

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

JUNE 26, 2001

PRESENT:

Jim Shaw, Chairman
Pete Sferrazza, Vice Chairman (arr. @ 2:07)

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:

01-680 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried with Commissioner Sferrazza absent, Chairman Shaw ordered that the agenda for the June 26, 2001, meeting be approved.

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Commissioner Sferrazza arrived at the meeting.

PUBLIC COMMENTS

Aaron Schumacher, County citizen, founder of Citizens Against Corrupt Government, recommended two videos, "The Foundation of American Government" and "The Education of the Founding Fathers" both by David Burton.

Guy Felton, Reno citizen, discussed issues concerning his illegal arrest at Reno City Hall on November 23, 1999 and the Sheriff's Office denial of his right to legal counsel before questioning. He stated that the Commissioners abused their power by appointing a replacement for Sheriff Kirkland instead of letting citizens choose his replacement.

Robert Metz, County citizen, advised he is involved in disaster aid in Washoe County. He said that recently a County employee willfully and knowingly

slandered him and tried to defile his character. He will be serving the County with a cease and desist order against this person and will be asking that the County conduct an employee review of that person.

COMMISSIONERS'/MANAGER'S COMMENTS

Commissioner Galloway advised that, on behalf of the County Commissioners, he attended the press conference and briefing held at McQueen High School this morning concerning the Martis fire. He did not have the opportunity to express the County's appreciation for everyone pulling together to deal with this dangerous fire, and requested a Resolution be drafted to express thanks to the agencies, firemen, etc. County Manager Singlaub advised that staff is working on that matter for the July 10, 2001 meeting.

Commissioner Sferrazza requested an item be scheduled for discussion about how bonds are placed for sale to include discussion concerning online bond sales listed in the last issue of Government West for the lower Colorado River that resulted in a lower rate than what was paid in the recent sale of bonds in Washoe County.

Chairman Shaw thanked the staff for the great picnic held last week at Rancho San Rafael to recognize all County volunteers.

01-681 MEETING CANCELLATION

On motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that, pursuant to Washoe County Code 5.017(4), the regularly scheduled County Commission meeting for July 17, 2001 be cancelled, and the Clerk be directed to post notice of cancellation.

01-682 DESIGNATION OF REGIONAL EMERGENCY MEDICAL SERVICES AUTHORITY – 911 SECONDARY PUBLIC SAFETY ANSWERING POINT – EMERGENCY MANAGEMENT

Upon recommendation of the 911 Emergency Response Advisory Committee, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that the designation of Regional Emergency Medical Services Authority (REMSA) as a secondary public safety answering point to receive specific 911 caller information from Reno and Sparks 911 centers be acknowledged and approved. It was further ordered that the associated cost of connecting telephone trunk lines from the Nevada Bell Central Office to the Regional Emergency Medical Services Authority dispatch center in the annual amount of \$8,724 and one time installation charge of \$1,900 be approved.

01-683 TRANSFER OF APPROPRIATION AUTHORITY – PARKS GOLF COURSE FUND – APPROVAL OF UNBUDGETED CAPITAL OUTLAY - BUDGET

Upon recommendation of Brian Mirch, Finance Division, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that the Transfer of Appropriation Authority within the Parks Golf Course Fund and the Unbudgeted Capital Outlay that occurred due to unexpected costs for replacement of equipment at the Washoe Golf Course and restaurant repairs at Sierra Sage be approved, and the following account changes be authorized:

Decrease Account	Amount	Increase Account	Amount
6804-7601 Utilities	\$25,828	6812-7872 Building Improvements	\$69,828
6803-7103 Professional Services	\$44,000		
Total	\$69,828		\$69,828

01-684 ACCEPTANCE OF DONATIONS FOR KIDS KOTTAGE AND LOW-INCOME FAMILIES - SOCIAL SERVICES

Sharon Gibbons, Social Services, introduced Louise Martin and Mark Ashworth, representatives of the A & H Insurance Company. She advised that the employees of A & H Insurance Company have contributed \$7,500 to the Kids Kottages since 1995.

Chairman Shaw and County Manager Singlaub expressed appreciation on behalf of Washoe County for A & H Insurance Company's contributions. Mr. Ashworth thanked the Board for their acknowledgement and recognized Ms. Martin as the driving force behind the contributions. Ms. Gibbons reviewed the other donations contained in this item.

Upon recommendation of Michael Capello, Director, Department of Social Services, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the following cash donations in the amount of \$3,221.58 to be used to assist the children in emergency shelter care and families who are clients of Washoe County Department of Social Services be accepted with gratitude:

- \$ 250.00 Fraternal Order of Eagles to the Ladies Auxiliary, No. 207
- \$ 500.00 Northern Nevada Songwriters Showcase
- \$ 556.66 A & H Insurance, Inc.
- \$1914.92 from the following individuals through United Way of Northern Nevada

Barnes, Emily
 Bell, Jennifer
 Carty, Marilyn

Nelson, Karen
 O'Grady, Cheryl
 Powell, Paul

Fowlston, Lillian
 Gibbons, Sharon
 Graham, Cherie
 Hardi, Stacy
 Kent, Mayla
 Murphy, Judith

Seymoure, Kimberly
 Wagner, Sandra
 Wilson, Paula
 Westergard, Kaaren
 Whinery, Sheri
 Wooley, Mary Ann

An additional 11 Washoe County employees also contributed to the Kids Kottages through the United Way, but declined to be individually acknowledged.

