from Vickie Wedow, Administrative Assistant, District Attorney's Office, dated November 14, 2000, and placed on file with the Clerk.

00-1157 BUSINESS LICENSE – SIERRA WINE & SPIRITS INC – COMMUNITY DEVELOPMENT

Upon recommendation of Bob Webb, Planning Manager, Community Development, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that the application for Business License for an Importer of Intoxicating Liquors – Penny Roskoski, Carl V. Ceccarelli, and Marie A. Ernst dba Sierra Wine & Spirits, Inc., be approved.

00-1158 TRANSFER OF FUNDS – GENERAL FUND TO THE LIBRARY EXPANSION FUND

Upon recommendation of Lisa Gianoli, Budget Manager, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that the following transfer from the General Fund to the Library Expansion Fund be approved. It was further ordered that the Comptroller be directed to make the necessary account adjustments to interfund transfers and cash as well as all of the necessary general ledger accounts as of June 30, 2000:

Decrease: General Fund	Amount	Account Number
Taxes	\$1,737,767.00	Breakdown in budgeted detail
Interest	\$ 100,000.00	13067D-6151
Total Revenue Authority	\$1,837,767.00	
Salaries and Wages	\$1,250,939.00	Breakdown in budgeted detail
Employee Benefits	\$ 409,519.00	Breakdown in budgeted detail
Service and Supplies	\$ 170,470.00	Breakdown in budgeted detail
Capital Outlay	\$ 450.00	Breakdown in budgeted detail
Transfers Out (debt service)	\$ 640,698.00	001-13067D-8145
Total Expenditure Authority	\$2,472,046.00	
Cash (at 6/30/00)	\$1,663,916.58	001-0124
Increase: Library Expansion Fund	Amount	Account Number
Taxes	\$1,737,767.00	Breakdown in budgeted detail
Interest	\$ 100,000.00	13067D-6151
Total Revenue Authority	\$1,837,767.00	
Salaries and Wages	\$1,250,939.00	Breakdown in budgeted detail
Employee Benefits	\$ 409,519.00	Breakdown in budgeted detail
Service and Supplies	\$ 170,470.00	Breakdown in budgeted detail
Capital Outlay	\$ 450.00	Breakdown in budgeted detail
Transfers Out (debt service)	\$ 640,698.00	004-0402-8145
Total Appropriations	\$2,472,046.00	
Cash (at 6/30/00)	\$1,663,916.58	004-1001

00-1159 APPROPRIATION TRANSFERS – CAPITAL IMPROVEMENTS PROGRAM IMPLEMENTATION PROGRAM – PUBLIC WORKS ADMINISTRATION PROGRAM – BUDGET

Upon recommendation of Anna Heenan, Senior Administrative Analyst, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that the transfer of appropriations from the CIP implementation program to the Public Works Administration program be approved and the Comptroller be directed to make the following adjustments:

Capital Improvements Program Implementation			Public Works Administration	
<i>DECREASE</i>			<i>INCREASE</i>	
Base Salaries	1602-7001	\$10,670.00	1601-7001	\$10,670.00
Health Insurance	1602-7042	\$ 1,560.00	1601-7042	\$ 1,560.00
Medicare	1602-7050	\$ 155.00	1601-7050	\$ 155.00
Retirement	1602-7048	\$ 2,001.00	1601-7048	\$ 2,001.00
Total		\$14,386.00		\$14,386.00

**00-1160 APPROPRIATIONS TRANSFER – INCLINE CONSTABLE
ACCOUNT – INCLINE JUSTICE COURT ACCOUNT – BUDGET**

Upon recommendation of Anna Heenan, Senior Administrative Analyst, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that the appropriations transfer of \$16,994 from the Incline Constable Pooled positions account 1261-70021 to the Incline Justice Court account 1251-70021 and \$11,700 from the Incline Constable Standby Pay account 1261-7012 to the Incline Justice Court Standby pay account 1251-7012 be approved and the Comptroller be directed to make the appropriate adjustments.

**00-1161 ACCEPTANCE OF DONATION – E.L. CORD FOUNDATION –
SENIOR SERVICES**

Upon recommendation of Karen Mabry, Director Senior Services, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that the donation from the E.L. Cord Foundation in the amount of \$40,000 be accepted with gratitude and the Comptroller be directed to make the following account changes.

	<i>AMOUNT</i>	<i>ACCOUNT</i>
REVENUE	\$40,000	2562D-7849
EXPENDITURE	\$40,000	2562D-7849

It was noted that the \$40,000 donation is strictly for the purchase of a Mobile Advantage “Meal Star” 90/90 meal delivery vehicle for Senior Nutrition Program.

**00-1162 ACCEPTANCE OF STATE GRANT – STATE DIVISION FOR
AGING SERVICES – SENIOR SERVICES**

Upon recommendation of Karen Mabry, Director Senior Services, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that the grant award from the State Division for Aging Services in the amount of \$238,000 each for FY 2000/2001 and FY 2001/2002 be accepted and the establishment of specific revenue and expenditure accounts be approved as follows:

<i>REVENUE</i>	<i>AMOUNT</i>	<i>ACCOUNT</i>
Independent Living Grant	\$ 78,000	2562D-7849
	\$160,000	256301G-4302
<i>EXPENDITURE</i>	<i>AMOUNT</i>	<i>ACCOUNT</i>
Independent Living Grant	\$ 78,000	2582D-7849
	\$160,000	256301-7000

00-1163 AMENDMENT – FY 2000/2001 FAMILY PLANNING PROGRAM
BUDGET – HEALTH DEPARTMENT

Upon recommendation of Barbara Hunt, District Health Officer, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that the amendment to the FY 2000/2001 Family Planning Program be approved and the Comptroller be directed to make the following account amendments:

Account Number	Description	Amount of Increase (Decrease)
002-1700-1730G1-4301	Federal Funds	\$200,256.00
002-1700-1730G1-7002	Part time Salaries	\$ 27,575.00
-7042	Group Insurance	\$ 3,120.00
-7043	Dependent Insurance	\$ 2,456.00
-7046	Workman's Comp	\$ 268.00
-7047	Unemployment Comp	\$ 50.00
-7048	Retirement	\$ 5,170.00
-7050	Medicare	\$ 400.00
-7140	Other Prof. Services	\$ 7,283.00
-7205	Minor Furniture	\$ 1,000.00
-72051	Personal Computer	\$ 1,500.00
-7213	Books/Subscriptions	\$ 300.00
-7230	Educational Materials	\$ 750.00
-7237	PC Software	\$ 1,103.00
-7245	High Risk Supplies	\$ 150.00
-7250	Office Supplies	\$ 200.00
-7261	Postage	\$ 100.00
-7304	Advertisements	\$ 3,000.00
-7322	Copy Machine	\$ 150.00
-7357	Printing	\$ 200.00
-7364	Registration	\$ 500.00
-7382	Telephone	\$ 250.00
-7403	Biologicals	(\$11,691.00)
-7423	Referral Services	\$ 155,072
-7620	Travel	\$ 1,350.00
	Total	\$200,256.00

00-1164 **CANCELLED REGULAR SCHEDULE BOARD OF COUNTY COMMISSIONERS MEETING – DECEMBER 26, 2000**

On motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that the meeting of the Washoe County Board of Commissioners for December 26, 2000, be cancelled due to findings that there will not be a quorum and there will be insufficient business to conduct a meeting. Therefore, it is hereby declared that pursuant to Ordinance No. 179, the County Commissioners' meeting scheduled for December 26, 2000 be cancelled and the Clerk be directed to post Public Notice of same.

00-1165 **WOLF RUN GOLF COURSE (GOLF VISION) – MONTHLY STATUS REPORT – UTILITY SERVICES**

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that the Monthly Status Report regarding Wolf Run Golf Course (Golf Vision) reclaimed water service payment and usage be accepted.

00-1166 **AWARD OF BID – NO. 2264-01 – EPA APPROVED ROAD DE-ICING SAND – ROADS DIVISION AND PARTICIPATING JOINDER AGENCIES**

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 18, 2000, for EPA Approved Road De-Icing Sand, on behalf of the Washoe County Roads Division of the Public Works Department and participating joinder agencies. 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:

Sha-Neva, Inc.
Cinderlite Trucking Corp.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that Bid No. 2264-01 for EPA Approved Road De-Icing Sand, on behalf of the Washoe County Roads Division and the City of Reno, be awarded to the lowest responsive, responsible bidder, Sha-Neva, Inc., in the following manner:

Washoe County Roads Division

BIDDER	BID ITEMS	COST
Sha-Neva, Inc.	#1. EPA Sand Delivered	*\$9.20/per ton
	#1.A. EPA Sand Total	\$46,000.00
	#1.B. EPA Sand F.O.B Plant	\$5.00/per ton

City of Reno

* The difference in the delivered cost between Washoe County and the City of Reno is due to the fact that the City of Reno's maintenance yard is located closer to the supplying quarry.

BIDDER	BID ITEMS	COST
Sha-Neva, Inc.	#2. EPA Sand Delivered	\$8.65/per ton
	#2.A. EPA Sand Total	\$30,275.00
	#2.B. EPA Sand F.O.B. Plant	\$5.00/per ton

00-1167 RESOLUTION – TRANSFER OF FUNDS TO THE NEVADA LAND CONSERVANCY – COMMUNITY DEVELOPMENT

Upon recommendation of Robert Sellman, Director, Community Development Department, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that the resolution authorizing the transfer of funds from the Community Development Department to the Nevada Land Conservancy be adopted and Chairman Short be authorized to execute. It was further ordered that the Director of Community Development be authorized to transfer the sum of \$75,000 from the department's authorized budget to the Nevada Land Conservancy.

