

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

FEBRUARY 13, 2001

PRESENT:

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

01-117 WORK CARD PERMIT APPEAL – THERESA LELAND

This appeal was considered on MONDAY, FEBRUARY 12, 2001, prior to the Caucus meeting, the Board having convened in OPEN SESSION with Chairman Shaw presiding to consider the appeal of THERESA LELAND from the Sheriff's denial of her permit application to work as a child care provider.

On motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, the Board convened in CLOSED SESSION to hear testimony as to why the work card should or should not be granted. The appellant was present to offer testimony during the closed session. Also present were Maureen Thomas and Debbie Campbell of the Washoe County Sheriff's Office, Alice Ledesma and Colette Imasaki on behalf of Social Services, and Hope Harbach and Daniel Flaherty to present testimony on behalf of the appellant

At the conclusion of the hearing, the Board reconvened in OPEN SESSION, and the following action was taken.

On motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the appeal of THERESA LELAND be granted and the work card be issued based on the fact that it will only be used at the A-Plus Learning Center.

01-118 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the agenda for the February 13, 2001, meeting be approved with the following amendments: **delete** Item 21, discussion and possible execution of a resolution concerning electrical deregulation, and, in regard to Item 14, Katy Singlaub, County Manager, advised that the correct account number in the staff report should be 1878 instead of 1875.

PUBLIC COMMENTS

Gary Schmidt, Mt. Rose resident, suggested the County consider using the County-owned property located across the street from the Administration Complex for the new Courthouse facilities.

Guy Felton, local resident, discussed his illegal arrest and incarceration resulting from an incident at a Reno City Council meeting, and criticized the District Attorney's Early Case Resolution program, stating there is too much pressure to negotiate cases.

Sam Dehne, local resident, discussed his possible appointment to the Airport Authority Board.

MANAGER'S/COMMISSIONERS' COMMENTS

Commissioner Sferrazza requested that Mr. Schmidt's comments and information be forwarded to the Justice Facilities Working Committee for their review and consideration.

Commissioner Sferrazza advised that a Golden Valley resident, Nancy Jackson, informed him that RTC is not widening Golden Valley Road to the extent required by the conditions of the special use permit for the new high school and requested staff check into the situation and report back to the Board and to Ms. Jackson.

Commissioner Sferrazza further indicated he recently read a newspaper article concerning the Evans Creek Dam, which stated that Washoe County is supporting the project. Katy Singlaub, County Manager, stated the Evans Creek Dam project has not been before the Board for their position. Commissioner Sferrazza requested the newspaper correct the statement.

Commissioner Short requested a future agenda item to discuss disposal of County property.

01-119 PROCLAMATION – CRITICAL CARE TRANSPORT NURSE’S DAY – FEBRUARY 18, 2001

Bob Harmon, Community Relations Department, introduced several REMSA Critical Care Flight staff members, and Chairman Shaw read the following Proclamation honoring the staff of Care Flight:

PROCLAMATION

WHEREAS, The citizens of and visitors to Washoe County benefit from the continuous services of the Regional Emergency Medical Services Authority’s (REMSA) Care Flight emergency medical helicopter transportation; and

WHEREAS, The professional staff of Care Flight is made up of critical care flight nurses, critical care paramedics, pilots, certified mechanics and ground crew; and

WHEREAS, The services provided by Care Flight make available critical care and trauma treatment to persons throughout northern Nevada and northern California; and

WHEREAS, Critically ill and injured patients and health professionals can rely upon Care Flight to assist them in a time of dire need; and

WHEREAS, The National Flight Nurses Association recognizes February 18, 2001 as Critical Care Transport Nurses Day; now, therefore, be it

PROCLAIMED, By the Washoe County Board of Commissioners, that Sunday, February 18, 2001 is designated as “**Critical Care Transport Nurses Day**” and the citizens of Washoe County are asked to join us in recognizing the important role provided by the entire professional staff and crew of Care Flight.

01-120 ACCEPTANCE OF DONATIONS AND DISCRETIONARY GRANT – SENIOR SERVICES

Chairman Shaw stated it is very important that the community know about the very generous people who live in the Truckee Meadows and he read the list of donations to acknowledge the generous contributions.

On motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following cash donations totaling \$18,719 and one discretionary grant for \$2,500 (no County match required) be accepted with the Board’s gratitude:

- The General and Vascular Associates donated \$1,000 to the Adult Daycare Program. Since 1997, the group has donated \$5,000 to this program.

- Post #3819 of the Veterans of Foreign Wars of the United States donated \$200 to the ONRI Program, which provides emergency financial assistance.
- The McKenzie Foundation donated \$1,000 to the Home Delivered Meal Program.
- The Lillian O'Neill Trust donated \$3,519 to the Senior Nutrition Program.
- The Bohmont Foundation donated \$6,000 to the Senior Law Program.
- The Erin Foundation, through the Senior Alliance for Support Services, donated \$7,000 to the Nutrition Program
- The State Division for Aging Services awarded a \$2,500 Discretionary Grant to cover costs associated with the Gerlach Senior Transportation Program.

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

INCREASE REVENUES:

2562D – 5802	\$11,519
254401G-4302	2,500
253001G-5802	1,000
254801G-5802	6,000
2501 – 5808	<u>200</u>
	\$21,219

INCREASES EXPENDITURES:

2562D – 7849	\$11,519
254401G-7394	2,500
253001G-7205	1,000
254801G-7398	6,000
2501 – 7536	<u>200</u>
	\$21,219

MINUTES

Regarding the December 12, 2000 meeting minutes concerning the Bushey/McMullen and Beckwourth properties, Commissioner Sferrazza stated he believes the minutes accurately reflect what occurred at the meeting, and he thinks the intent clearly was to include both parcels.

On motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the minutes of the regular meeting of December 12, 2000, regular meeting of January 9, 2001, and joint meeting with City of Reno on January 9, 2001 be approved.

01-121 SEXUAL ASSAULT - MEDICAL CARE - PAYMENT

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw 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 78 sexual assault victims in an amount totaling \$16,749.84 as set forth in a memorandum from Vickie Wedow, Administrative Assistant, District Attorney's Office, dated January 26, 2001 and placed on file with the Clerk.