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

Increase Revenues		
28-28052-5802	Donations – General	\$3,221.58
Increase Expenditures		
28-28052-7205	Minor furniture and equipment	\$3,221.58

01-685 ACCEPTANCE OF DONATIONS – PARKS

Upon recommendation of Rosemarie Entsminger, Parks Department, through Karen Mullen, Director, Department of Parks and Recreation, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that the following donations received by the Parks and Recreation Department during fiscal year 00/01 be accepted with gratitude, and the following account transactions be authorized:

	Increase Revenue Account	Increase Expense Account	Amount
Bartley Ranch Old Huffaker School Donations	90060D-5802	90060D-7878	\$ 400
Galena Creek Regional Park	90060D-5802	90060D-7878	\$ 1,500
Robert Z. Hawkins Amphitheater Donations/Rec'ts	14055D-5802	14055D-7321	\$10,007.85
Wilbur D. May Arboretum Donations	6405-5802	6405-7196	\$ 3,723
Wilbur D. May Great Basin Adventure Donations	6404-5802	6404-70021	\$ 5,000
Before/After School Program Donations	1401D-5802	1401D-7266	\$ 25.12
North Valleys Regional Sports Complex	1401D-5802	1401D-7266	\$ 1,200
Easter Egg Hunts	1401D-5802	1401D-7266	\$ 1,500
Bartley Ranch Regional Park	1401D-5802	1401D-7245	\$10,000
Summer Camp Sponsorship-Sun Valley	1401D-5802	1401D-7266	\$ 143
Total			\$33,498.97

01-686 ACCEPTANCE OF DONATION – UNITED WAY OF NEVADA AND THE SIERRA 2000/2001 – MCGEE CENTER

Upon recommendation of Michael Pomi, Division Director, Early Intervention and Prevention, Juvenile Services, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered

that the donation of \$326.21 from United Way to the McGee Center be accepted with gratitude, and the following account changes be authorized:

Increase Revenue	Account	Amount
12931D-5802	Donation	\$326.21
Increase Expenditure		
12931D-7266	Recreation	\$326.21

01-687 ACCEPTANCE OF GRANT - NEVADA STATE JUVENILE JUSTICE COMMISSION – SHERIFF

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that the grant from the State of Nevada, Juvenile Justice Commission, in the amount of \$17,000 be accepted, and the Comptroller's Office be directed to make the following account adjustments:

Increase Revenues	Amount
152303G2-4301	\$17,000
Increase Expenditures	Amount
152303G2-7003	\$17,000

It was noted that the grant funds will be used to conduct alcohol sale compliance checks and other law enforcement operations to reduce underage drinking.

01-688 AWARD OF CONSTRUCTION BID – COLD SPRINGS PARK SEWER IMPROVEMENTS - PUBLIC WORKS

This was the time to consider award of construction bid for Cold Springs Park Sewer Improvements for the Public Works Department.

Informal Bids were solicited on May 29, 2001 and bids were received from the following:

COMPANY	BID AMOUNT
Atlas Contractors	\$67,500.00
Gradex Construction	\$91,020.00
Q & D Construction	'No Bid'

Upon recommendation of Anthony McMillen, Licensed Engineer, through Rodney Savini, Capital Projects Division Manager, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that the contract for the Cold Springs Park Sewer Improvements be awarded to Atlas

Contractors, the lowest responsive, responsible bidder, in the amount of \$67,500, and Chairman Shaw be authorized to execute the contract documents upon presentation.

(note: action reconsidered below)

Later in the meeting, Chairman Shaw advised that a citizen has requested to speak on this issue.

On motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that this item be reconsidered.

Claudia Van Lydegraf, Cold Springs resident, advised that their CAB met last Monday, and Commissioner Bond said she would look into issues regarding several people on Mockingbird Drive that do not want the community building located where it is proposed. She asked if this item could be postponed to see if it is feasible to locate the building elsewhere.

Commissioner Bond advised that she directed staff to put together the hydrology and sewer line location and thought the CAB had received that information. Ms. Lydegraf advised that the CAB did not receive any information.

David Roundtree, Public Works Director, advised there were two potential locations, and the selected site was based on (1) the groundwater being about three feet lower than on the alternative site and (2) the utility locations. Staff is prepared to go forward but can hold off for a period time if the Board so desires. He said he was not aware of Commissioner Bond's request for information. Commissioner Bond stated that the community needs to be provided with as much as information as possible to include the hydrology study and where the sewer line alignment is located. Mr. Roundtree advised that information is available and can be provided.

On motion by Commissioner Bond, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered this item be **continued** to the July 10, 2001 regular meeting in order to provide the requested documents to the CAB for their review.

01-689 AWARD OF BID – BACKFLOW PREVENTION RETROFIT – SUN VALLEY SWIMMING POOL - BID NO. ITB-2296-01 – GENERAL SERVICES

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been duly noticed for Backflow Prevention Retrofit at the Sun Valley Swimming Pool, on behalf of the Facility Management Division of the General Services Department.

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

Harding Mechanical
Savage & Son, Inc.
Mikennis Mechanical Contractors, Inc.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that Bid No. ITB-2296-01 for the Backflow Prevention Retrofit at the Sun Valley Swimming Pool on behalf of the Facility Management Division of the Washoe County General Services Department be awarded to the lowest responsive bidder, Harding Mechanical, in the amount of \$18,798.

It was further ordered that the Purchasing and Contracts Administrator be authorized to execute an agreement with Harding Mechanical to perform the work.

**01-690 GRANT OF EASEMENT – WOODLAND VILLAGE HOMES, INC.
– SANITARY SEWER FACILITIES – COLD SPRINGS PARK –
PUBLIC WORKS**

Upon recommendation of Anthony McMillen, Licensed Engineer, through Rodney Savini, Capital Projects Division Manager, Public Works Department, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Grant of Easement to Washoe County from Woodland Village Homes, Inc. for an easement for sanitary sewer facilities to Cold Springs Park be approved, and Chairman Shaw be authorized to execute.