RESOLUTION - Authorizing Grant of Public Money to the Nevada Land Conservancy

WHEREAS, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county and that a board may make a grant of money to a private organization, not for profit, to be expended for a selective purpose; and

WHEREAS, The Board of Commissioners of Washoe County has determined that granting of funds to the Nevada Land Conservancy will provide a substantial benefit to the inhabitants of Washoe County; now, therefore, be it

RESOLVED, By the Board of Commissioners of Washoe County that:

1. The Board hereby grants to the Nevada Land Conservancy, a private, non-profit organization, a grant for fiscal year 2000-2001 in the amount of \$75,000;

2. The Board hereby grants to the Nevada Land Conservancy the use of County facilities should the Director of the Parks and Recreation Department and/or the Director of the Department of Community Development determine that that is a desirable and effective use of County facilities.

00-1168 **FEDERAL GRANT MONIES – VIOLENCE AGAINST WOMEN ACT – TRANSFER FUNDING TO APPROPRIATE ACCOUNTS – SHERIFF’S DEPARTMENT**

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that the Federal Grant under the Violence Against Women Act, in the amount of \$20,000, to be used in hiring a part-time clerk to support the Domestic Violence Investigations Unit of the Washoe County Sheriff’s Office, be accepted.

It was further ordered that the following budget adjustments be authorized:

INCREASE REVENUES		
152471G-4301	Federal Contributions	\$20,000.00
INCREASE EXPENDITURES		
152471G-7385	Training	\$1,627.00
152471G-7260	Police Supplies	\$1,515.00
152471G-7036	Contractual Wages	\$16,058.00
152471G-7620	Travel	\$800.00

It was noted that the Sheriff’s Office will utilize the services of one of the three contracted employment agencies for the part-time clerk. Grant funds will also be utilized for training purposes and to purchase equipment for that unit.

00-1169 **RESOLUTION – COUNTY COMMISSION DISTRICT 1 – SPECIAL FUNDING ACCOUNT**

Sarah Ohmann, Executive Director, Children’s Cabinet (Incline Village), expressed appreciation to Commissioner Galloway for this contribution and said this funding will help provide additional counseling for the children.

Commissioner Galloway said County staff has been cooperative in putting Children’s Cabinet in touch with other funding possibilities available from public agencies.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the \$2,000.00 expenditure from County Commission District 1 Special Funding Account be approved as follows:

Commissioner Galloway:

\$2,000.00 to Children's Cabinet at Incline Village to be used to fund their Counseling Program

It was further ordered that the following resolution be adopted and Chairman Short be authorized to execute:

RESOLUTION – Authorizing the Grant of Public Money to a Private Nonprofit Organization

WHEREAS, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county and that a board may make a grant of money to a private organization, not for profit, to be expended for a selected purpose; and

WHEREAS, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in Fiscal year 2000/2001, a grant of money which will provide a substantial benefit to the inhabitants of Washoe County and which is made to private, nonprofit organizations; now, therefore, be it

RESOLVED, By the Board of Commissioners of Washoe County that the Board hereby grants to Children's Cabinet at Incline Village, a private, nonprofit organization, a grant for Fiscal Year 2000/2001 in the amount of \$2,000.00 to be used to fund their Counseling Program.

00-1170 SIERRA PACIFIC POWER COMPANY – GRANT OF EASEMENT (APN 082-631-13) – KEYSTONE CANYON

Commissioner Sferrazza asked Karen Mullen, Parks & Recreation Director, where the existing easement was located versus the new easement. He inquired if they are of identical size. Ms. Mullen said the existing easement is located on the western edge of Rancho San Rafael Park and is not located on County property, but on the water tank property. She reminded the Board that Washoe County participated in a land exchange, which provided public access to Keystone Canyon, of approximately 47 acres and the developer, in return, received a 3-acre portion of County property to allow for the extension of Keystone Avenue. At that time it was recognized that the road to the water tank would need to be realigned at the time the extension of Keystone Avenue was designed.

Commissioner Sferrazza asked why the County would give Sierra Pacific a free easement. He said if the easement is already on private property and Sierra Pacific wants to put it on public property they should have to pay the actual cost for an easement. Ms. Mullen said the existing easement was not the actual road Sierra Pacific was using to get to the water tank. When this land was exchanged and held by the previous property owner, the Keystone Canyon property, it was agreed that the County would allow them to utilize the same existing road to the water tank.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the request from Sierra Pacific Power Company for a Grant of Easement through APN 082-631-13 for an access road to the existing water tank at Keystone Canyon be approved and Chairman Short be authorized to execute.

**00-1171 INTERLOCAL AGREEMENT – JUVENILE SERVICES –
WITTENBERG HALL – DISTRICT HEALTH DEPARTMENT**

Upon recommendation of Barbara Hunt, District Health Officer, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Interlocal Agreement between the Washoe County Department of Juvenile Services and the District Health Department, concerning providing vaccines, tuberculosis testing solution, sharing annual revisions of Laboratory Manual and staff consulting services for Wittenberg Hall, be approved and Chairman Short be authorized to execute.

**00-1172 RIGHT OF ENTRY AND TEMPORARY EASEMENT
AGREEMENT – SIERRA PACIFIC COMMUNICATIONS –
BARTLEY RANCH – PARKS DEPARTMENT**

Commissioner Sferrazza said normally there is an annual fee for this type of easement, and there is a market value on this property. He requested that, if the County is giving an easement through the middle of a park, they receive fair market value established through an appraisal.

Karen Mullen, Parks & Recreation Director, said she does not know about an annual payment for this type of easement. She said previously they have received a fixed one-time payment for the easement. In lieu of that in this matter, Sierra Pacific Communications agreed to pave the parking and road areas which currently only have base material, in an estimated amount of \$38,000.

Commissioner Sferrazza requested that this item be deferred until staff can report back to the Board on how the value of this easement was established. Ms. Mullen said this is not an actual appraised value but is the square footage of the easement based on value in the area.

Commissioner Shaw asked if the Parks Commission expressed concern over this easement. Ms. Mullen said the Parks Commission was concerned about the existing roadways, parking lots and/or existing old roadway, which was converted to a trail, but did recommend this for approval.

Commissioner Galloway asked if by granting this easement would this allow Sierra Pacific Communications to bury additional items or would this easement limit them to just the underground fiber optic. Ms. Mullen said this easement is limited

to just this particular communication cable and they could not come back and put in a gas line, etc.

Commissioner Sferrazza asked whether this would be a perpetual easement. Ms. Mullen said the easement generally runs with the utility. She said she would have to rely on the District Attorney's Office for an opinion on temporary versus perpetual. Madelyn Shipman, Legal Counsel, said she is not able to comment on this, at this time, as she has not reviewed the easement.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Short ordered that the Right of Entry and Temporary Easement for Sierra Pacific Communications, Inc. to install underground fiber optic conduit through Bartley Ranch Regional Park, be continued to a later date when staff can inform the Board how this easement was valued. Staff was directed to submit a list of comparable easements in the community and County precedent concerning limited time easements or indefinite perpetual easements with regard to other utilities of this type.

00-1173 INTERLOCAL AGREEMENT – TRUCKEE MEADOWS FIRE PROTECTION DISTRICT – WASHOE COUNTY SCHOOL DISTRICT – RISK MANAGEMENT DIVISION

Upon recommendation of Ray Sibley, Risk Management Division, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that the Risk Manager be authorized to enter into and execute an interlocal agreement with Truckee Meadows Fire Protection District and Washoe County School District, for the purpose of jointly participating in a broker selection process and purchasing insurance.

00-1174 AGREEMENT – POST ACUTE CARE LLC CONTRACT – NEVADA HEALTH CARE COALITION – RISK MANAGEMENT DIVISION

Upon recommendation of Ray Sibley, Risk Management Division, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that the Employer Participation Agreement with the Nevada Health Care Coalition for their contract with Post Acute Care, LLC, a network of post acute facilities throughout the country, be approved and the Risk Manager be authorized to sign the Participation Agreement, effective January 1, 2001.

00-1175 INTERLOCAL AGREEMENT – GERLACH GENERAL IMPROVEMENT DISTRICT – SENIOR PROGRAM OPERATION

Upon recommendation of Karen Mabry, Director Senior Services, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Interlocal Agreement with the Gerlach General Improve-

ment District for the purpose of utilizing the Gerlach Senior Center for the County's senior programs and for the provision and operation of such programs be approved and Chairman Short be authorized to execute.

**00-1176 INTERLOCAL AGREEMENT – QUIT CLAIM DEED – GERLACH
GENERAL IMPROVEMENT DISTRICT – PROPERTY
TRANSFER**

Upon recommendation of Karen Mabry, Director Senior Services, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Interlocal Agreement with the Gerlach General Improvement District for the purpose of transferring the recently constructed Gerlach Senior Center from the County to the District be approved and Chairman Short be authorized to execute the Agreement and Quit Claim Deed.

**00-1177 ADDENDUM TO THE CONTRACT FOR MEDICAL SERVICES –
WASHOE COUNTY DETENTION FACILITY – SHERIFF'S
OFFICE**

Upon recommendation of Janice Lee, Captain, Sheriff's Department, and Ron Steele, Administrative Analyst, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that the addendum to eliminate Section 33.3 of the 1998 medical services agreement between Washoe County and Prison Health Services, Inc. (PHS) be approved and Chairman Short be authorized to execute.

It was noted that the addendum eliminates per diem reduction in reimbursement when the Average Daily Population (ADP) of the Washoe County Detention Facility is less than 1,200 for fiscal year 2000, and 1,300 for fiscal year 2001.

**00-1178 CORRECTION OF FACTUAL AND CLERICAL ERRORS ON
TAX ROLLS – ASSESSOR**

Upon recommendation of Thomas Sokol, Assistant Chief Deputy Assessor, and Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Galloway, seconded by Commissioner Bond, 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 indicated thereon and mailed to the property owners, a copy of which is placed on file with the Clerk. It was further ordered that the Orders directing the Treasurer to correct the errors be approved and Chairman Short be authorized to execute on behalf of the Commission.