01-122 CHAMBER PROJECTOR PURCHASE – COMMUNITY RELATIONS

Upon recommendation of Kathy Carter, Community Relations Director, through Katy Singlaub, County Manager, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that a transfer of funds within the Community Relations' budget to purchase audio/visual equipment for the Commission Chambers be approved, and that the Comptroller be directed to make the following account changes:

DECREASE:

001-1016-7140 (Other Professional Services) \$23,000

INCREASE:

001-1016-7843 (Audio/Visual Equipment) \$23,000

01-123 NORTH CAL-NEVA RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL, INC. – SPONSOR FEES

Pursuant to discussion at Caucus, Katy Singlaub, County Manager, advised these funds are used to do partnerships with rural communities on their community development.

On motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the request for 2000/01 annual sponsor fees for the North Cal-Neva Resource Conservation and Development Council, Inc., in the amount of \$300.00, be approved.

01-124 BUDGET TRANSFER – INCLINE LIBRARY PROJECT – FINANCE

Upon recommendation of Kim Carlson, Administrative Analyst II, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the following budget transfer, from the Northwest Library Project, which is complete, to the Incline Library Project, be approved. It was noted that the funds are needed to pay for planning/design and are from the WC1 monies. It was further ordered that the Comptroller be directed to make the following interfund transfers and adjustments to cash:

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
9211-7880	Northwest Library construction		\$47,626.49
0403-7879	Incline Library Project engineering/design	\$47,626.49	
9211-8104	Transfer out to Fund 004	\$47,626.49	
0402-6992	Transfer in from Fund 92	\$47,626.49	

01-125 BUDGET TRANSFER – DISTRICT ATTORNEY

Pursuant to discussion at Caucus, Katy Singlaub, County Manager, advised that the total budget amount for the District Attorney Victim Center is \$100,195.

Upon recommendation of Anna Heenan, Senior Administrative Analyst, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the following transfer of appropriations within the Victim Center grant budget be approved and the Comptroller be directed to make the necessary adjustments:

VICTIM CENTER ACCOUNTS		DECREASE	INCREASE
10666G-	7321 – Contracts	\$1,600.00	
	7620 – Travel	4,576.27	
	7237 – Computer Software		\$1,350.00
	7385 – Training/Education		300.00
	7205 – Minor Furniture		4,241.27
	7245 – High Risk Supplies		285.00
TOTAL		\$6,176.27	\$6,176.27

01-126 BUDGET TRANSFER – DISTRICT COURT

Upon recommendation of Anna Heenan, Senior Administrative Analyst, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the following appropriation transfers within the District Court accounts be approved and the Comptroller be directed to make the necessary adjustments:

DISTRICT COURT ACCOUNTS		DECREASE	INCREASE
1210-7001	Base Salaries	\$10,000	
1212-7001	Base Salaries	27,600	
1210-7304	Advertising		\$ 600
1210-7352	Moving Costs		12,000
1210-7363	Recruitment		25,000
TOTAL		\$37,600	\$37,600

01-127 APPROPRIATION TRANSFER – MANAGER

Upon recommendation of Karen Wallace, Administrative Analyst, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the following appropriation transfers within the County Manager’s budget be approved and the Comptroller be directed to make the necessary adjustments:

DECREASE:		
001-1011-7105 – Consulting Services		\$6,000
INCREASE:		
001-1011-7620 – Travel		\$6,000

01-128 ACCEPTANCE OF GRANT AWARD – STATE DIVISION OF CHILD AND FAMILY SERVICES (DCFS) – SOCIAL SERVICES

Upon recommendation of Mike Capello, Director, Social Services Department, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that a grant award, in the amount of \$80,000 in federal pass-through funds with a 25 percent County match required, from State Division of Child and Family Services to pay for intensive time-limited family reunification services be accepted and the Comptroller be directed to make the necessary adjustments.

01-129 BUDGET AMENDMENT – FY00/01 – SAFE DRINKING WATER PROGRAM BUDGET - HEALTH

Upon recommendation of Barbara Hunt, District Health Officer, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that an amendment to the District Health Department Fiscal Year 00/01 Safe Drinking Water Program budget in the amount of \$20,000 in federal funds be approved and the following account transactions be authorized:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE
002-1700-1722G1-4301	Federal Funds	\$20,000
002-1700-1722G1-7036	Contractual Wages	\$10,000
-7140	Other Professional Services	\$10,000
	TOTAL EXPENDITURES	\$20,000

01-130 AWARD OF BID – TRANSPORT TRAILERS - BID NO. ITB-2270-01/MS – EQUIPMENT SERVICES DEPARTMENT

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on December 6, 2000, for 12- and 20-Ton Tilt Bed Transport Trailers for the Equipment Services Division of the General Services Department. Proof was made that due and legal Notice had been given.

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

Empire Equipment Company
Bat Rentals
Worthen Kenworth & Equipment, Inc.

Sierra Freightliner submitted a "no-bid" response.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that Bid No. ITB-2270-01/MS for 12- and 20-Ton Tilt Bed Transport Trailers for the Equipment Services Division of the General Services Department be awarded to Empire Equipment Company in the amount of \$14,950 for the 12-ton tilt bed transport trailer, and \$16,650 for the 20-ton tilt bed transport trailer for a total bid award of \$31,600.00.

It was noted that Bat Rentals submitted a lower priced bid for the 12-ton tilt bed transport trailer, but they took exception to some of the bid specifications, which was unacceptable to Equipment Services. Therefore, Empire Equipment was deemed the lowest responsive, responsible bidder meeting bid specifications.

01-131 REQUEST TO CONSTRUCT FILL SLOPE ON COUNTY PROPERTY – CHILDREN’S CABINET – STANTEC CONSULTING – PUBLIC WORKS

Upon recommendation of Dave Roundtree, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the Department of Public Works be directed to authorize the construction of an earthen fill slope, as requested by Stantec Consulting, Inc., along a portion of the westerly boundary line of the Children’s Cabinet/Kids Cottage II parcel.