**01-691 U. S. DEPARTMENT OF AGRICULTURE FOREST SERVICE
SPECIAL USE PERMIT – WATER LINE ON APN 049-060-14 –
(ARROWCREEK)**

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that the U. S. Department of Agriculture Special Use Permit to install a water line on APN 049-060-14 concerning water system improvements for the ArrowCreek Subdivision be approved, and Chairman Shaw be authorized to execute.

It was noted that the Special Use Permit allows the pipe to be installed on Forest Service administered property and for Washoe County to maintain the pipe. There is an annual fee for the continued use of the property with the initial payment set at \$45.

01-692 **AGREEMENT RENEWAL – NEVADA DEPARTMENT OF
EDUCATION – NATIONAL SCHOOL LUNCH AND SCHOOL
BREAKFAST PROGRAM – FY 2001/02 – JUVENILE SERVICES**

Upon recommendation of Mary Ann Woolley, Assistant Director, Juvenile Services, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that renewal of the agreement between Washoe County Department of Juvenile Services-Wittenberg Hall and McGee Center and the Nevada Department of Education-Child Nutrition Programs concerning the National School Lunch and School Breakfast Program for fiscal year 2001/02 be approved, and Chairman Shaw be authorized to execute.

01-693 **RENEWAL OF PROFESSIONAL SERVICES AGREEMENT –
DAVID BENNETT – FY 2001/2002 – BUDGET**

Upon recommendation of Lisa Gianoli, Budget Manager, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that the renewal of the Professional Services Agreement between Washoe County and David M. Bennett for Fiscal Year 2001/2002 concerning continuance of facilitating the Criminal Justice Advisory Committee, as well as criminal justice system coordination, calendaring systems of the District Court, pretrial services, process times and sentencing practices, in the amount of \$76,000, be approved, and Chairman Shaw be authorized to execute.

01-694 **INDEPENDENT CONTRACTOR AGREEMENTS –
SECRETARIAL SERVICES FOR CITIZEN ADVISORY BOARDS
– COMMUNITY DEVELOPMENT**

Upon recommendation of Leslie Roylance, Citizen Advisory Board Program Coordinator, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that two Independent Contractor Agreements for recording secretarial services for the Washoe County Citizen Advisory Boards between Washoe County and Robert L. Cox in the amount of \$4,920 and Allayne Donnelly in the amount of \$54,120 be approved, and Chairman Shaw be authorized to execute.

01-695 **AGREEMENT – USE OF WELL FACILITIES PRIOR TO
DEDICATION – MONTREUX DEVELOPMENT GROUP, LLC –
WATER RESOURCES**

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Agreement to Use of Well Facilities Prior to Dedication between Washoe County and Montreux Development Group, LLC, a Nevada limited liability company, dated June 13, 2001 approved and be ratified.

It was noted that Montreux Development Group, LLC wishes to temporarily exercise the water rights from Well No. 6 in preparation of the Reno/Tahoe Open.

**01-696 RATIFICATION OF COMMISSION ACTION – EXPENDITURE
OF FUNDS FROM COUNTY COMMISSION DISTRICT I
SPECIAL FUNDING ACCOUNT TO TRUCKEE MEADOWS LAW
ENFORCEMENT CHAPLAINCY**

Upon recommendation of Rita Lencioni, Assistant to the County Manager, through Katy Singlaub, County Manager, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that the approval of an expenditure to the Truckee Meadows Law Enforcement Chaplaincy in the amount of \$2,000 from the County Commission District I Special Funding Account be ratified.

It was noted that the full Board was not present at the time this action was taken on June 12, 2001. The Resolution adopted on December 14, 1999 requires that the full Commission be present when action relating to County Commission District Special Funding Accounts is taken.

**01-697 APPEARANCE – COURTHOUSE HISTORICAL AND
PRESERVATION SOCIETY**

Judge Peter Breen, President, Washoe County Courthouse Historical and Preservation Society, County Clerk Amy Harvey, and Coe Swobe, Attorney, Society members, were present to offer a gift of appreciation to the Board for their support of the Society's efforts to restore the old Courthouse. Judge Breen advised that Ms. Harvey and Mr. Swobe have been very involved in the restoration process. He said the Society is very aware that the appearance of the Courthouse today is due to the efforts and vision of the County Commission and County Management who have dedicated resources for the preservation projects. He noted that the Courthouse dome recently enjoyed a much-needed restoration. County Clerk Harvey then described the shadowbox "work of art" prepared by a local artist that contained a plaque, a photograph of the restored dome and pieces of the old dome, which was presented to the Board.

Chairman Shaw and County Manager Singlaub thanked the Society for their gift. Commissioner Galloway expressed appreciation to Judge Breen, Amy Harvey, and Coe Swobe for their key role in keeping everyone motivated to restore the old Courthouse.

**01-698 APPEARANCE – AMY HARVEY, COUNTY CLERK –
OVERVIEW OF WASHOE COUNTY CLERK'S OFFICE**

Amy Harvey, County Clerk, and Doug Johnson, Clerk's Office, conducted an automated Internet presentation of the functions of the various divisions of the Clerk's

Office that included the BCC Minutes Division, Marriage Bureau, Commissioner of Civil Marriages, Ministers Licensed to Perform Marriages, Fictitious Firm Names, Notary Bond Filings, Incline Village Satellite Office, Naturalized Citizens, and Public Records Division. She noted that the Public Records Division contains microfilm records beginning December 10, 1861 before Nevada became a state. The presentation reviewed some of the history of the office, provided an insight into the future of the Clerk's Office, and demonstrated the impact the Clerk's office has on many different areas of the community.

01-699 EMPLOYEE AND CITIZEN RECOGNITION FOR INNOVATIVE SUGGESTIONS – FINANCE

Darin Conforti, Senior Fiscal Analyst, reviewed the suggestions made by the following employees and one citizen being recognized today.