Tahoe Feed & Grain--I.D.# 2/213075 [-\$185.58] (1999 Unsecured Roll).
Spanish Springs Electric--I.D.# 2/460-285 [-\$36.86] (1999 Unsecured Roll).
Don Saxton Photography--I.D.# 2/104-263 [-\$36.92] (2000 Unsecured Roll).
Bloomster Consulting--I.D.# 2/104-705 [-\$23.63] (2000 Unsecured Roll).
A T & T Global Network Services--I.D.# 2/191-241 [-\$16.16] (2000 Unsecured Roll).

Santa Barbara Bank & Trust--I.D.# 2/191-556 [-\$64.27] (2000 Unsecured Roll).
 Cashman Equipment Company--I.D.# 2/199-033 [-\$95.17] (2000 Unsecured Roll).
 6.Q.Greg V. Powning, DDS--I.D.# 2/161-125 [-\$150.30] (2000 Unsecured Roll).
 Schafer Construction--I.D.# 2/460-264 [-\$375.10] (2000 Unsecured Roll).
 Casino Signs North--I.D.# 2/529-097 [-\$11,739.90] (2000 Unsecured Roll).
 Sierra Pacific Power Company--I.D.# 32/03-736 [-\$268.64] (2000 Unsecured Roll).
 Motel 6 Operating LP--Parcel # 006-151-06 [-\$687.43] (2000 Secured Roll).
 Vinubhai A. & Indiraben V. Patel--Parcel # 007-264-19 [-\$73.92] (2000 Secured Roll).
 Thomas J. Hall, Esq.--Parcel # 011-154-05 [-\$33.01] (2000 Secured Roll).
 Time Oil Co.--Parcel # 012-201-01 [-\$149.53] (2000 Secured Roll).
 Time Oil Co.--Parcel # 013-165-12 [-\$123.78] (2000 Secured Roll).
 Rep Associates--Parcel # 013-323-23 [-\$485.56] (2000 Secured Roll).
 Bruno & Edna B. Benna--Parcel # 016-730-11 [-\$1,097.33] (2000 Secured Roll).
 California State Automobile Association--Parcel # 020-201-65 [-\$434.07] (2000 Secured Roll).
 Atlantic Richfield Co.--Parcel # 025-290-16 [-\$16.16] (2000 Secured Roll).
 Sears Roebuck--Parcel # 025-372-30 [-\$585.60] (2000 Secured Roll).
 Time Oil Company--Parcel #032-125-24 [-\$162.67] (2000 Secured Roll).
 Mount Rose Development Co.--Parcel # 048-112-08 [-\$38.93] (2000 Secured Roll).
 Horgan 1996 Family LTD PTSP--Parcel # 079-220-01 [-\$25.23] (2000 Secured Roll).
 Time Oil Company--Parcel # 085-021-16 [-\$75.85] (2000 Secured Roll).
 Gregory G. & Vicki P. Bischoff--Parcel 047-020-74 [-\$1,007.19] (1999 Secured Roll).
 Michael B. Stewart--Parcel # 066-080-35 [-\$2,350.59] (1999 Secured Roll).
 Michael B. Stewart--Parcel # 066-080-35 [-\$1,628.56] (2000 Secured Roll).
 Washoe County--Parcel #160-030-07 [-\$189.38] (1999 Secured Roll).
 Washoe County--Parcel # 160-030-07 [-\$189.39] (2000 Secured Roll).
 City of Reno--Parcel # 502-052-21 [-\$428.18] (1999 Secured Roll).
 City of Reno--Parcel # 502-052-21 [-\$462.91] (2000 Secured Roll).
 Robert W. & Jami L. Morrison--Parcel # 508-360-29 [+\$1,058.59] (1999 Secured Roll).
 Robert W. & Jami L. Morrison--Parcel # 508-360-29 [+\$1,058.58] (2000 Secured Roll).

00-1179 PRESENTATION – PHIL ULIBARRI – WOMEN INFANT AND CHILDREN’S PROGRAM/HEALTH PASSPORT PROJECT UPDATE – DISTRICT HEALTH DEPARTMENT

Phil Ulibarri, Washoe County District Health Department, using a power point presentation, reviewed the Health Passport Project. He said over 7000 “smart cards” have been issued in Washoe County since the beginning of this project. He advised that this is a pilot project currently implemented in only 3 cities, Bismarck, North Dakota, Cheyenne, Wyoming and Reno, Nevada. He noted that all of the grocery stores in the area have signed up to participate in this project.

Commissioner Sferrazza inquired if the card held entire medical records for the person it was issued. Mr. Ulibarri advised that it does not hold entire medical records at this time, but they have just begun to scratch the surface with the information they can place on the card.

Commissioner Bond asked where the kiosks are located. Mr. Ulibarri said they are located at the three WIC Offices and the Reno and Sparks main libraries. He said participants could also use the kiosk to refresh their card every 2 months for WIC benefits, eliminating the need to go to the WIC Office.

Mr. Ulibarri said the Smithsonian Institution recently awarded the Western Governor's Association (WGA) Health Passport Project laureate recognition for being among the year's most innovative applications in technology. The abstract written for this award is now part of the permanent research collection on information technology at the Smithsonian's National Museum of American History. The Health Passport Smart Card has recently been included by the WGA as one of the U.S.A.'s global healthcare applications that will improve and extend cooperation in healthcare matters facilitated by modern technologies.

Commissioner Sferrazza congratulated Mr. Ulibarri and staff for doing a wonderful job with this project.

00-1180 UPDATE - WASHOE EMPLOYEES RESOLUTION TO THE CLASSIFICATION AND COMPENSATION STUDY – HUMAN RESOURCES

Joanne Ray, Human Resources Director, briefly updated the Board on the Hay Study. She advised that some employees had turned in reclassification requests that are not a part of the WERCCS project and those will be dealt with once the Hay Study is implemented. She said there were over 600 requests for review. They have scheduled ten days in December and January to complete the requests for review, and she will keep the Board informed of how things are progressing.

Upon Commissioner Shaw's inquiry, Ms. Ray outlined the review process.

Commissioner Sferrazza said he is concerned that the Committee does not have every job classification nor a representative from every job classification. He asked how the Committee would know what the actual job entails if they have never worked in that job. Ms. Ray said that one of the strong advantages of the point factor system is it allows them to look at class specifications, which were updated by every employee at the beginning of the study. She stated that every single comment by every employee was reviewed by the Job Evaluation Committee members, who spent hours and hours doing so. If the Committee has any questions, they can go back to the Assistant County Managers for clarification.

Commissioner Sferrazza said he understands the end result will mean a number of employees being redlined. He and the County Manager reviewed the proposed pay ranges and there will be a number of employees under this system who will not be eligible for a cost of living adjustment, and he does not believe the end results should affect the cost of living. He asked why they were reviewing the Court Study today when they had previously agreed that both studies would be brought back at the same time. Ms. Ray said no one had anticipated that the Hay Study would take this long.

Commissioner Bond asked if the appeals from the employees were across the board throughout the County structure, or were there significant numbers being gen-

erated by specific departments. Ms. Ray said there are specific groups, but they are throughout the County, including higher ranked personnel.

Commissioner Sferrazza said he would like to have turnover by classification so that, when reviewing the final recommendations, he would have that information to compare against. He would also like to have the number of applications for job classifications when they are open, as that would indicate whether they are well paid or not, including the transfer rates between job classifications.

Ray Comtois, Building Technician, General Services, said when he was hired he was shown a pay scale for his job that had five merit increase steps. He said people have given up jobs to come and work for the County and are being told they have these merit increases. Now, with this proposed pay scale from the Hay Study, their pay would be frozen like his, and he still has four merit increases before he reaches the top of the pay scale he was hired under. He said Human Resources is not notifying people of this proposed Hay Study when they are hired.

**00-1181 RESIGNATION/APPOINTMENT – NORTH VALLEY CITIZENS
ADVISORY BOARD**

On motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that the resignation of Delores Clem as an at-large representative on the North Valleys Citizen Advisory Board be accepted and Debra Richied be appointed to fill this position with a term to expire June 30, 2001.

**00-1182 REAPPOINTMENT – WASHOE COUNTY DISTRICT BOARD OF
HEALTH**

Commissioner Sferrazza said he thought they had a previous discussion in which the Board decided they would advertise all appointments regardless of whether a person was eligible for a second term, and there was no automatic reappointment. Katy Singlaub, County Manager, said she would review the Board's decision on this matter and provide that information to them.

Upon recommendation of Barbara Hunt, District Health Officer, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Short ordered that Jacqueline Glenn-McIntire, RN, BSN be reappointed to the Washoe County District Board of Health with a term from December 31, 2000 to December 31, 2004.

**00-1183 REAPPOINTMENT – ORGANIZATIONAL EFFECTIVENESS
COMMITTEE**

Commissioner Sferrazza said he understands that Mr. Putnam has applied for appointment to the Airport Authority Board, and, if that is true, he does not believe Mr. Putnam should serve on both boards.

Upon recommendation of John Slaughter, Strategic Planning, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Short ordered that Bob Bricca and Howard Putnam be reappointed as at-large members to the Organizational Effectiveness Committee with terms to expire December 31, 2004.

00-1184 AWARD OF RFP #2236-2000 – TRAVEL SERVICES – WELCOME ABOARD TRAVEL – PURCHASING DEPARTMENT

Commissioner Galloway said he made the comment at Caucus that this is a one-year contract and times are changing rapidly. He requested the Board receive a report from staff well ahead of the renewal date as to whether or not it pays to do some other kind of electronic ticketing or other method in the future.