**01-132 GRANT OF EASEMENT – FLEMMING H. CARSTENSEN, ET AL,
APN 552-131-01 – ENGINEERING**

Upon recommendation of James Gale, Senior Property Agent, through Dave Roundtree, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that an access and public utility easement through a portion of County owned property (APN 552-131-01) be granted to Flemming H. Carstensen, et al, and that Chairman Shaw be authorized to execute the Grant of Easement on behalf of Washoe County. It was noted that the area of the easement is 7500 sq.ft. and Mr. Carstensen has offered to purchase the easement for \$13,125.

**01-133 GRANT OF EASEMENT – SIERRA PACIFIC POWER COMPANY
- APN 040-151-05 – ENGINEERING**

Upon recommendation of James Gale, Senior Property Agent, through Dave Roundtree, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that an easement for existing underground electric and gas lines servicing the Bartley Ranch Park Amphitheater be granted to Sierra Pacific Power Company and that Chairman Shaw be authorized to execute the Grant of Easement on behalf of Washoe County.

**01-134 GRANT OF EASEMENT – SIERRA PACIFIC POWER COMPANY
- APN 049-300-19 – ENGINEERING**

Upon recommendation of James Gale, Senior Property Agent, through Dave Roundtree, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that an easement for underground utilities in the Fieldcreek area be granted to Sierra Pacific Power Company and that Chairman Shaw be authorized to execute the Grant of Easement on behalf of Washoe County. It was noted that a South Truckee Meadows Waste Water Treatment Facility effluent reservoir is located on this property.

**01-135 MONTHLY STATUS REPORT – WOLF RUN GOLF COURSE –
RECLAIMED WATER SERVICE PAYMENT AND USAGE**

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

01-136 WATER RIGHTS DEED – PALOMINO VALLEY ESTATES, INC.

Upon recommendation of John Collins, Manager, Utility Services Manager, through Ed Schmidt, Water Resources Director, on motion by Commissioner Bond,

seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following actions be taken regarding George Newell's parcel map:

1. The Water Rights Deed between Palomino Valley Estates, Inc., as Grantor, and Washoe County, as Grantee, for 3.0 acre feet of ground water rights from Permit 62600, and 4.5 acre feet of ground water rights from a portion of Permit 64501, for a total of 7.50 acre feet of ground water rights, be approved and Chairman Shaw be authorized to execute;
2. The Utility Services Division Manager be directed to record the Water Rights Deed with the County Recorder.

01-137 WATER RIGHTS DEED – RENO 307

Upon recommendation of John Collins, Manager, Utility Services Manager, through Ed Schmidt, Water Resources Director, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following actions be taken regarding Valley Village Subdivision, Unit 6:

1. The Water Rights Deed between Reno 307, a limited partnership, as Grantor, and Washoe County, as Grantee, for 12.32 acre feet of ground water rights from a portion of Permit 25971, further changed by Application 66543; and 9.34 acre feet of ground water rights from a portion of Permit 31287, further changed by Application 66544; for a total combined duty of 12.32 acre feet, be approved and Chairman Shaw be authorized to execute;
2. The Utility Services Division Manager be directed to record the Water Rights Deed with the County Recorder.

01-138 WATER RIGHTS DEED & WATER SALE AGREEMENT – SIERRA PACIFIC POWER COMPANY

Upon recommendation of John Collins, Manager, Utility Services Manager, through Ed Schmidt, Water Resources Director, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following actions be taken regarding Cassmon Medical Building:

1. The Water Rights Deed between Sierra Pacific Power Company, as Grantor, and Washoe County, as Grantee, for 2.27 acre feet of surface water rights from portions of Claims 337/338, further changed by Application 67130; and the corresponding Water Sale Agreement between Washoe County and Sierra Pacific Power Company for 1.04 acre feet of surface water rights, be approved and Chairman Shaw be authorized to execute both documents;

2. The Utility Services Division Manager be directed to record the Water Rights Deed and Water Sale Agreement with the County Recorder.

01-139 AGREEMENT –USDOI BUREAU OF LAND MANAGEMENT & USDA NATURAL RESOURCES CONSERVATION SERVICE – RESEEDING ARROWCREEK AND MITCHELL WILDFIRES – WATER RESOURCES DEPARTMENT

Upon recommendation of Donald Mahin, P.E., through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that two Cooperative Agreements [one for each wildfire] between the County of Washoe, the USDOI Bureau of Land Management, and the USDA Natural Resources Conservation Service, concerning reseeded of Arrow Creek and Mitchell wildfires and payment for local share of \$24,600, be approved and Chairman Shaw be authorized to execute on behalf of Washoe County.

01-140 AMENDMENT TO AGREEMENT – STATE DEPARTMENT OF HUMAN RESOURCES WELFARE DIVISION – TITLE IV-D SERVICES – DISTRICT ATTORNEY

Upon recommendation of Madelyn Shipman, Assistant District Attorney, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that Amendment #3 to Cooperative Agreement for IV-D Services between the County of Washoe (District Attorney) and the State of Nevada (Department of Human Resources Welfare Division), concerning an extension of time through July 31, 2001 be approved and Chairman Shaw be authorized to execute on behalf of Washoe County.

01-141 CORRECTION OF FACTUAL ERRORS - TAX ROLLS

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

2000 Supplemental Roll - Improvements Only

TAXPAYER	APN/I.D. #	AMOUNT
Joseph W. & Sheila Erlach, Tr.	APN 025-610-04	[-\$ 893.99]
Eugene & Rhonda Garate	APN 033-131-15	[-\$ 10.78]
Daniel Dees	APN 048-081-09	[-\$ 63.79]

Norman & Rhonda Azevedo	APN 055-042-04	[-\$ 191.82]
Marilyn M. Tucker, Tr.	APN 130-241-01	[-\$ 27.13]