Initial Award:		
01-006-CM	Jeraldine Magee	\$ 25
01-043-CD	Charles Glacken (citizen)	\$ 25
01-028-GS	Richard Bosco	\$100
01-029-GS	Richard Bosco	\$100
Savings Award:		
323	Steve Kutz (\$53	\$159
	Pam Young (\$53)	
	Penny Mort (\$53	

Mr. Conforti advised this is the first Certificate awarded to a private citizen since the County Suggestion Program was revised in October, 2000 to include citizens in the community.

Jeraldine Magee and Richard Bosco were present to receive their Certificate of Recognition, which was presented by Chairman Shaw.

01-700 CHANGE ORDER NO. 1 – 2000/2001 SLURRY SEAL CONTRACT – INTERMOUNTAIN SLURRY SEAL, INC. - PUBLIC WORKS

Upon recommendation of Greg Belancio, Engineering Division, through David Roundtree, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that Change Order No. 1 to increase the contract with Intermountain Slurry Seal, Inc. for an additional \$170,000 for surface treatment work on the County-maintained paved streets at Incline Village be approved, and Chairman Shaw be authorized to execute.

**01-701 AMENDED WASHOE COUNTY BUDGET – FISCAL YEAR
2001/2002 – BUDGET**

Katy Singlaub, County Manager, advised that the Budget Amendment is due to legislative action that moved Child Welfare Services from the State to Washoe and Clark Counties, and reflects the appropriated State funding and Federal reimbursements concerning same.

Upon recommendation of Lisa Gianoli, Budget Manager, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the Amended Washoe County Budget for Fiscal Year 2001/2002 be approved.

**01-702 RESOLUTION – LEVYING TAX RATES FOR ALL WASHOE
COUNTY ENTITIES – FISCAL YEAR 2001-2002 - BUDGET**

Lisa Gianoli, Budget Manager, and John Sherman, Finance Director, responded to questions of Commissioner Sferrazza concerning the Budget. He said a previous legislature provided that the City of Reno Redevelopment Agency would not receive tax override or tax increase monies, and he wants to be assured that this did not occur with the 2000 park bond monies. Mr. Sherman advised that staff would confirm with the Treasurer's Office that the two-cent bond for the 2000 parks, trails and open space is not included in the Redevelopment Agency rate. Later in the meeting, Mr. Sherman advised that the Treasurer verified that this is not an issue of tax rate, but is an issue of apportionment of the bond proceeds, and when the Treasurer bills the downtown properties, the proceeds of that two cents is given to the County.

Upon recommendation of Lisa Gianoli, Budget Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Shaw be authorized to execute:

**RESOLUTION LEVYING TAX RATES FOR ALL WASHOE COUNTY
ENTITIES FOR THE 2001-2002 FISCAL YEAR**

WHEREAS, the Nevada Tax Commission has certified the combined tax rates for the 2001-2002 fiscal year; and

WHEREAS, the Board of County Commissioners is required, pursuant to NRS 361.460, to levy the tax rates for all local government entities in Washoe County for the fiscal period beginning July 1, 2001, and to designate the number of cents of each \$100 of property levied for each fund; and

WHEREAS, to confirm to the Nevada Department of Taxation the tax rates levied, the Department of Taxation has requested county commissioners to adopt

the resolution levying the tax rates of all local entities pursuant to NRS 361.460 and forward a copy of the Resolution to the Department; and

NOW THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Washoe County, Nevada, hereby levies the tax rates for all local government entities in Washoe County as such rates have been certified by the Nevada Tax Commission;

BE IT FURTHER RESOLVED, that the tax rates for all local government entities in Washoe County for the fiscal year 2001-2002 as certified and levied are shown on the Exhibits [placed on file with the Clerk]; and

BE IT FURTHER RESOLVED, that the tax rate for Washoe County be designated and distributed for each fund as shown on the Exhibits; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby directed to distribute copies of this Resolution along with all attachments to the Nevada Department of Taxation, the Cities of Reno and Sparks, the Truckee Meadows Fire Protection District, the Washoe County Treasurer, the Comptroller, and the Finance Director.

**01-703 CONTINGENCY TRANSFER – OVERTIME DUE TO TIBURON
IMPLEMENTATION – BUDGET/SHERIFF**

Commissioner Sferrazza asked why part of this cost should not be covered by Tiburon because many of the overtime expenditures were the result of the system. Katy Singlaub, County Manager, said she would request staff to review the agreement with Tiburon to determine if some reimbursement can be obtained. Chairman Shaw requested a breakdown of the overtime hours expended in this case.

Following further discussion, upon recommendation of Anna Heenan, Senior Fiscal Analyst, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the transfer from contingency to the Sheriff's Department in the amount of \$220,000 to cover the overtime costs for the implementation of the Tiburon System be approved, and the Comptroller be directed to make the following account adjustments:

Decrease		
1890-7328	Contingency	\$220,000
Increase		
15044-7003	Sheriff – Computer implementation (CAP Team)	\$220,000

01-704 REAPPOINTMENT – AIRPORT AUTHORITY

On motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that John Farahi be reappointed to the Washoe County Airport Authority, with a term expiring July 1, 2005.

John Farahi thanked the Board for the reappointment. He commended the Board for their support of the Courthouse preservation efforts. The Airport Authority has experienced many accomplishments and he is proud to be working with the Executive Director and the airport board.

Commissioner Sferrazza noted the need to fence off homes in the condemned area, address noise complaints, the airport becoming a friendly neighbor, etc. Mr. Farahi said these issues are being addressed, and advised that he believes there will be fewer noise complaints as the new generation of quieter planes phase out the older planes. He noted it is difficult to deal with the noise issue until technology reaches the point where quieter engines are manufactured and installed on planes. Chairman Shaw thanked Mr. Farahi for the donation of the flag for the Courthouse display on Flag Day.