This was the time to consider request for proposal, Notice for proposals having been published in the Reno-Gazette Journal on September 1, 2000, for Travel Services, on behalf of Washoe County and Joinder Agencies. Proof was made that due and legal Notice had been given.

Proposals, copies of which were placed on file with the Clerk, were received from the following proposers:

Deluxe Travel Ltd
Travel Advisors, Inc.
Welcome Aboard Travel

Classic Travel, Hello World Travel, Ltd. and Stansbury Travel failed to respond to the invitation to bid.

Following further discussion, on recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that RFP #2236-2000, for Travel Services on behalf of Washoe County and Joinder Agencies be awarded to Welcome Aboard Travel. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute the agreement for a one year period beginning January 1, 2001, with the possible term extension up to three additional years at the discretion of the County and subject to negotiation.

It was further ordered that the approximate cost of this award for airfare alone is \$250,000. In order to keep the total costs for airfare, standard, reasonable, consistent and affordable for the whole County, it is recommended that the Board direct all County departments, divisions and agencies to use **Welcome Aboard Travel** for their airfare bookings.

**00-1185 PROPOSED SETTLEMENT – 1997 CABLE TV RATE APPEAL –
PURCHASING DEPARTMENT**

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that the proposed settlement of the 1997 Cable TV Rate Appeal offered on October 9, 2000 by AT&T Broadband Services, in the amount of \$10,002.60 for Washoe County subscribers in the Truckee Meadows and \$8,965.00 for Washoe County subscribers in Incline Village and Crystal Bay be accepted.

It was further ordered that upon acceptance of this settlement, that Washoe County and AT&T Broadband Services jointly withdraw the rate proceedings currently pending before the Federal Communications Commission (F.C.C.).

**00-1186 PIONEER INN ASSOCIATES – EXISTING BILLBOARD –
GENERAL SERVICES**

Jean Ely, General Services Department, said there is no current lease agreement between Donrey Advertising Company and Washoe County. Pioneer Inn Associates Limited Partnership (PIALP) gave the required 90-day notice to terminate their lease with Donrey. Washoe County approved an addendum to their Purchase and Sale Agreement and Joint Escrow Instructions for the Pioneer Inn property wherein PIALP agreed to indemnify Washoe County against claims that may arise out of the lease or its termination between PIALP and Donrey.

Commissioner Sferrazza said if the billboard is there illegally as of November 21, 2000, then the owner/tenant should be compensating the County for that occupancy.

Commissioner Galloway asked if the County would be indemnified from any lawsuit that resulted if they removed the billboard. Madelyn Shipman, Legal Counsel, advised that Washoe County needs to make a demand on PIALP to deal with this holdover from their lease and give them the opportunity to take action. She reminded the Board that this item is on the agenda as a request for direction as to whether or not the Board wants to enter into some type of lease.

Commissioner Galloway commented that the Board should be cautious about entering into a lease for billboards, citing the court case of Washoe County and the billboard lessee at Rancho San Rafael Park as an example.

Commissioner Sferrazza said they previously decided this on the advice of the District Attorney prior to the purchase of the property and this billboard should have been removed. They gave up months of revenue from this billboard because they did not want to be the owner of the property with the leasehold improvements. The billboard is still there and obviously something has gone wrong here and no one has taken any action.

This should not have even come back to this Board as it should have been torn down and removed already. The Board specifically provided they were not going to allow this billboard to stand. This should have been torn down before the County took over the property; and escrow was closed without this happening.

Following further discussion, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that staff be directed to communicate with interested parties that the County does not want a billboard on their property and it is not in the best interest of the County to offer this property for lease. It was further ordered that staff report back to the Board on the status of this matter.

00-1187 WASHOE COUNTY GOLF COURSES FEE SCHEDULE FOR 2001

Upon recommendation of Karen Mullen, Parks & Recreation Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Short ordered that the Washoe County Golf Courses Fee Schedule for 2001, be approved. A copy of the fee schedule was placed on file with the Clerk's Office.

00-1188 NATIONAL CENTER FOR STATE COURTS JOB CLASSIFICATION AND PAY STUDY – SECOND JUDICIAL DISTRICT COURT

Judge James Hardesty, Second Judicial District Court, said the Court is requesting the Board approve their classification and compensation study now instead of waiting for the Hay Study to be completed. He noted the Court's Information Technology (IT) Department salary is less than the County's IT positions. He said there are very few Court employees near or approaching the recommended maximum pay ranges.

Commissioner Galloway said the main concern seems to be the Deputy Clerk I, II and III positions and the four IT positions. Judge Hardesty said they would like their recommended salaries to be approved for these positions.

Richard Gammick, District Attorney, said he is not opposed to the recommendations from the Court concerning pay ranges, etc., but he joins their concern regarding the IT and Law Clerk positions. He said the Law Clerks, by definition, can or cannot be licensed attorneys. The District Attorney's Office is required to hire attorneys who are licensed in the State of Nevada. He said during the time he has been District Attorney, he has not hired any attorneys from southern Nevada because of the low level of pay in Washoe County. He noted at the last presentation by the HayGroup, Neville Kenning said that IT positions were at a premium throughout the country and should be paid a decent salary. The Hay Study froze two of the three District Attorney's IT positions. They need to have comparable salaries so they can hire competent people for these positions. He believes the National Center Study has done a good job in comparing all of the Court's positions and salaries.

Amy Harvey, County Clerk, submitted a chart comparing several positions within her department versus similar Court positions. She said inequity already exists. Mrs. Harvey reviewed similar positions for Clark County and noted in that County there is no separation between court and county employees. She noted that the Amended Memorandum of Understanding between the County and the Second Judicial District Court agreed that the salaries of judicial exempt employees would be commensurate with the salaries of like positions governed by the County's merit personnel system. She reminded the Board that Court and County employees work side by side at 75 Court Street, separated only by a cubicle, while performing similar duties.

Commissioner Galloway asked if the Deputy Clerks I, II and III were budgeted in line with the Hay Study recommendation, would that eliminate the friction of inequity. Mrs. Harvey said they are all County employees, and nowhere else outside of Washoe County is there a difference between court and county employees. She requested the Board defer the Court Study until the Hay Study is released, as there should be no difference in salary between these employees.

Mrs. Singlaub said there are three options today: 1) to approve the recommendations by the Courts; 2) to defer this matter until the Hay Study is complete; and 3) to approve the Courts recommendations with a budget amount that would represent commensurate salaries, recognizing, not everyone is in agreement on what are comparable positions.

Commissioner Galloway said he is not comfortable approving the Courts recommendations when County employees in similar positions are not receiving the same pay. He said the Court Study could be approved with respect to the three Deputy Clerk positions and the four IT positions, which could be held in abeyance, if the Court would stipulate they would be paid equal to what comes out of the Hay Study.

Chairman Short asked how often employees are moved up in merit steps. Judge Hardesty said merit steps are considered at an annual performance evaluation; however, in the past, it has been fairly automatic, which the Court does not agree with.

Commissioner Sferrazza said if the employees are not going to be moved to the bottom of the range, then this discussion is academic, and he does not see the rush for approval. Judge Hardesty said this is not academic, they need to be able to set people within the salary ranges. Implementation of this plan allows the Court to make several restructuring decisions within the Court system.

Ron Longtin, Court Administrator, Second Judicial District Court, answered questions concerning salaries for the Court Clerks and Deputy Clerks.

Judge Hardesty said he does not want to see the Board throw out the National Center Study. The District Court has 120 employees; their study has been complete since June 2000; and it is not fair to make them wait until the Hay Study is complete. He said there may be valid reasons why discrepancies exist but maybe some posi-

tions could be reconciled. Maybe Mrs. Harvey has a point that some of her employees should be paid more based upon the Court Study.

Commissioner Sferrazza said he specifically requested that the Courts be included in the Hay Study and the Courts refused. The Courts wanted to have their own study and said they were a separate branch of government. They are paying the price for having two separate studies because now they have two systems of evaluation and it is causing a serious discrepancy.

Judge Hardesty said they could not hire an Assistant Court Administrator for Family Court until this is approved because they cannot tell that person what they will be paid. He said the study recommended several new positions for which there is no previous salary range such as the Assistant Court Administrator for Family Court.

Commissioner Galloway said when he voted to fund the Court Study, he was not fully convinced the Court was independent of other County functions. He does not believe he bound himself to the results without knowing what they were by approving the study.

Commissioner Sferrazza asked Judge Hardesty if he disagreed with the Amended Memorandum of Understanding between the County and the Courts, with respect to salaries, which states "shall be commensurate with salaries of like positions governed by the County merit personnel system." Judge Hardesty responded he never said he disagreed with that statement. He said the Deputy Clerks I, II and III are positions that are commensurate with similar County positions. He reminded the Board that Commissioner Galloway said those three positions could be examined after the Hay appeals are done and he agreed he would take that request back to the judges to consider doing exactly that.

Mrs. Harvey said she believes the Administrative Clerk I, who does the minutes for the County Commissioners, has many of the same functions as the Court Clerk. This Board makes decisions on many issues, and people are notified of that decision by an order from her office which the Administrative Clerk I is responsible for typing, the same as a Court Clerk types orders for the judges.

Commissioner Galloway asked Mrs. Harvey if she was arguing that the Court Clerks I and II, and the Deputy Clerks I, II and III all have comparability to employees who work for her. Mrs. Harvey said yes they do, and further they all work downtown, they are friends, they go to lunch together, and they know "to the penny" what other employees in like jobs are making.

Matt Beckstedt, Washoe County Information Technology Director, reviewed several IT positions, duties and responsibilities for those positions with the Board. He said he reviewed the Courts Study and made four comparisons from the Court IT positions to the Hay Study positions. The comparisons indicated that the Court salaries range from \$5,241 to \$19,758 above the salaries recommended by the Hay Study. He

said he is confused by the conflicting recommendations, but is convinced that both consultants have done their best to provide professional recommendations to their respective agencies. He is concerned about these salary differences as the positions are comparable. They are working side-by-side and in many cases, in the same building. He thought the purpose of the Hay Study was to address equity issues within the County.