2000 Secured Roll

TAXPAYER	APN/I.D.#	AMOUNT
Hans Frischeisen	APN 013-242-08	[-\$ 152.90]
Joseph C. & Lucy V. Luchetti	APN 027-211-19	[-\$ 135.89]
Annette C. Matthews, Tr.	APN 033-133-05	[-\$ 51.37]
George & Jeanne Steinheimer	APN 078-133-05	[-\$ 85.63]
Tarmac Trust	APN 089-290-03	[-\$ 202.13]
Dennis I. McCluney, et al.	APN 508-430-10	[-\$ 58.70]
Deborah S. & Eric Dewitt	APN 530-152-14	[-\$ 1,508.69]
James L. Czarnecki	APN 550-231-13	[-\$ 26.59]
Kenneth E. & Belinda L. Chalk	APN 050-413-16	[-\$ 51.75]
Norman & Rhonda Azevedo	APN 055-042-04	[-\$ 44.58]
Nevada Spectrum, LLC	APN 082-401-15	[-\$10,688.19]
Alice Gore, Lessee	APN 084-160-75	[-\$ 87.61]
Bryce Rhodes	APN 017-400-38	[-\$ 34.63]

1999 Secured Roll

TAXPAYER	APN/I.D. #	AMOUNT
Joseph C. & Lucy V. Luchetti	APN 027-211-19	[-\$ 135.90]
Annette C. Matthews, Tr.	APN 033-133-05	[-\$ 141.86]
Tarmac Trust	APN 089-290-03	[-\$ 202.11]
David & Terri Petrilla	APN 130-212-06	[-\$ 412.50]
Alice Gore, Lessee	APN 084-160-75	[-\$ 87.61]
Bryce Rhodes	APN 017-400-38	[-\$ 34.64]

1999 Supplemental Roll Improvements only

TAXPAYER	APN/I.D.#	AMOUNT
Kenneth E. & Belinda L. Chalk	APN 050-413-16	[-\$ 51.73]

1998 Secured Roll

TAXPAYER	APN/I.D.#	AMOUNT
Joseph C. & Lucy V. Luchetti	APN 027-211-19	[-\$ 132.32]
Tarmac Trust	APN 089-290-03	[-\$ 196.47]
Bryce Rhodes	APN 017-400-38	[-\$ 33.67]

**RESOLUTION - DONATION TO GLENN DUNCAN
ELEMENTARY SCHOOL – IAN HILL**

Kathy Carter, Community Relations Director, introduced Ian Hill, who was the guest speaker at the annual “State of the County” address. She advised that a \$2,500 speaker fee has traditionally been paid, and Mr. Hill has generously donated his fee back to the community and requested that \$500 be used to establish an annual scholarship fund for Glenn Duncan Elementary School in the name of a Washoe County employee who volunteers at the school.

Katy Singlaub, County Manager, stated Washoe County is very proud to be partnering with Glenn Duncan and to have employees providing assistance to the school.

Mr. Hill stated the scholarship will be revolving and the name of the scholarship this year is Ivy Diezel, who works in the Assessor’s office and has been helping 1st and 2nd graders with their reading. He stated he is matching the \$500 from the honorarium and reported to the Board that Ms. Diezel also donated \$500.

Commissioner Galloway moved to approve and adopt the resolution establishing the revolving scholarship fund, stating he was very happy to support the County’s partnership school. Commissioner Bond seconded the motion. Commissioner Sferrazza offered that his District funds be used for future funding of this scholarship since Glenn Duncan Elementary School is in his District. Chairman Shaw called for the vote on the motion, which motion carried unanimously; and it was ordered that the following resolution be adopted and executed:

RESOLUTION -- Establishing a Revolving Scholarship Fund, Authorizing the Receipt of Donations into the Scholarship Fund, Authorizing the Grant of Money from the Fund to Glenn Duncan Elementary School, Washoe County's partnership school and a Nevada public elementary school.

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, or to a governmental entity, to be expended for a selected purpose; and

WHEREAS, the Board of County Commissioners of Washoe County has selected Glenn Duncan Elementary School as its partnership school and the County encourages County employees to volunteer at the school during their own time to participate in school programs and projects to assist students, such as the Read and Succeed Program, and that such participation provides a substantial benefit to the inhabitants of Washoe County; and

WHEREAS, the County has received donations from citizens in the community for the purpose of establishing a scholarship fund to be given to Glenn Duncan Elementary School in the name or names of Washoe County employee(s) who have donated their time and participated in those school programs or projects throughout the year, like the Read and Succeed Program; and

WHEREAS, the purpose of this resolution is to establish a revolving scholarship fund which would allow donations to be received into the fund on a continuing basis and to authorize expenditures from the fund to Glenn Duncan Elementary School to use in any manner the school deems appropriate to benefit and support its students;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Washoe County:

1. That the Board hereby establishes the Washoe County Scholarship Fund for the purpose of receiving donations and making expenditures to Glenn Duncan Elementary School to benefit and support the school's students. That in establishing the Fund for the purposes outlined herein, the Board finds that it will bring a substantial benefit to the inhabitants of the County pursuant to NRS 244.1505.

2. That the Board authorizes the Comptroller to accept donations to the Scholarship Fund and directs that such donations be reported to the Board annually.

3. That each year, or more often as may be necessary, the County Manager, upon recommendation of the Employee Involvement Committee, will select a County employee who has demonstrated during the past year a commitment of time and participation in Glenn Duncan Elementary School programs or projects. Upon selection of the employee, and based upon the current balance of the Scholarship Fund, the County Manager shall designate the amount of the scholarship and shall direct the Comptroller to issue a check in that amount from the Scholarship Fund to be issued to Glenn Duncan Elementary School in the name or names of the employee(s) selected. Glenn Duncan Elementary School may use the money received in any manner it deems appropriate to benefit and support the school's students.

4. That the selection of the employee and the amount of the scholarship shall be reported to the Board annually.

5. In no event shall expenditures from the Scholarship Fund exceed the balance of the Fund.

6. That for 2001, the Board grants to Glenn Duncan Elementary School a scholarship in the amount of \$500 in the name of Ivy Diezel. That the Comptroller is authorized to issue a check in that amount to Glenn Duncan Elementary School in the name of Ms. Diezel.

[Business Impact Note: The Board of County Commissioners hereby finds that this resolution does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation, or expansion of a business.]