**01-705 APPOINTMENTS - WEST WASHOE VALLEY CITIZEN
ADVISORY BOARD**

On motion by Commissioner Short, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that Malcolm Florea and Bob Rusk be appointed as at-large representatives to the West Washoe Valley Citizen Advisory Board (CAB) with terms from July 1, 2001 to June 30, 2003.

**01-706 UPDATE AND DIRECTION – ARSENIC RULE – FEDERAL
SENATE AND HOUSE BILLS – WATER RESOURCES**

Ed Schmidt, Director, Department of Water Resources, advised that seven new Congressional bills have recently been introduced concerning the Arsenic Rule, six of a general theme to initiate the proposed lower arsenic standards, and one concerning the need for technical assistance for small water systems.

Commissioner Galloway stated that the Board's previous position was they believed it was not cost effective to the public to go below 50 parts per billion (ppb). He suggested the Board advise that the County is in favor of reimbursement and notification measures so long as they do not impose a standard below the 50 ppb; that for the reasons stated in the Board's previous correspondence (February 27, 2001) they do not favor any measures that impose levels below 50 ppb; and that staff identify which measures are or are not consistent with that position. Commissioner Short suggested that the Board also state this is the County's position unless there is compelling and accurate scientific evidence to support otherwise.

Commissioner Sferrazza stated that his understanding was the Board previously opposed dropping 50 ppb to 10 ppb. He did not intend to vote to go below 50 ppb and supported going to 20 ppb. County Manager Singlaub advised that the letter from the Board dated February 27, 2001 does not say the County would not support going below 50 ppb; it says the County is not in support of the arsenic final rule until studies conducted in the U. S. demonstrate there is a health benefit to the lowering of the arsenic standard.

Upon inquiry of Commissioner Sferrazza, Mr. Schmidt advised that staff requested local or regional studies but he is not aware of any studies to be started, and the review being conducted simply covers existing studies. Commissioner Sferrazza stated it has already been indicated that those studies were inadequate and the Board should make it clear that they support a U. S. study. Commissioner Galloway commented that the existing study showed that, at an expense of several million or more dollars in the western states, 11 possible deaths might be prevented if the arsenic standard was dropped to 5 ppb. The number of lives that could be saved with that kind of money in other areas such as traffic safety, etc. would be higher. He would not support lowering the level to 5 ppb because more lives could be saved by spending those dollars elsewhere.

Commissioner Sferrazza said, if what is going on in Fallon is attributable to arsenic in the water, he thinks it is a pretty serious problem, and no one has studied that yet. If Commissioner Galloway's suggestion is made into a motion he would ask that it include a request to support a bill for legislation or a regulation that will do a study in this area as soon as possible to determine whether there is any negative impact as a result of arsenic of 50 ppb or less.

Following further discussion, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, it was ordered that staff draft a letter to Senator Harry Reid to be executed by Chairman Shaw that the Board favors reimbursement and notification measures as long as a standard is not imposed below the 50 ppb; that the Board would not favor any measures that impose levels below 50 ppb, for the reasons stated in the Board's previous correspondence dated February 27, 2001, unless there is compelling and accurate scientific evidence to support otherwise; that staff identify which bills are consistent and inconsistent with the Board's position; and that the Board supports a bill for legislation or a regulation that will conduct a study in the United States in this local area as soon as possible to determine if there is any negative impact as a result of arsenic of 50 ppb or less.

**01-707 POSITION RECLASSIFICATIONS – ABOLISHMENT OF
EXISTING CLASSES – HUMAN RESOURCES**

Upon recommendation of Joanne Ray, Director of Human Resources, on motion by Commissioner Short, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that the following reclassifications of positions into existing classes and the abolishment of classes be approved:

Reclassification of existing Positions:				
Department	Current Position	Pay Grade	Recommended Class	Pay Grade
Library	Office Assistant III	G	Program Assistant	K
Water Resources	Drafting Tech II	J	Drafting Technician Supervisor	K
Public Works	Engineer Inspector	L	Hazardous Materials Engineering Specialist	N
Parks	Sr. Parks Maintenance Worker	J	Grounds/Parks Maintenance Supervisor	K
Abolishment of Classes:				
Assistant County Recorder				

01-708 COMMUNITY SUPPORT CONTRACTS AND RESOLUTIONS – FISCAL YEAR 2001/2002 – GRANTS ADMINISTRATOR

Gabrielle Enfield, Grants Administrator, responded to questions of the Board. Upon inquiry of Commissioner Sferrazza, Ms. Enfield advised that provision of the sales tax exemption letter by each agency is a requirement to receive funding.

Upon recommendation of Gabrielle Enfield, Grants Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, it was ordered that the following Community Support contracts for Fiscal Year 2001-2002 be approved, subject to the understanding that it is required that the sales tax exemption letter be furnished by each agency, and Chairman Shaw be authorized to execute. It was further ordered that the Resolutions necessary for same be adopted and Chairman Shaw be authorized to execute.