Chairman Short asked if they have difficulty filling IT positions and whether there is a high turnover in that department. Mr. Beckstedt responded it is difficult filling positions and he and Ms. Ray are constantly trying to address this very issue. The Human Resources Department has been helpful recruiting IT employees but the last IT position was open for a year and a half before it was filled.

Martin Crowley, Attorney at Law, said he was a law clerk for Mills Lane, who was in his first term as District Attorney at the time, and he was paid \$500 per month. He took the job because he wanted the experience and he wanted to work in this position. The County and Courts should not focus just on the money because some people focus on things other than money, like experience or a job they like to do. He agreed that the IT positions need to be paid more but does not believe County employees should be compared to jobs in the private sectors.

Sam Dehne, Reno citizen, said if the judges are recommending that this classification and pay study be approved, the Board should approve it.

Commissioner Galloway said he reviewed the Court Clerk job descriptions and one of the positions held by Mrs. Harvey's staff and he feels there are sufficient differences in the job descriptions. He believes the friction points are the Deputy Clerks I, II and III and the four IT positions and suggested these two categories be held in abeyance and approve the rest so the judges can get on with what they need to do for their employees.

Mrs. Singlaub said she would support Commissioner Galloway's comment that the Deputy Clerks I, II and III and the four IT positions are the most comparable positions the County has with the Courts. She said the Board does not have to approve the pay ranges but they do authorize the reasonable and necessary support to the Court. The proposed ranges and analysis are to assist the Board in finding that this is a reasonable and necessary budget amount for the Courts.

Commissioner Bond asked that if they approved the budget, excluding those two categories, would that reduce the Court's budget until such time as the Hay-Group comes forward with a decision. Mrs. Singlaub said the Courts already have a budget this year and this would implement the equal amount of funding.

Judge Hardesty suggested the Board approve the budget as requested with a further qualification, that once the Hay Study has evaluated the Deputy Clerks I, II and III and the four IT positions and concludes those amounts should be rolled back, the Courts will do the same and reduce its budget request by that sum. The Courts need to be

able to establish their maximum ranges, so they can move people into those steps. By delaying those positions until the Hay Study is completed, they will not be able to set those ranges. A number of employees are approaching their anniversary dates where they will start making more money than the Courts would ever pay them.

Commissioner Galloway asked Judge Hardesty if he was proposing that the judges would make an effort to bring those positions into conformance once the Hay Study is complete. Judge Hardesty said that was correct but requested approval of the budget, as recommended, with the understanding that those positions would be rolled back or rolled up depending upon the results of the Hay Study.

Mrs. Singlaub said, in the meantime, there is an inequity occurring and there will be frustrated IT employees and frustrated Deputy Clerk employees. She recommended that the Board reduce the amount of the budget provided to the Court by those contested positions and raise them later, if necessary.

Commissioner Sferrazza said staff is recommending a certain amount of pay for these positions and it is lower than what the Court Study recommends. This indicates to him that there is an inequity in salaries and, if the Board approves the Court Clerks I, II and III, he will demand equity for the employees in Washoe County who have similar positions. He said at some point they will have a disagreement over the Hay Study if these positions are approved today. He requested that staff submit to the Board what they used to compare positions so, when they evaluate the Hay Study, they have the same information to ensure equity between those positions.

Joanne Ray, Human Resources Director, advised they did not evaluate all of the job positions. The Job Evaluation Committee reviewed the Deputy Clerks and two other positions as the Board had requested. They did try to compare them to like positions throughout the County.

Commissioner Shaw said, in light of the conversation he is hearing, he is not in a position to approve this item today. He does not want to approve part of the Court Study and hold a part of it in abeyance. He would recommend that this matter be deferred until the Hay Study is complete.

Chairman Short said he is concerned about internal equity. He would support holding the positions that are in question in abeyance until the HayGroup has completed all of the evaluations.

Commissioner Shaw moved to defer this issue until the Hay Study is complete. Commissioner Sferrazza seconded the motion, with the understanding that they are not disagreeing with these numbers but want to see more information ensuring there is equity.

Commissioner Sferrazza asked if the Court was planning to pay these salaries retroactively as the County is with the Hay Study results. Judge Janet Berry, Second Judicial District Court, said they have represented to their employees that they would be paid retroactive to July 1, 2000. She said they have a number of positions that need to be filled as well as employee problems due to this study being held up. She advised the study was released in July and all employees received their employee pay and class recommendations. Based on the release of the Court Study, they have refused to give merit increases to their employees on their anniversary date because it would dramatically affect the 12-step process the Court intends to implement. If this is tabled well into 2001, they will have to go forward with merit increases because there are employees who want to know the legal ramification of not receiving their merit increases.

Chairman Short asked when they would be receiving the final results of the Hay Study. Ms. Ray said her best estimate is May 2001.

Chairman Short called for the question on the motion to defer. The motion failed with Commissioners Bond, Galloway and Short voting "no."

Following further discussion, Commissioner Galloway moved that the National Center for State Courts Job Classification and Pay Study, as it applies to the Second Judicial District Court and the pay categories assigned to the employees of the Second Judicial District Court, be approved with the exception of seven categories within two groups, Deputy Clerks I, II, and III, and four Information Technology positions. Commissioner Bond seconded the motion, which duly carried with Commissioner Shaw voting "no." It was further ordered that any proposed new salary ranges for these seven positions will be held in abeyance and brought back to the Board at a later date for approval based upon the results of the HayGroup Study currently being conducted for Washoe County.

Commissioner Sferrazza made a motion to reconsider. The motion died for lack of a second. The original motion stands.

**00-1189 DOWNTOWN JUSTICE FACILITIES PLANNING PROCESS –
JUSTICE FACILITIES ADVISORY COMMITTEE**

Katy Singlaub, County Manager, advised that the request before the Board today is for guidance on the process for planning concerning the downtown justice facilities since the bond issue for the Regional Justice Center was defeated. She said staff is requesting a broad-based Justice Facilities Advisory Committee be formed to assist in the planning process.

Commissioner Sferrazza commented he was not very happy that the consultant, Tate & Snyder, has not completed the process of identifying the alternatives if the bond issue failed. He stated he believes all alternatives including utilization of the existing Courthouse and the Pioneer buildings and locating a courtroom at the jail should be

open for discussion. Commissioner Galloway commented the judges have testified this would create one judge doing only criminal cases, which is not what they want to happen.

Commissioner Galloway stated a couple of parameters should stay the same, being (1) to get all the courts together in one place even if it has to be done step by step, and (2) to reaffirm the commitment to the downtown location. He said Reno has indicated they want to relocate their Municipal Court in a centralized location, and the Board should commit to the centralization of all the courts to the extent possible using available resources.

Chairman Short commented that, with the redevelopment emphasis and the City of Reno's interest in locating their Municipal Court in a centralized location, locating the facilities downtown seems appropriate. He said citizen input is very important to the process, and solutions have to be reached to solve the court problems that are on the horizon.

Commissioner Shaw suggested meeting with Reno as soon as possible to obtain an answer concerning their involvement regarding the location of Municipal Court. He said he believes it is imperative to form the committee and have citizen input.

Chairman Short asked those wishing to speak to do so at this time.

Chuck Weller, County resident, said he supports forming a planning committee to make recommendations, but there should not be a limitation on what they can look at. He suggested the Board let the committee study whether or not anything can be built at any site other than the Pioneer, as denying that option would condemn anything that comes out of the committee. He then commented that the County has decided to go forward with the expenditure of \$670,000 for renovations, which was not going to occur if the bond had passed. He urged this expenditure be deferred until the committee has an opportunity to examine what will be constructed.

Robert Metz, County citizen, stated there are other alternatives to consider that would considerably reduce costs and advised he is working on a proposal involving both the City and the County that would save up to \$100-million. He said he supports the formation of the committee.

Sam Dehne, Reno citizen, agreed with Mr. Weller's comments concerning the planning committee. He said there is no need to push forward on this project so rapidly.

Martin Crowley, County citizen, advised that purchasing the Pioneer property without a definite plan was a big mistake. He said citizens need to be in front of the planning process.

Commissioner Galloway stated he believes it is premature to form the committee. He said a great deal of planning has already been done, and he believes the

consultants should review the phased approach that was being considered prior to the bond issue. He commented that not all of the previous building blocks have been utilized, and the meeting with Reno should be held before deciding whether to form the committee.

Commissioner Bond noted that staff indicates the planning process will take 3 months to one year to complete with some phases needing to be done immediately; and that the over all cost of planning may total up to \$100,000 for consulting and clerical support. She said she has nothing against forming a citizens committee but thinks a review of what has already been done is appropriate to determine if that information can be integrated into future planning; and that the City of Reno's position needs to be determined before proceeding with additional planning.

Ms. Singlaub stated it is very important to use the research already done, and she would like a broader review to take place. She noted that the charge to provide scenarios in the event the bond failed was given to the consultants in August and was completed within a one-month timeframe. She believes they would like more time to determine whether all scenarios were evaluated. Ms. Singlaub commented that the development of a list of Capital Improvements Projects for the 2001/02 budget is needed as soon as possible for the remodels needed to address crucial band-aid problems that exist in the criminal justice facilities.

Richard Gammick, District Attorney, advised that critical decisions need to be made in the near future to address safety and overcrowding issues in order for the District Attorney's office to function in a manner that keeps the community safe.