01-143 APPEARANCE – NANCY CUMMINGS, LIBRARY DIRECTOR

Nancy Cummings, Washoe County Library Director, presented an overview of the Washoe County Library System operations and programs, with a theme of “Beyond The Bounds.” She stated the Library’s annual operating budget is approximately \$8.6-million, and they brought in over \$500,000 in federal, state and private sector funds. The library has 166 employees, 12 physical sites with 156,000 square feet, and one virtual site with the Internet branch library, which has no limit to its size and capacity. Ms. Cummings cited other statistics, comparing them to national averages, and stated there is a perception and concern that public libraries will become obsolete, but that is not evident in Washoe County with checkouts and patron usage going up.

Ms. Cummings discussed the Library’s employee training programs, establishment of employee performance measurements, and the mutual accountability between herself and her employees. She stated the Library employees do make a difference and their goal is to diminish the hierarchy and develop a solution-centered staff approach to the organization.

Ms. Cummings then discussed the various programs beginning with the Internet branch library advising they had 38,000 visitors to the Library’s website in the first year (1995), and last year they had over 113,000 visitors. Along with new technology comes new challenges, such as the need for new equipment and more staff training. She reported people are waiting in line to use the Internet stations, and also discussed their new cyber bookmobile, the traveling tales van, programs aimed at teenagers, etc.

Ms. Cummings acknowledged the Library’s many contributors and introduced “Booker” at his first public appearance.

01-144 AGREEMENT – WORTH GROUP ARCHITECTS – SOUTH VALLEYS LIBRARY – PUBLIC WORKS

Upon recommendation of Anthony McMillen, P.E., through Dave Roundtree, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that an agreement between Washoe County and Worth Group Architects for architectural/engineering services for the new South Valleys Library, in the amount of \$297,200.00, be approved and Chairman Shaw be authorized to execute on behalf of Washoe County.

**01-145 RESIGNATION & APPOINTMENT – SPANISH SPRINGS
CITIZEN ADVISORY BOARD**

On motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the resignation of Emilie S. McFadden as an at-large representative on the Spanish Springs Citizen Advisory Board be accepted and that Wilbert L. Brown be appointed to fill the position with a term to expire June 30, 2002. Mr. Brown thanked the Board for this opportunity.

**01-146 INCLINE CONSTABLE – REDUCTION IN COMPENSATION
FOR NON-CONSTABLE SERVICES – FINANCE**

Upon recommendation of Brian Mirch, Senior Administrative Analyst, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that a reduction in compensation for non-Constable services for the Incline Constable, in the amount of \$9,525 annually, be approved. It was also ordered that the salary for Constable services set by the Board on July 25, 2000 will remain at \$20,000 per year, and the approved amount for non-Constable services be reduced from \$22,994 to \$13,469 annually. The Board further ordered that the residual savings of \$4,404 for Fiscal Year 2000/01 stay within the Incline Constable's budget for safety expenses, and the following account changes be approved:

DECREASE			INCREASE		
ACCOUNT	DESCRIPTION	AMT	ACCOUNT	DESCRIPTION	AMT
1261-7001	Base Salary	\$3,664	1261-7370	Safety Exp	\$4,404
1261-7048	Retirement	\$ 687			
1261-7050	Medicare	\$ 53			
TOTAL		\$4,404	TOTAL		\$4,404

**01-147 WASHOE COUNTY SCHOLARSHIP FUND – PROCEDURES AND
APPLICATION**

Upon recommendation of Joanne Ray, Human Resources Director, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that Washoe County Scholarship Fund distribution procedures and application form, as placed on file with the Clerk, be approved.

01-148 BUDGET AUGMENTATION – GERLACH FIRE STATION

Upon recommendation of Kim Carlson, Administrative Analyst II, on motion by Commissioner Bond, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the following budget transfer be approved:

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
1878-7880	Fire Suppression	\$109,000	
16041-7880	Bridge Replacement		\$109,000

It was noted that this is the estimated amount to complete an addition to the Gerlach Fire Station started last year; and that bridge replacement funds are available since construction of the Pembroke Bridge will not begin until next fiscal year.

**01-149 LAKESHORE BOULEVARD REHABILITATION AND WATER
QUALITY IMPROVEMENT PROJECT – PUBLIC WORKS**

Upon recommendation of Kimble Corbridge, Engineering Division, through Dave Roundtree, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that:

1. The Water Quality Improvement portion of the Lakeshore Boulevard Rehabilitation and Water Quality Improvement Project be approved in concept;
2. Staff be authorized to request \$110,000 from Washoe County’s Tahoe Regional Planning Agency Water Quality Improvement Mitigation Fund for design and construction of water quality improvements for the project;
3. The Chairman be authorized to execute the following resolution to request \$340,000 from the Nevada Tahoe Bond Act and appoint the Public Works Director as agent for Washoe County; and
4. The Chairman be authorized to approve and accept the grant from the Nevada Tahoe Bond Act when offered.

RESOLUTION

Resolution of the Washoe County Board of Commissioners approving the application for State Bond Act Erosion Control Funds

***LAKESHORE BOULEVARD REHABILITATION AND
WATER QUALITY IMPROVEMENT PROJECT***

WHEREAS, the County of Washoe is submitting an application to the Division of State Lands (DIVISION) for financial assistance; and

WHEREAS, the Nevada Tahoe Conservation District has been assigned the administration of the program and the setting up of necessary procedures governing the program; and

WHEREAS, the adopted procedures established by the DIVISION require that the applicant must certify by resolution the approval of the proposed project application, including all understanding and assurances contained therein, and availability of matching funds prior to submission of said application to the DIVISION.

NOW, THEREFORE, BE IT RESOLVED that the proposed **LAKESHORE BOULEVARD REHABILITATION AND WATER QUALITY IMPROVEMENT PROJECT** is approved for implementation;

BE IT FURTHER RESOLVED that the Board of County Commissioners do hereby certify that said agency can finance 100% of their share of the project.

BE IT FURTHER RESOLVED that the Board of County Commissioners does hereby appoint the Director of Public Works as agent of the Board of County Commissioners to conduct all negotiation, execute and submit all documents including applications, agreements, billing statements, and so on which may be necessary for the completion of the above project.