Agency	Amount
Crisis Call Center	\$ 30,791
Catholic Community Services: Emergency Services	\$ 20,000
Catholic Community Services: Food Pantry	\$ 23,000
Girl Scouts of the Sierra Nevada: Youth Collaborative	\$ 39,847
Project Re-Start Mental Health Center	\$ 32,000
Nevada AIDS Foundation	\$ 16,000
NV Hispanic Services: Advocacy	\$ 8,100
NV Hispanic Services: Youth Initiative	\$ 17,030
St. Mary's Foundation: Truancy Intervention	\$ 24,000
St. Mary's Foundation: Early Learning	\$ 2,000
Total	\$212,768

It was noted that the Washoe County Community Support Program provides the following funds through contracts administered by the City of Reno or the

City of Sparks; and that a Resolution is necessary for the following agencies because they are private, non-profit organizations (Children’s Cabinet and Food Bank of Northern Nevada) and a governmental entity (Senior Korner):

Agency	Amount
Children’s Cabinet	\$ 74,055
Food Bank of Northern Nevada	\$ 24,021
Senior Korner	\$ 3,156

**01-709 AGREEMENT EXTENSION – MEDICAL SERVICES FOR
FISCAL YEAR 2001/2002 – PRISON HEALTH SERVICES, INC. –
DETENTION FACILITY – BUDGET/SHERIFF**

Commissioner Galloway asked whether this is a higher level of medical service for the prisoners. County Manager Singlaub advised that she would have someone from the Sheriff's Office address the Board on that issue. Commissioner Short noted that this is a 25% increase, which is a great deal of money. Commissioner Sferrazza asked why the County contracts this service out instead of providing it in house. County Manager Singlaub advised that the County used to provide the service but found it to be more cost effective to contract it out.

Later in the meeting, Lt. Steve Kelly, Detention Facility, Sheriff's Office, was present to respond to the Board's questions. He advised that the cost increase includes an increase in the number of Registered Nurse positions; there is an increase in jail population and the current number of nurses is at the breaking point; and there is an increase in medical costs in general, which is built into the contract.

Gail Singletary, Medical Director, Prison Health Services, advised that the contract increases the staff by 8.4 Registered Nurses and provides an increase in psychiatry hours, which is greatly needed. Upon inquiry of Commissioner Bond, Ms. Singletary advised that some State assistance is received through the Mental Health Court. She noted that the nursing shortage is a crisis across the country that will continue for many years, and they are able to demand high salaries.

Commissioner Sferrazza asked about costs before this service was contracted out. County Manager Singlaub said the services were privatized in order to save money and provide a secure and reliable level of service. It would be hard to compare current dollars to 1994 dollars, but staff will obtain further information for the Board. Commissioner Sferrazza said he is not prepared to vote on a two-year extension of the contract without that information. He also requested information concerning what the County currently pays its nurses.

Gary Goelitz, Internal Auditor, noted that San Diego County provided their jail medical services in house and went out for an open competitive bid. They awarded the bid to a private sector firm because they could save millions of dollars over several years.

Sam Dehne, Reno citizen, said this is a lot of money, but \$3-million for this contract for proper medical service does not seem too bad, assuming the numbers are correct.

Commissioner Sferrazza asked if the contract contained a provision for termination without cause. Lt. Kelly read the termination clause, which does not contain such and provision. Commissioner Sferrazza said that without the ability to terminate without cause, he would not support the contract.

Upon recommendation of Anna Heenan, Senior Fiscal Analyst, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza voting "no," it was ordered that a two-year extension from July 1, 2001 to June 30, 2003, for the agreement for medical services between Washoe County and Prison Health Services, Inc. (PHS) in the amount of \$3,021,600 for fiscal year 2001/2002 be approved and Chairman Shaw be authorized to execute the addendum.

**01-710 CONTRACT RENEWAL – REMSA – FISCAL YEAR 2001/02 –
SOCIAL SERVICES**

Upon recommendation of Michael Capello, Director, Department of Social Services, on motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that renewal of the Regional Emergency Medical Services Authority (REMSA) contract for fiscal year 2001/02 concerning the provision of ground ambulance and air transportation to the medically indigent population in Washoe County be approved, and Chairman Shaw be authorized to execute.

It was noted that, although the contract does not show a capped limit, \$315,000 has been budgeted for FY 2001/02, which will be funded from the Health Care Assistance budget.

**01-711 WAIVER OF FEES – PROCESSING SPECIAL USE PERMIT
AMENDMENT – BIG STEPS LITTLE FEET PRESCHOOL –
COMMUNITY DEVELOPMENT**

Katy Singlaub, County Manager, reviewed background information and advised that discussion was held on this item at yesterday's caucus meeting.

Upon recommendation of Sharon Kvas, AICP, Planning Manager, Department of Community Development, on motion by Commissioner Short, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that the fees for an amendment to a special use permit, currently fixed at \$804 for Big Steps Little Feet Preschool, be waived.

Commissioner Galloway requested that staff also bring any similar situations to the Board.

01-712 LETTER TO BUREAU OF LAND MANAGEMENT - CASEY RANCH WATER RIGHTS – OPEN SPACE PRESERVATION – COMMUNITY DEVELOPMENT

Bill Whitney, Planner, Community Development, provided information and responded to questions of the Board.

Commissioner Sferrazza said staff should be directed to file a protest against the applications filed by Falcon Capital with the State Engineer to use their surface water rights downstream, because he would not want it interpreted in any way that the County supports the application.

Vahid Behmaram, Water Resources, said the purpose of the proposed County letter to the Director of the Nevada Bureau of Land Management is to avoid the applications going forward, which would avoid the need to file a protest. However, staff is prepared to file a protest before the deadline if necessary. Legal Counsel Shipman advised that Water Resources staff has the authority to file protests in appropriate cases, and Board action concerning that matter is not required. Mr. Behmaram noted that the Development Code is very clear and provides staff authorization and guidelines concerning when to file protests.

Mike Ford, Conservation Fund, Las Vegas, Nevada, advised that the Conservation Fund currently owns the property under a unique contract with Falcon Capital that says acquisition is subject to obtaining final approval through the Bureau of Land Management. They are optimistic that, with the Board's support, they will be able to acquire all of the property that was formerly part of the Casey Estate. Mr. Ford then responded to questions of the Board.

Following further discussion, upon recommendation of Bill Whitney, Planner, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that Chairman Shaw be authorized to sign the letter dated June 26, 2001 to Robert V. Abbey, State Director, Nevada Bureau of Land Management, concerning the County's desire to preserve the open space of the former Casey Ranch and requesting the BLM to utilize their legal discretion to determine a fair market value of the surface water rights of the Casey Ranch property being acquired by the BLM through the Conservation Fund and move forward with negotiations without the delay that would be required to obtain a factual dollar amount.