Commissioner Galloway said he believes the most efficient way to proceed is to first look at whether some decisions can be made based on past work. He said he does not think a committee should be formed at this time, as advice of the public may have to be ignored because of the pressures of day-to-day operations, which would make the process invalid. He would want to review what already exists to see whether a plan could be developed that would be accepted by the community; and if that cannot be accomplished, it may then be appropriate to go the committee route. He suggested a public forum be scheduled in a workshop-type setting.

Commissioner Shaw stated he believes everything suggested can be done. He said a review of what has already been done can be conducted, a meeting with Reno can be scheduled; and if necessary, the formation of the committee could be delayed. However, he thinks the committee and public input is very important and would not want to see that process eliminated.

Chairman Short agreed that the committee and public planning process should be done and noted that some urgent matters of public safety have to be addressed.

Commissioner Sferrazza stated he is not going to be intimidated by threats of things that are going to happen. He said he believes the proper amount of time should

be taken to provide for due consideration and thought. He would want to move forward with all deliberation and caution and not just jump in and start remodeling things. He agreed there is a rush, however, to meet with the City of Reno to determine their position.

Following further discussion, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Short ordered that a meeting be scheduled with the City of Reno as soon as possible; and that a public forum be scheduled to review past planning in a workshop type meeting. Following the public forum the matter is to be brought back to the Board to determine what kind of operational working group to form. It was further ordered that applications be taken from people interested in being part of a working group concerning the criminal justice facilities.

00-1190 REGIONAL PLAN AMENDMENT PROPOSALS - BUSHEY AND MCMULLEN/BECKWOURTH PROPERTIES - COMMUNITY DEVELOPMENT

Robert Sellman, Director, Community Development, provided an overhead map and pointed out the location of the subject properties. He advised the properties are in the Reno/Stead Joint Corridor Plan, and the parcels are located in areas not included in the City of Reno's Sphere of Influence. Community Development and the Washoe County Planning Commission have opposed the amendments and the City of Reno staff and Planning Commission have supported the amendments. He advised a policy of the Joint Plan is that neither agency would independently file an application to change the Plan without concurrence of the other, but the policy has caused substantial problems to developers and staff members of the County and Reno and Sparks. He said he thinks the policy was designed to help foster longevity of the Plan and the cooperation created in forming the Plan, but has probably become the opposite. It appears to be very divisive and constitutes a veto power to either agency for land use changes within the Joint Plan area. Mr. Sellman then reviewed the procedure followed by the applicants to date and advised the process was initiated through the Regional Planning Agency.

Emily Braswell, Executive Director, Truckee Meadows Regional Planning Agency (TMRPA), advised that the applicants first went to the City of Reno and Washoe County and were sent to the TMRPA. Because the process had not been set out in the joint planning process, the TMRPA took the requests to the Regional Planning Commission (RPC) who directed staff to take the issue to the joint subcommittee of the Reno/Stead Joint Corridor Plan. The subcommittee determined it was appropriate for the Planning Commission to sponsor the request because no one else could and also directed that the request go to the City of Reno Council and the Board of County Commissioners. The Planning Commission agreed to sponsor the applications with the understanding that the next step in the process would be to go to the joint Commissions for their recommendations.

Mr. Sellman noted the applications were sent to the Planning Commission as the only available vehicle to obtain consideration of amending the Plan because there was not an agreement between the City of Reno and the County to jointly sponsor the

plan amendment. Once the Regional Planning Commission decided to sponsor the amendments, they were considered at a Joint Planning Commission meeting and concurrence was not reached on either proposal.

Upon inquiry, Mr. Sellman advised the request is to change the Regional Plan. Unless the County is willing to subsequently change its own master plan that includes the Reno/Stead Corridor Joint Plan, there is a possibility the proposal would not be consistent with both plans.

Legal Counsel Shipman advised that two separate processes are being followed. She said the Joint Plan is a master plan and not a regional plan. The item before the Board is for comment on the proposed amendment to the Regional Plan that will change the sphere of influence boundary. The Board is not changing the Joint Plan.

Upon inquiry of Commissioner Galloway, Mr. Sellman advised he believes the TMRPA could change the sphere boundary even if it is in conflict with the County's Joint Plan. Legal Counsel Shipman said, if the TMRPA were to do this, she believes a good legal argument exists that they would be acting beyond the authority provided by law.

Further discussion commenced concerning water and sewer issues relative to the subject properties. Mr. Sellman advised that the applicants are concerned they cannot get sewer and water within the unincorporated County, but staff believes this issue can be addressed.

Upon inquiry of Chairman Short, Ms. Braswell advised the Golden Valley joint planning process would run concurrently with the Regional Plan Update; and the District Health Department is currently conducting a study of septic and water issues in the area.

Commissioner Galloway stated, in view of the issues raised, he would request these amendments not be allowed to move forward. He does not believe the appropriate process has been followed, and the applicants should have appealed to the County Commission. He understands there is a right to petition, which was solved when the TMRPA decided to file the petition, but he does not believe the RPC or the RPGB have the right to override the County's Joint Plan.

Chairman Short requested that people wishing to speak on this item do so at this time.

Charles Busi, co-owner of the Bushey property, advised their parcel contains 4.68 acres in Lemmon Valley. He said they have been going through the process to become part of the City of Reno's Sphere of Influence for approximately two years. In working with the various agencies to determine their options, they got nowhere with the County. Mr. Busi then responded to questions of the Board and advised their property

may be in a designated flood plain, but the City has said those issues could be addressed. He noted the property has never flooded.

Gary Feero, area resident, reviewed issues that came forth during the development of the Reno/Stead Corridor Plan. He said the Plan was developed to make sure the spheres of influence and zoning stayed in place in the area because of the growth and development taking place; and that NRS278 also provides protection relative to comprehensive plan goals and sphere of influence issues. The Bushey's are signatories for the Lemmon Valley Visioning Study that determined their property was going to have a rural designation. The sphere of influence is supposed to be consistent with the comprehensive plan, and this request is no longer consistent. If a sphere of influence line is moved around any properties will have the capability of setting new zoning, etc. Mr. Feero commented the amendment requests do not meet the goals and objectives set out even one year ago, noting a lot of work was done, and he has not seen anything to show a compelling reason for these kinds of sphere of influence changes. He responded to questions of Commissioner Galloway concerning flood plain issues and the geographic features of the parcels. Commissioner Galloway said he would need more details because of the indications of issues concerning the flood plain and the unique geographic features of the area. Upon inquiry of Commissioner Shaw, Mr. Feero advised the North Valleys CAB has never voted in support of either of these amendments; and the votes from the Stead NABs have consistently been to support both of the amendments.

Neal Cobb, Golden Valley Homeowners Association, advised they disagree that these applications are minor amendments. He said the McMullen/ Beckwourth amendment is for 165 acres, which represents approximately 20% of what they believe is Golden Valley. He does not begrudge the applicants for trying to do something with their land, but proposals should be based on good planning that is beneficial to the area and protects everyone. He commented there is a water problem in the area, but it is not a crisis situation. Mr. Cobb responded to questions of the Board.

Connie McMullen, applicant, advised she did want to become part of Golden Valley because of the lack of water. She said she has owned the property for 25 years and during that time a silent moratorium went into affect. There were no water rights and she has been unable to develop the property. Ms. McMullen advised she was not notified at any time during the joint planning process of the Reno/Stead Corridor and, therefore, was denied due process in the planning process. She would not have agreed to some of the conditions of the Joint Corridor Plan. The area is in transition with commercial property and homes going up across from her. There is no water in her area, and it would be more economical to hook her property up to the City.

Chris McMullen, applicant, stated they have gone through the process they were told to go through by the Director of Regional Planning, and prefer to be in the City of Reno. He advised they have attended approximately 20 meetings and have followed everything they were told to do. They saw a positive attitude and received a lot of help from the City of Reno and did not get much help from the County.

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

Commissioner Galloway commented that these amendment requests represent the first time anyone has tried to take something out of the Joint Plan. The applicants are pioneering a process and the merits of the issues and process issues need to be considered. He said the applicants were probably advised correctly about how to annex into Reno, but he wonders if other alternatives were explored.

Commissioner Sferrazza stated this puts the County in a difficult position, as there was an agreement that the Joint Plan could not be amended without the consent of both parties. He is not opposed to the applicants developing their property, but would prefer to work with them toward some kind of compromise. He asked if this matter could be deferred to try to work something out, and Mr. McMullen said they have been through a grueling process and would like to follow the matter through.

Commissioner Galloway stated that, as previously requested regarding the Bushey amendment, he would ask that the TMRPA not proceed to the RPGB with the McMullen/Beckwourth amendment based on concerns that the process would be improper, and they would be exceeding their authority. If the amendments are approved by the RPGB, the matter may end up being tested in court. He would prefer the TMRPA redirect the process to that which he believes is valid, which would be to follow a process similar to that by which the Reno/Stead Corridor Plan was approved.

Commissioner Sferrazza disclosed he has known Mr. and Mrs. McMullen and Mr. Cobb for many years.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, the Board denied support for the proposed Bushey and McMullen/Beckwourth Regional Plan Amendments and determined to take all steps necessary to oppose the amendments based on their substance and process issues.

Commissioner Galloway commented that his seconding of the motion does not necessarily imply opposition to development of the property.

**00-1191 SUSPEND RULES AND PROCEDURES – RECONSIDERATION
OF ORDINANCE NO. 1098 – ADULT CHARACTERIZED
BUSINESSES**

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Short ordered that the Rules and Procedures for the Board of Commissioners be suspended.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, Chairman Short ordered that the Board action taken in July 2000 concerning amendments to the adult characterized business ordinance No. 1098 be reconsidered.

Katy Singlaub, County Manager, advised that discussion concerning the amendments to the adult characterized business ordinance is agendaized for the December 19, 2000 meeting. She said the Board could provide direction to staff for any changes to the ordinance at that time which would be brought back for review at a subsequent meeting.