01-150 STATUS – UNITED STATES ENVIRONMENTAL PROTECTION AGENCY – ARSENIC FINAL RULE – WATER RESOURCES

Terri Svetich, Registered Engineer, Water Resources Department, provided an update regarding the arsenic rule, which was finalized effective January 22, 2001, by the USEPA at 10 parts per billion (ppb). She stated the County has 5 years to comply with the rule; Washoe County has 8 wells which currently exceed 10 ppb; STMGID has 2 wells exceeding 10 ppb; and staff is looking for and examining all options that might be available. Ms. Svetich stated the standard technology currently available for removing arsenic would be quite costly, resulting in an additional \$8 to \$12 per month to the customers.

Commissioner Galloway pointed out that to treat 100,000 homes would cost over \$1,000,000 per year and expressed his disappointment that the level was set this low.

Commissioner Short requested a map of the affected wells. He suggested everyone contact their state and national legislators about this situation. Commissioner Galloway suggested a future agenda item to adopt a resolution to send to the legislators.

Commissioner Sferrazza stated he is not sure any arsenic should be allowed, but this should apply only to drinking water, which can be provided in other ways besides the pipe system. He pointed out the water used for bathing, irrigation, etc., does not need to be treated, and suggested that even if bottled water was provided at no cost, the County would probably come out ahead. He requested staff seek other alternatives rather than treating all of the water because not all of the water is used for drinking purposes.

Ms. Svetich stated that is something that needs to be added to the mix, but it would be a different element for staff to be responsible for and would have to be approved by the regulatory authority.

Commissioner Sferrazza stated he did not intend to suggest the County be responsible, only that the County could provide bottled water for those who could not afford it. He suggested that the monthly water bills could be used as the vehicle for informing people that their water is not safe for drinking and stated people have to take some responsibility for themselves.

Commissioner Galloway stated information about what is really dangerous is not available and this new rule does not have the necessary scientific backing.

Chairman Shaw asked whether there is any possibility of federal financial assistance. Ms. Svetich stated there is assistance through the State Revolving Loan Fund, and she has already applied for assistance for the affected systems.

Ms. Svetich advised the Department of Water Resources is already taking steps to bring the County wells into compliance and looking for other cost-effective alternatives.

Commissioner Sferrazza stated people should be told now what their arsenic levels are, even though there is dispute about the health impacts, so they can make their own choice as to whether to buy bottled water for drinking. Ms. Svetich stated the customers could be told about the change in the arsenic standards in the annual confidence report, the quarterly newsletter she prepares, and/or their monthly bill, and she agreed the customers should be fully informed.

Chairman Shaw stated this item was not agendaized as an action item today and suggested it be considered again on a future agenda so the Board can give staff direction. Katy Singlaub, County Manager, stated staff will bring the item back for a discussion of the alternatives and more information concerning costs, etc., so the Board can provide direction.

**01-151 TRUCKEE WATERSHED RECLAMATION PROJECT –
LETTERS TO CONGRESSIONAL DELEGATION**

Upon recommendation of Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, it was ordered that the letters to Senator Harry Reid and Congressman Jim Gibbons thanking them for the support of the Truckee Watershed Reclamation Project (HR4577) be approved and Chairman Shaw be authorized to sign on behalf of the Commission.

**01-152 USDA SNOW SURVEY PROGRAM IN NEVADA – LETTERS TO
CONGRESSIONAL DELEGATION**

Upon recommendation of Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, it was ordered that letters to Senator Harry Reid, Senator John En-

sign, Congressman Jim Gibbons and Congresswoman Shelley Berkley requesting their support of the USDA Snow Survey Program in Nevada be approved and Chairman Shaw be authorized to sign on behalf of the Commission.

01-153 REQUEST FOR APPROVAL OF OUTSIDE COUNSEL – WASHOE COUNTY V. REGIONAL PLANNING GOVERNING BOARD

Sam Dehne, area resident, asked how much hiring outside counsel is going to cost, and if the Board is going to approve such an item without knowing the costs. He also asked why District Attorney staff cannot be used. Commissioner Galloway provided background information stating the issue is that the Regional Planning Governing Board took a vote which threatens to override an agreement between the County and the City of Reno and it affects annexation areas. Commissioner Galloway further explained that the District Attorney's office also provides legal guidance to the Truckee Meadows Regional Planning Agency, therefore a conflict would exist if the County did not use outside legal counsel.

Mr. Dehne agreed the issue of annexation is very important, but was still concerned about not knowing the cost or the Board not at least setting a limit. Madelyn Shipman, Assistant District Attorney, stated this is a one time, one case appointment which should require no more than briefing and oral argument.

Commissioner Sferrazza suggested the Board at least put a not-to-exceed amount of \$10,000 on the approval. The other Board members did not agree with that idea.

Upon recommendation of Ms. Shipman, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza voting "no," Chairman Shaw ordered that the hiring of Rew Goodenow, Esq., as outside counsel for the prosecution of County of Washoe v. Regional Planning Governing Board be approved; that the transfer of necessary monies to the County Manager's budget for same be authorized (amount yet to be determined); and that Howard Reynolds, Assistant County Manager, be designated as contract administrator and contact person within the County with regard to the lawsuit.

Commissioner Sferrazza explained that he is not opposed to hiring outside counsel, but he does object to the rate and to it being open-ended.

01-154 REGIONAL WATER PLANNING COMMISSION – REVIEW STORM WATER IMPACTS – GLENDALE TREATMENT PLANT – RETRAC PROJECT

Jeanne Ruefer, Water Planning Manager, advised staff has asked the Regional Water Planning Commission (RWPC) to place an item on their next meeting agenda to review storm water impacts of the ReTRAC project on the Glendale Treatment Plant.

Commissioner Galloway reported he received some information regarding Laurie Williams of Sierra Pacific Power Company working with the ReTRAC people on ideas that might solve this problem, and he requested the RWPC contact Ms. Williams to get the information and evaluate the options, including costs.

Commissioner Short stated Ms. Williams advised him that they had to acknowledge the impact. He further stated this has to be explored completely.