Alicia Reban, Nevada Land Conservancy and Facilitator of the Casey Working Group, acknowledged several members of the Washoe Valley Working Group who were present. She then advised that news was just received from Washington, D. C. that the Secretary of the Interior, Gale Norton, approved the Southern Nevada Public

Lands Management Act purchase of 374 additional acres of the former Casey Ranch behind Bowers Mansion and Davis Creek Park, as well as the 102 Ranch.

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THE BOARD CONVENED AS THE WASHOE COUNTY LIQUOR BOARD

01-713 COMPLAINT TO REVOKE BUSINESS LICENSE – MICHELLE ABBOTONI, DBA INCLINE KIDS CLUB – COMMUNITY DEVELOPMENT

Karin Kremers, Business License Division, Department of Community Development, provided background information regarding this item. County Manager Singlaub advised that Ms. Abbotoni was aware that this item was on today's agenda; and that, pursuant to the request of the Board members, staff made an additional effort today to contact her and was told she would be out of state until Friday.

Upon recommendation of Bob Webb, Planning Manager, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the following actions be taken:

1. The Washoe County Business License Division be directed to serve a complaint for the revocation of the business license of Michelle Abbotoni, dba Incline Kids Club, located at 880 Northwood Boulevard, Incline Village, Nevada, pursuant to Washoe County Code Chapter 25.0383.
2. A public hearing be set for July 24, 2001 to hear matters and testimony pertaining to the complaint to revoke the business license of Michelle Abbotoni and, further, at this public hearing determine whether the business license issued to Michele Abbotoni, dba Incline Kids Club, should be revoked for good cause.

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THE BOARD RECONVENED AS THE BOARD OF COUNTY COMMISSIONERS

01-714 DISCUSSION AND DIRECTION – INTERLOCAL AGREEMENTS AND FISCAL ISSUES BETWEEN LOCAL GOVERNMENTS

Katy Singlaub, County Manager, advised that this item was placed on the agenda after the County was notified that the City of Reno was not going to appropriate funding for the jail contract. Staff has provided possible options for the Board's consideration and would like to receive direction about how to proceed concerning the jail contract and other fiscal issues prior to the joint meeting with the City of Reno on July 10, 2001.

County Manager Singlaub responded to questions of the Board and advised that staff will continue working with Reno staff on consolidation efforts and shared services, but it would be worthwhile for the Board to direct staff to pursue renegotiations of the jail contract between now and July 10th. The County budget is out of balance without that revenue by \$1.4-million and, if it is not received, the Board will be faced with the possibility of having to cut services. She advised that the City of Reno pays quarterly and has paid through June 30, 2001.

Legal Counsel Shipman reviewed background information concerning the establishment of the consolidated jail and the history of the interlocal agreement with Reno. She stated that the civil protective custody agreement is not, in her opinion, a contract, but is a verbal agreement based on what the City previously paid NASAC for a similar service. The City agreed to pay Washoe County the amount it was spending the final year of operation of its jail, which was \$1,386,201. The interlocal agreement provided that the City would not pay an accelerated amount per year, but would pay into perpetuity, which is why the agreement does not contain a termination date. Discussion was then held regarding the Sheriff's statutory obligation relative to receiving prisoners within the County. Ms. Shipman advised that the opinion of the District Attorney's office is that the contract is legally enforceable, and the agreement language implies that good faith will be present. However, the result out of a court proceeding could not be guaranteed, because it contains language that could be interpreted different ways.

Commissioner Sferrazza suggested the Board might consider taking action commensurate with what Reno has done, and withhold payments to the City equal to the amount they are withholding from the County until the matter is resolved. Legal Counsel Shipman said she would not recommend that because it could potentially place the County in breach of other agreements. County Manager Singlaub noted that services such as the Consolidated Narcotics Unit and Forensics are discretionary and provide some bartering room.

Commissioner Galloway said, if the contract is enforceable, that issue should be pursued through the Courts, but talks could continue in order to try to settle that action. It is a breach of faith for Reno to not pay this money, and there have been two other major items in the past two years where the City reneged. The moratorium on any new interlocal agreements is a good idea and there are other things that may motivate renegotiation and settlement of this matter. He would also support a moratorium on the use or sale of County owned property, an increase in payment on other items to the extent they are legally enforceable, and an increase in payment for civil protective custody. The Board could authorize a demand letter and advise that legal action will be pursued at such time as it is appropriate, which, hopefully, would motivate settlement of this matter.

Commissioner Bond said talks need to continue and the implementation of a moratorium would be appropriate should everything else fail. She is hesitant to get involved in a court action, and would want to try everything else first. She noted there are a couple of other verbal contracts with Reno and that issue needs to be addressed.

County Manager Singlaub advised that staff would prepare a letter for the Chairman's signature to be sent to the City of Reno setting forth the Board's direction and requesting that staff schedule time to discuss the renegotiation of the contract and other items before the July 10th joint meeting.

Commissioner Short said he supports negotiation but Reno should be put on notice that the County will litigate this issue if necessary.

Commissioner Galloway moved that staff be directed to send a demand letter to the City of Reno and advise that, if the payment deadline passes and the existing contract is violated, staff is authorized to pursue legal action; that a moratorium be implemented on new interlocal agreements with the City, as well as on the use or sale of County owned property until the issue is resolved; and that staff be directed to investigate further and bring back for consideration any other steps that need to be taken. Commissioner Bond seconded the motion.

Commissioner Sferrazza stated this is a legitimate fiscal equity issue and he does not favor a moratorium on the use or sale of County owned property because he would not want to delay moving forward on other things. However, he would support the motion because he thinks it is important that the Board is unanimous on this issue.