Chairman Short noted a written statement was received from Patricia Puchert concerning this issue, which he placed on file with the Clerk.

**00-1192 BILL NO. 1285 - ORDINANCE NO. 1109 - AMENDING WCC
CHAPTER 65 – 911 SURCHARGE BY RESOLUTION**

5:30 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on December 1, 2000, to consider the second reading and adoption of Bill No. 1285. Proof was made that due and legal notice had been given.

Chairman Short 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 Galloway, which motion duly carried, Chairman Short ordered that Ordinance No. 1109, Bill No. 1285, entitled "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS TO SET THE AMOUNT OF THE 911 SURCHARGE BY RESOLUTION IN ORDER TO ADJUST THE AMOUNT OF THE UNENCUMBERED BALANCE IN THE SURCHARGE REVENUE FUND AT FISCAL YEAR END, AND CHANGING THE TIME FOR REMITTANCE OF THE SURCHARGE TO MONTHLY TO CONFORM WITH STATE LAW," be approved, adopted, and published in accordance with NRS 244.100.

* * * * *

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Short be authorized to execute:

**A RESOLUTION AUTHORIZING THE REDUCTION OF THE ENHANCED 911
SURCHARGE**

WHEREAS, NRS 244A.7643 authorizes the Board of County Commissioners of Washoe County to levy a surcharge of .25 cents per month for each access line or mobile telephone service and \$2.50 per month for each customer trunk line for the purpose of providing enhanced 911 services; and

WHEREAS, NRS 244A.7645 requires that the unencumbered balance of the Enhanced 911 Fund at the close of any one fiscal year not exceed \$500,000 or the surcharge must be reduced during the next fiscal year; and

WHEREAS, at the close of fiscal year 1999/2000 the unencumbered balance in said Fund did exceed \$500,000; and

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

Section 1. That the Surcharge for enhanced 911 services be reduced from .25 to .01 cents.

Section 2. That the providers of service be notified upon approval of this Resolution to reduce the surcharge at the next available billing cycle or the earliest date possible based on their billing schedule.

Section 3. The County Clerk is hereby directed to distribute copies of the Resolution to the Department of Taxation, the Comptroller, the Enhanced 911 Advisory Committee and the Finance Department.

**00-1193 BILL NO. 1286 - AMENDING WCC CHAPTER 110 –
(DEVELOPMENT CODE) - SIGNIFICANT HYDROLOGIC
RESOURCES FOR ARTICLE 418, WETLANDS**

5:30 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on December 1, 2000, to consider the second reading and adoption of Bill No. 1286. Proof was made that due and legal notice had been given.

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

Brian Tyre, Health Department, and Chairman of the Stream Advisory Committee, provided the Board with a map depicting perennial streams in Washoe County. He also provided approximately 21 letters of support of the proposed amendment. He said proposed changes came from suggestions made by the Planning Commission, Board of County Commissioners, and the Stream Advisory Committee. Mr. Tyre introduced the following members of the Stream Advisory Committee: Barb Santner, Jeff Codega's Office; Lyn Mundt, area citizen; Charlie Donohue, Watershed Coordinator, Washoe-Storey Conservation District; and Thomas Holton, independent Hydrogeologist. Chairman Short thanked the Committee members for their good work.

Tom Porta, Water Quality Planning, Nevada Division of Environmental Protection (NDEP) and member of the Tahoe Advisory Planning Commission, advised

that the State supports the proposed ordinance and appreciates the work provided by the Committee.

Robert Weigil, White's Creek parcel owner, requested clarification of several issues. Mr. Tyre responded by advising the only buffer that affects residential is the 30-foot buffer from the middle of the stream. No special use permit would be required for residential, the 150-foot buffer only applies to commercial/industrial, and no existing parcels would be grandfathered in.

Mr. Tyre then responded to questions of the Board and discussed the provision provided in the ordinance to address exceptions that may be requested by property owners.

Thomas Erwin, attorney representing the Bella Vista Ranch, submitted and discussed a letter containing comments and suggestions for several amendments to the ordinance. He said a 300-foot strip would essentially be created along several miles of the streams that run through the Bella Vista Ranch, and there is concern about the adverse economic impact this would have. Another concern is with regard to the procedure for application for exceptions. They believe the ordinance should include additional examples because the one given seems slanted toward denial of applications for exceptions and poses a tremendous burden of proof on the owner. Mr. Erwin then advised that the ordinance allows credit or application of the buffer zone toward the landscape requirements under Article 412 of the Code, and they request that credit or application of the buffer zone also satisfy the open space requirements under Article 432.

Mr. Tyre advised that several people have worked on the document and somewhere in the process a couple of sentences were missed. He said the open space language was included in some sections of the ordinance and left out of others, and this should be corrected. He reviewed the areas of the ordinance where the open space language should be inserted. Robert Sellman, Director, Community Development, commented that one of the unfortunate structural problems in the ordinance is the same language has to be repeated in numerous spots. He said staff agrees the language relative to open space should be in the appropriate sections of the ordinance.

Commissioner Galloway noted the Board does not have all of the ordinance text. Legal Counsel Shipman advised if there were consensus to amend the ordinance to include the open space language, it would not be considered a substantial change because it is less onerous on the property owner. Mr. Tyre provided copies of the ordinance containing the proper language.

Joan Rivét, Galena Creek area property owner, advised her property is approximately 675 feet long, and Galena Creek runs through the northern end. She said she would lose about 40,500 feet of buildable property and requested her parcel be grandfathered in. She then discussed the existing hardships relative to her property.

Legal Counsel Shipman stated the purpose for having the special exception provisions and modifications in the ordinance is to look at parcels on a case-by-case

basis and allow exceptions where it would significantly create either a hardship or ultimately result in a taking of the property. If the Board starts with allowing exceptions, it would then be open to exception requests from every property owner on a perennial stream. She recommended there be no exceptions to the coverage and the process be allowed to go forward as the Article requires.

Discussion was held concerning the process for a hardship review and the requirements that must be satisfied with regard to special exceptions. Commissioner Sferrazza commented that some of the special exceptions seem to be in conflict with each other.

Commissioner Bond stated she believes the Board is missing too much material to make a valid decision relative to the ordinance.

Randy Walter, MacKay & Somps, spoke in support of the ordinance but expressed concerns about some of the language. He provided and discussed a letter containing suggestions he felt would clarify the ordinance. He said he thinks preserving and protecting resources is the intent of the ordinance, which he wholeheartedly supports, but certain current terminology would create problems in implementing the ordinance.

Myron Sayan, Winter's Creek Ranch, made a suggestion to add language concerning parcel maps to the section of the ordinance concerning exemptions. He then requested clarification concerning underground utility work he wants to do on his property. Chairman Short suggested Mr. Sayan meet with staff regarding that specific concern.

Rusty Crook, Washoe County resident, advised a portion of his parcel is on White's Creek; and if he sells the parcel as commercial property, he would be giving away approximately \$1.4-million of usable land. A Super K-Mart is going in on the other side of his property, and he has no idea what the City of Reno will allow on that side of the ditch. Mr. Crook commented he believes in the long run the ordinance will benefit the citizens of Washoe County, and there are ways to address extenuating circumstances.

Hadi Kar, Washoe County resident, advised that White's Creek runs through his 270-acre property, and this ordinance would cause him to lose a great deal of land. He believes he should be compensated for what he will lose.

Allen Mundt, Washoe County resident, said he has lived on the White's Creek south branch for 37 years and is in favor of the ordinance.

Ron Nesler, area resident, advised he has lived along Galena Creek over 30 years and asked if there were any setback requirements for septic tanks or wells. Mr. Tyre advised that the existing septic system and well setback requirements would not change.

Diana Langs, Regional Water Planning Commission, advised they support the ordinance. She thanked the Committee members and the participants in the public process. She commented she thinks most of the special hardship cases can be addressed.

Jeanne Ruefer, Program Officer, State of Nevada Floodplain Management Program, and State of Nevada National Flood Insurance Program Coordinator, advised she supports land use measures such as the one being proposed. Buffer zones are very effective and inexpensive flood mitigation tools and provide protection for property owners and structures along the streams.

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

Commissioner Galloway stated he believes the amendment needs work. He said the intent was good but there seem to be several technical problems.

Mr. Sellman commented that because of the clerical errors and other issues brought forward, he would request this item be continued. Staff would clean up the ordinance, which could be brought back with the option of either being a first reading if the Board believes the changes are significant or as a second reading if the changes are not considered substantial.

Following discussion, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Short ordered that consideration of Bill No. 1286 be continued to January 23, 2001 at 5:30 p.m.

**00-1194 APPEAL – VARIANCE CASE NO. VA0006-020 – LAURENCE AND
AND CARLA LUSVARDI – COMMUNITY DEVELOPMENT**

5:30 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on December 1, 2000, to consider an appeal to reverse the Washoe County Board of Adjustment action to DENY Variance Case No. VA0006-020 (Laurence and Carla Lusvardi) to reduce the required setbacks within Section 110.406.05.1 of the Washoe County Code to facilitate the construction of a single-family residence. The request is to vary the required setbacks within Section 110.406.05.1 to reduce the front yard setback from 15 feet to no less than 4 feet in order to construct a new residence with an attached garage. The subject property is located at 444 Gonowabie Road, just west of SR-28. The ± 22-acre parcel is designated High Density Suburban (HDS) in the Tahoe Area Plan and situated in a portion of Section 19, T16N, R18E, MDM, Washoe County, Nevada, within Washoe County Commission District No. 1 (APN: 123-145-10). Proof was made that due and legal notice had been given.