Linda Galli, Sierra Pacific Power Company, stated they have developed mitigation measures to address the water quality concerns that Sierra Pacific had regarding the ReTRAC storm consolidation. She explained there was a brain-storming session between Sierra water staff, the City of Reno, the EIS people, and the federal officials. There were several options reviewed, and they believe the best methods are (1) to have two monitoring stations, with associated equipment, to alert water officials of potential water quality issues that may arise, and (2) some enhancements to the chemical treatment plant at Glendale. She stated they think the combination of those two things will satisfy Sierra Pacific; she does not know the associated costs; and she will let Ms. Williams know so she can provide that information to the RWPC.

01-155 REVIEW OF WASHOE COUNTY CODE SECTIONS 50.190 to 50.210 - OBSCENE MATERIAL AND MINORS

Commissioner Galloway stated he requested this discussion; the statute the District Attorney has provided is a criminal statute; and it is the only statute in Washoe County governing accessibility to obscene material by minors. He stated a citizen informed the Board that this type of material was right out on the shelf of a large chain bookstore available to anyone, and asked whether this statute would apply if the bookstore was located in the City.

Madelyn Shipman, Assistant District Attorney, advised that Washoe County ordinances only apply in the unincorporated area, but the County Code does prohibit such a display and the purchase of such material by minors in the unincorporated area. She cautioned that it would be necessary to go through the definitions in this section of the Code and reminded the Board how careful they need to be when dealing with First Amendment issues. She stated she believes Section 50.206 sufficiently prohibits a store from knowingly exhibiting for sale or loan for monetary consideration to a minor material that is sexually oriented in content. Ms. Shipman further stated this is an old ordinance, being adopted in 1968, these types of laws have changed drastically since that time, and she does not know if this ordinance would pass Constitutional muster.

Commissioner Galloway stated he would like to see a report on some national models from communities that have recently updated their standards.

Commissioner Sferrazza stated "Playboy" is displayed in the open in every 7-11 store, and they used to be required to have black, plastic covers, which is not

done anymore. He requested staff check into that to determine whether the law was changed or if the ordinances are not being enforced.

01-156 2001 TRUCKEE MEADOWS REGIONAL PLAN UPDATE

Maryann DeHaven, Planner, Department of Community Development, reviewed a report regarding the 2001 Regional Plan update providing a summary of the feedback obtained from the public at the numerous CAB, NAB and CAC meetings where they gave presentations on the County’s goals and policies for the 5-year update adopted by the Board on November 28, 2000. She advised there was good participation from the public and copies of the report were sent to all the CAB’s, NAB’s, and CAC’s, as well as the Planning Commissions of both Cities. Due to the public feedback, staff is recommending some changes to the November 28 goals and has prepared a side-by-side comparison of those goals/policies and the new ones dated February 13, 2001. The Board thoroughly reviewed each item. Ms. DeHaven, Mike Harper, Planning Manager, and Robert Sellman, Director, Community Development Department, responded to Board members’ questions; and additional changes were made by the Board. Madelyn Shipman, Assistant District Attorney, and Katy Singlaub, County Manager, also provided information and suggested policy changes. Specific areas of concern were the annexation and sphere of influence goals and policies with an emphasis on land use and/or density changes and extra-territorial jurisdiction. Fiscal equity and service delivery were also discussed, as well as the desire to have clear definitions for rural, urban, suburban, and major versus minor amendments.

Ms. DeHaven stressed that, when finalized and adopted by the Board, these goals and policies will be the official position of Washoe County for the Regional Plan update. She further stated all proposals submitted by the other entities and/or the Regional Planning Commission will be compared against the County’s position and staff will keep the Commissioners informed if conflicts arise between positions so that appropriate action can be taken.

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5:20 p.m. – Commissioner Short temporarily left the meeting.
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Mr. Harper stated staff will make the revisions and bring the new goals and policies back to the Board for final review and approval as soon as possible.

5:25 p.m. The Board recessed.

5:35 p.m. The Board reconvened with Commissioners Sferrazza and Short absent.

**01-157 REFUNDING REVENUE BOND - \$80 MILLION – SIERRA
PACIFIC POWER COMPANY**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on January 30 & 31, 2001, to consider the proposal to issue refunding revenue bonds of the County in one or more series in the aggregate principal amount of not to exceed \$80,000 for the purpose of refunding a principal amount of the County’s revenue bonds previously issued for the purpose of financing costs to Sierra Pacific Power Company of certain facilities located in the County and used in connection with the furnishing of water available on reasonable demand to members of the general public. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing and called on anyone wishing to speak on this matter. There being no response Chairman Shaw closed the public hearing.

On motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried with Commissioners Sferrazza and Short absent, Chairman Shaw ordered that this matter be continued to February 27, 2001, at 5:30 p.m.

**01-158 WAIVER REQUEST FOR 24-HOUR OPERATION – MARK
DAGHER dba THE ORE HOUSE – COMMUNITY
DEVELOPMENT**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on January 31 and February 2, 7, & 9, 2001, to consider an application from Mr. Mark Dagher (dba The Ore House at 5544 Sun Valley Boulevard, Sun Valley, Nevada) to waive the requirements of Washoe County Code Section 25.0531(15) that “no adult characterized business may operate more than seventeen hours in any twenty-four hour period.”

Bob Webb, Planning Manager, Community Development, requested the Board hear the request for waiver first, and then consider the application to extend the time for Mr. Dagher to conform an existing non-conforming adult characterized business to current Washoe County Business License Ordinances. He submitted Exhibits 1 through 9, and a document entitled Calls for Service, which provides the number of times the Sheriff’s Office, Fire Department and REMSA responded to calls from the Ore House. Mr. Webb advised that Don Ellis, area resident, had called and left a voice mail message objecting to the waiver that would allow the business to remain open 24-hours a day.

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Commissioner Sferrazza arrived at 5:42 p.m.
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The Chairman opened the public hearing and called on anyone wishing to speak on this matter.

Treva Hearne, Attorney at Law, representing Mark Dagher dba The Ore House, said the current ordinance does not say which 17 hours an adult characterized business can be open. She said because of the lack of specific hours it is impossible to enforce this ordinance. She stated that Calls for Service had gone up for the year 2001, and explained some of the calls, which had nothing to do with the business itself.

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Commissioner Short arrived at 5:45 p.m.
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Ms. Hearne said the business is not in a residential area and noise has not been an issue with the Ore House.

Commissioner Bond inquired if the Ore House was requesting to be open 24-hours a day, 7 days a week. Ms. Hearne said yes, but they would probably not be open that many hours every day.

Mary Hansen, area resident, said she has property adjoining the Ore House, and since it opened there have been problems with noise as well as customers parking on her property. Due to the parking problems, she has had to post "Tenant Parking Only" signs. Ms. Hansen advised there is a park where kids play near the Ore House, and she does not understand how they were allowed to open this business in this location.

Chairman Shaw read Michael Mathis' statement into the record, expressing his concerns about adult characterized businesses.

Commissioner Bond expressed her concern about the Ore House being open 24-hours a day. She said she would not like the adult entertainment part of the business to be open during school hours, which she believes is from 9:00 a.m. to 3:00 p.m.

Mark Dagher, owner The Ore House, said his business is usually open 4:00 p.m. to 4:00 a.m., but sometimes employees arrive early to accept deliveries.

Commissioner Sferrazza said maybe the Board could set specific hours, if the concerns revolve around the adult entertainment.

Madelyn Shipman, Legal Counsel, advised the Board has limited options to this request. They can either deny the additional hours, grant the additional hours by approving the waiver, or alternatively, they could discuss specific hours with the owner, which would be voluntary on his part. She recommends the Board deny the waiver and deal with specific hours for all adult characterized businesses when the new ordinance comes in front of this Board.

Marge Cutler, Sun Valley Citizen Advisory Board, said Ruby's Trailer Park is right behind The Ore House, and although a trailer park may be considered a business, people also live there. She said she opposes the waiver request for a 24-hour operation. She said 17 hours is too many hours to be open already.

Gary Schmidt, area resident, stated that the current ordinance does not set hours when adult characterized businesses can be open, so the ordinance currently is nonsensical and unenforceable.

Shirley Gieck, area resident, said some schools are year round schools and children can be out any time during the day, not just weekends. She requested the Board deny this waiver request.

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

Mr. Webb advised that Mr. Dagher requested the waiver for 24-hour operation be granted for 99 years; staff recommends that not be granted, and that the waiver be specific to The Ore House and not to the business location.

Ms. Shipman clarified that the 24-hour waiver request is the only thing before this Board.

Commissioner Galloway asked if they could grant the waiver until the ordinance is amended. Ms. Shipman said they could not condition the waiver the way the current ordinance is written.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the Waiver request for 24-hour operation of an adult characterized business by Mark Dagher (dba The Ore House at 5544 Sun Valley Boulevard, Sun Valley, Nevada) be continued until such time as the public hearing process begins on the new ordinance.

Commissioner Sferrazza requested Mr. Webb submit service calls to the Board from other bars in the Sun Valley area as well.

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This was the time set to consider an application filed by Mark Dagher (dba The Ore House at 5544 Sun Valley Boulevard, Sun Valley, Nevada) pursuant to WCC §25.056(2) to grant a year's additional time for The Ore House to come into compliance with specified portions of the adult characterized business section of the Washoe County Business License Ordinance.

Bob Webb, Planning Manager, said staff recommends that an extension be granted until the new ordinance is in place.

Treva Hearne, Attorney at Law, representing Mark Dagher dba The Ore House, said that 90 percent of the problems are physical because the building is old and some of the requirements of space are not available.

Commissioner Bond said if 90 percent of the problems are physical in nature, how will an extension of time change that if they are still in the same building. Ms. Hearne responded they have just received the recommended changes to the ordinance and believes The Ore House can come into compliance with those changes if they are approved.

Madelyn Shipman, Legal Counsel, said some changes to the ordinance are being recommended to tighten up the language. The separation between employees and clientele and the raised platform for the dancers will have to be addressed by Mr. Dagher or his representative. She advised Ms. Hearne to address those issues as well as the policy issue related to work cards and employment of employees to the Board.

Ms. Hearne advised the Board of several requirements that are in non-conformance at The Ore House; the distance between employees and clientele, the raised platform, the bathrooms and the work card issue. She said the City of Reno has withdrawn their requirement for a work card for people working in the adult characterized business. She said they have no issue with the bartenders having to have a work card.

Mark Dagher, General Manager of The Ore House, said the dancers work for tips exclusively. The employees do not pay to work on the premises and they are not paid any salary. He said employees are completely independent and they come and go as they please.

Ms. Shipman clarified the work card requirements. She advised the Board why The Ore House, and other such businesses, would not want to have the dancers as employees, because of the no-touch rule. The question is how would the dancers be paid if they are not allowed any contact because essentially the dancers make their money from tips given to them by the clientele.

Mr. Webb clarified the current ordinance specifically states the dancing has to occur on an elevated stage area; the stage must be elevated 18 inches from the floor; and the current code says a separation of 6 feet from the patron area to the stage. Staff is recommending a change to 4 feet separation.

Ms. Shipman said the Board's decision today is whether they will grant an extension of time for compliance under the original ordinance to The Ore House.

Mr. Webb advised The Ore House would have to come into conformance with the code that is in effect today, if the extension is denied. If the Board grants the extension of time, then they could tie the conformance to a future code making clear that The Ore House will have to come into conformance with that future code.

Commissioner Galloway asked if the extension was granted, would that exempt The Ore House from the entire ordinance. Ms. Shipman said it does not, and the Commissioners should read her letter in response to Ms. Hearne's letter concerning the adult characterized ordinance as it relates to The Ore House.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the extension of time be continued until the new ordinance is approved.

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There being no further business to come before the Board, the meeting adjourned at 7:05 p.m.

JAMES M. SHAW, Chairman
Washoe County Commission

ATTEST: AMY HARVEY, County Clerk

*Minutes prepared by:
Sharon Gotchy and Jeraldine Magee
Deputy County Clerks*