Sandra Dutton, Department of Community Development, advised that, as requested at yesterday's caucus meeting, the citizen advisory board minutes and Article 804 of the Development Code concerning variances and their findings have been provided to the Board. The variance request is to reduce the front yard setback in order to construct a new 6500-square-foot home with an attached three-car garage and a 900-

square-foot caretakers quarters in the basement, and the garage, front entryway roof, and dormers would intrude into the setback. The applicants are faced with special circumstances in relation to this lot, being slopes in excess of 30%, TRPA height restrictions, scenic view impact requirements, and Washoe County Development Code parking requirements. Because Gonowabie Road is so narrow and winding, setbacks are more important than ever for the public safety for vehicular traffic flow. The proposed home is much larger than adjacent existing homes, and if a smaller home were built with an attached garage, the applicant would be able to maintain the established setbacks of the building envelope and meet all Washoe County Code requirements. The special circumstances and topographic constraints on the lot do not create a substantial undue hardship for the property owner to construct a residence. The hardship appears to be self-induced by the applicant due to the size of the proposed home. Ms. Dutton then responded to questions of the Board.

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

Wayne Ford, designer of the project, provided diagrams of the proposed home and photographs of old and newly constructed residences in the area that have been given variances, which material he reviewed in detail. He said Mr. and Mrs. Lusvardi are only asking for what their neighbors have been granted in terms of their ability to develop on the parcel. Utilizing a large map, Mr. Ford presented information to support their contention that the variance does not create a detriment to the scenic environmental character of the surrounding area. He discussed issues concerning the additional off-street parking and snow removal mitigation the project provides and advised that the Incline Village Roads Supervisor supports the added off-street parking and snow removal mitigations. Mr. Ford advised that forcing them to move the garage further downhill limits the amount of coverage they can achieve, and they would end up with two off-street-parking places and a two-car garage instead of three off-street-parking places and a three-car garage. He then discussed issues concerning the special circumstances relative to the lot and pointed out that approximately 90% of the home remains within the 15-foot setback. They are only asking for a change to the garage section on one corner and are trying to adhere as much of the house as possible to the setback and still provide the three-car garage. In discussing the section of the Code concerning detached accessory buildings, Mr. Ford said he believes that section of the Code was designed to build garages without a variance. This portion of the Code would allow them to build the same size structure with a two-story detached garage without a variance, but they do not want something that is detached and believe their proposal makes for good design. Mr. Ford then responded to questions of the Board. He advised they do not believe the traffic volumes represent a safety issue because of the proposed garage location. They have had good conversation with the neighbors, which is where they came up with the modification that the front garage roof would remain one story in height.

Mr. Angres, Attorney representing the applicants, said that Gonowabie is a very narrow street that causes safety issues with the Road Department and the residents even in the summer, and it is clear that more off-street parking is desirable. Hundreds of

hours of design interfacing with the various agencies was done to achieve a desired structure commensurate with what is being built today and allow enough parking for safety. Staff's objection was that the project contained approximately 800 square feet more than they thought should be on the lot. Because of neighbors legitimate concerns, the garage was cut from two stories to one, which reduced the structure by 400 square feet; and, therefore, the argument is over approximately 400 square feet. He said the most cogent argument they can make is that they can do all of this by leaving the structures detached, which would create more safety problems with snow on stairs, etc., and the tunnel effect. They request the Board be cognizant of reality and encourage people to bring in well-thought-out plans and solutions to problems.

Bob McCracken, Gonowabie Road neighbor, stated his opposition based on the size of the proposed structure on the subject lot. He said a house that massive along most of the length of the property will create a wall effect that will eliminate much of the view from Gonowabie toward the lake. It will also create a massive effect that is not architecturally in line with the other homes in the area.

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

Commissioner Galloway requested information concerning the applicant's argument that the structure could be built without a variance if the garage was detached. Ms. Dutton said she believes the intent of that section of the Code was to allow garages or detached structures to a zero setback to address extreme situation in older homes that need to come up to Code for parking requirements. Each variance is unique and stands on its own merits, and they would have to look at any redesign the applicants would propose. Ms. Dutton responded to further questions of the Board.

Commissioner Galloway stated he would vote for the variance only if he knew the applicants could construct the structure with a detached garage without a variance. He noted that an expert on the CAB said there were plenty of other options for a residence on this lot.

Ms. Dutton said staff is not trying to deny the property owner the right to construct a home on their property. This is simply a matter of size as the proposed home is too big for that lot with the established setbacks, and staff calculated that a home of approximately 5700 square feet would fit within the setbacks. She said the size of the house creates a self-induced hardship.

Commissioner Galloway stated he thinks the proposal should stand on its merits, and the hardship would be if a reasonable size house could not be built. If the Development Code provides a way to get around a variance, maybe the County created something unintended, but that is a different issue.

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Short ordered that the recommendation by the

Board of Adjustment to deny the project be upheld and Variance Case No. VA0006-020 for Laurence and Carla Lusvardi be denied based on the following findings:

1. Comprehensive Plan. That the variance is consistent with the policies, action programs, standards and maps of the Comprehensive Plan and the Tahoe Area Plan;
2. No Detriment. That the variance will create a detriment to the scenic or environmental character of the surrounding area, and affect lake views of the adjacent properties;
3. Special Circumstances. That due to slopes in excess of 25% and Tahoe Regional Planning Agency (TRPA) height standards, the siting of the new residence at the proposed site is a challenge, however does not necessitate intrusion into the front setback nor make it impossible to construct a new home of substantial size on the lot;
4. That the Board of Adjustment gave reasoned consideration to the information contained within the staff report and information received during the meeting.
5. That the Board of County Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

**00-1195 SECOND AMENDED FRANCHISE AGREEMENT –
RESIDENTIAL GARBAGE RATE INCREASE – INDEPENDENT
SANITATION COMPANY**

5:30 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on December 1, 2000, to consider approval of the Seconded Amended Franchise Agreement with Independent Sanitation Company concerning a residential garbage rate increase. Proof was made that due and legal notice had been given.

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

Commissioner Sferrazza commented that at yesterday's caucus meeting the General Manager of Independent Sanitation indicated he would agree that the Board could, at a later date, determine whether to use a cost-of-living methodology concerning a rate increase. He asked if Independent Sanitation would object to language concerning that option being included in the contract.

Tom Green, General Manager, Independent Sanitation, advised they would probably be requesting a rate increase prior to May 1, 2001, which would be in time for the cost-of-living determination. He said he would have no objection to optional language being included in the contract as long as whatever decision the Board makes would stand for the life of the contract.

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

Following further discussion, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Second Amended Franchise Agreement, containing amended language providing the cost-of-living option for a rate increase, between the County of Washoe and Independent Sanitation Company extending the term of the Franchise Agreement be approved and Chairman Short be authorized to execute.

**00-1196 DAMONTE RANCH PROPOSED INCLUSION INTO THE CITY
OF RENO SPHERE OF INFLUENCE – COMMUNITY
DEVELOPMENT**

Robert Sellman, Director, Community Development, reviewed background information concerning this item. He advised that the Washoe County Planning Commission and County staff recommended that the Damonte Ranch project was a "major" amendment and should be considered during the five-year major plan update. City of Reno staff recommended considering this a "major" project, but there are compelling reasons to consider the amendment at this time. The Regional Planning Commission (RPC) found it was a "minor" amendment, and the County appealed that decision to the Regional Planning Governing Board (RPGB). The RPGB decided it was a "minor" project and denied the County's appeal. He said the decision of the RPGB constitutes final action on the issue and apparently cannot be revisited except through court action.

Emily Braswell, Executive Director, Truckee Meadows Regional Planning Agency (TMRPA), reviewed the discussion and actions taken by the RPGB at their November 29 meeting. She said they did uphold the Planning Commissioner's recommendation that the project is a minor amendment, but their discussion was they only wanted to hear the major/minor issue and the amendment at one time and felt it was better for the RPC to make a determination about how the case should be disposed. She said the RPC would be addressing that issue tomorrow, and the RPGB would be hearing the Planning Commission recommendation on Thursday.

Chairman Short advised the principals of the Damonte Ranch organization have requested this be considered a major amendment in the 2001 update so all ramifications of the sphere of influence and possible annexation are considered in the context of the Regional Plan update.

Commissioner Galloway presented his concerns on the merits of this matter. The history of the Development Agreement of Damonte Ranch is with the County, and corporate history is very important for consistency of planning. Some of the constituents in that area have indicated they feel more comfortable at this point with the planning of adjacent lands being in the hands of the County. He suggested that staff be directed to oppose the proposal on the grounds that the impacts of the amendment are too great and too unresolved at this time.

Chairman Short stated he is opposed to the proposal. He recommended that County staff develop a complete fiscal impact on this situation.

Commissioner Sferrazza noted that at the RPGB meeting Commissioner Bond voted to deny the County's appeal. Commissioner Bond advised she voted that way because she thought the matter was coming back. She wanted the issue of major and minor and the amendment to come back to the RPGB at the same time, so the process would not be piecemealed. She said she still supports the position that Damonte Ranch is a major amendment.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Short ordered that the proposal for inclusion into the City of Reno's Sphere of Influence be opposed on the grounds that the impacts are too great and too unresolved to be an acceptable sphere amendment.

Following further discussion, Commissioner Galloway directed that the necessary steps be taken for the County to reserve its rights with regard to determination of the major/minor issue. He said that, although there is some ambiguity in the major versus minor guidance in the Regional Plan, there is not enough ambiguity for the amendment to actually have been interpreted as minor.

Upon inquiry of Katy Singlaub, County Manager, Ms. Shipman advised that the judicial review process, if determined to be necessary, would commence within 25 days of the action order prepared by the Regional Planning Agency based on the transcript provided by the Clerk stating the final action taken by the RPGB.

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There being no further business to come before the Board, the meeting adjourned at 11:10 p.m.

TED SHORT, Chairman
Washoe County Commission

ATTEST: AMY HARVEY, County Clerk

*Minutes Prepared By:
Jeraldine Magee and Barbara Trow
Deputy County Clerks*