On call for the question, the Board voted unanimously in favor of the motion.

**01-715 POSSIBLE RECONSIDERATION OF PRIOR BOARD ACTION –
RESOLUTION AND AGREEMENT – NATIVE PLANT FARM
AND TREE MOVERS - COMMUNITY DEVELOPMENT BLOCK
GRANT NEVADA REVOLVING LOAN FUND**

Katy Singlaub, County Manager, said the Board took action on April 10, 2001 to accept sponsorship of the Community Development Block Grant (CDBG) Nevada Revolving Loan Fund, and if the Board wants to change its action, the rules need to be suspended and a motion to reconsider the April 10 action needs to be made. The Resolution concerning Washoe County sponsorship of the application to Nevada Revolving Loan Fund by Native Plan for Community Development Block Grant Funds was continued from June 19, 2001 [BCC Item No. 01-635].

Commissioner Bond advised that every issue she had concerning this item has been addressed to her satisfaction. At the request of Commissioner Sferrazza, Gabrielle Enfield, Grants Administrator provided a copy of the application for the Board's review.

Following discussion, upon recommendation of Gabrielle Enfield, Grants Administrator, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following Resolution concerning the County's sponsorship of the application to the Nevada Revolving Loan Fund by Native

Plant for Community Development Block Grant (CDBG) Funds, including undertaking responsibilities associated with such sponsorship, be adopted and Chairman Shaw be authorized to execute. It was further ordered that the Nevada Revolving Loan Fund Agreement, a Nevada Revolving Loan Fund Security Agreement, an Assignment of the Loan Agreement, a Security Agreement and Promissory Note to the State of Nevada through the NRLF, and a Covenant Running with the Land and Agreement by and between Native Plant Farm and Tree Movers and Washoe County be approved and Chairman Shaw be authorized to execute.

RESOLUTION -WASHOE COUNTY SPONSORSHIP OF APPLICATION TO NEVADA REVOLVING LOAN FUND BY NATIVE PLANT FOR CDBG FUNDS, INCLUDING UNDERTAKING RESPONSIBILITIES ASSOCIATED WITH SUCH SPONSORSHIP

WHEREAS, the Nevada Revolving Loan Fund (NRLF) is an economic development set aside from the Community Development Block Grant (CDBG) program and is administered by the Nevada Commission on Economic Development; and

WHEREAS, the NRLF places special emphasis on projects in rural Nevada, where long-term financing is not always easy to obtain. The benefits to the community for NRLF participation include: capital improvements, increased tax base, increased employee payroll and reduced unemployment; and

WHEREAS, on April 10, 2001, the Board of County Commissioners voted to accept sponsorship of the Community Development Block Grant Nevada Revolving Loan Fund by agreeing to be a conduit for a loan of CDBG money, to monitor documentation from the borrower, to submit draw-down requests to the State, to receive checks from the State and through the Comptroller's Office, process checks to the borrower; and

WHEREAS, to carry out its responsibilities as sponsor of the CDBG loan to Native Plant, County hereby resolves as follows:

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY that:

1. County agrees to sponsor the application to NRLF of Patricia Fox, dba Native Plant Farm and Tree Movers (hereinafter "Native Plant" or "Borrower"). In connection with the sponsorship, the County will execute: the Nevada Revolving Loan Fund Loan Agreement with Native Plant and the State; the Nevada Revolving Loan Fund Security Agreement with Native Plant and the State; the Covenant Running with the Land and Agreement By and Between Native Plant and Washoe County; and the Assignment to the State through the NRLF of the Loan Agreement, the Security Agreement and Promissory Note and to process (where applicable) and take cognizance of the related documents: Patricia Fox for Native Plant Farm and Tree Movers Nevada Revolving Loan Fund Personal Guarantee; Native Plant Promissory Note; Nevada Revolving Loan Fund Monitoring Agreement between Native Plant and the State; the

Nevada Revolving Loan Fund Employer's Certification of Job Creation and/or Retention and associated forms; the Deed of Trust between Patricia Fox, dba Native Plant Farm & Tree Removal and the State of Nevada, as Trustor and the State of Nevada, Commission on Economic Development, Nevada Revolving Loan Fund as Trustee; the Installment Collection Agreement between Patricia Fox, dba Native Plant Farm & Tree Removal as Payor and the Nevada Revolving Loan Fund as Payee; and the Uniform Commercial Code Financing Statements between Patricia Fox, Debtor and the Commission on Economic Development c/o Nevada Revolving Loan Fund as Secured Party.

2. For all purposes hereunder, and in accordance with the above referenced documents, repayment of the loan is to the State of Nevada, Commission on Economic Development, through the Nevada Revolving Loan Fund. The County's obligations hereunder are limited to:

- a. Sponsorship of the application to NRLF.
- b. County will perform the environmental review.
- c. County will provide the funding conduit by:
 - i. Receiving invoices, receipts and/or cancelled checks from the Borrower as documentation;
 - ii. Submitting drawdown requests to the State with copies of the above documents;
 - iii. Receiving checks from the State;
 - iv. Writing checks to the Borrower; and
 - v. Maintaining separate files on transactions for monitoring by the Nevada Commission on Economic Development (NCED).
- d. County will verify job creation.
- e. County will provide technical assistance to the Borrower, as needed.
- f. County will submit quarterly reports to NCED on the project's progress, including status of job creation activities; and
- g. County will comply with the single audit act.

[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.]

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REOPEN PUBLIC COMMENTS

At the request of Sam Dehne, Reno Citizen, Chairman Shaw re-opened Public Comments. Mr. Dehne reported on the proceedings at the Reno City Council meeting this afternoon concerning the Verdi annexation issue.

4:50 p.m. **The Board recessed.**

5:30 p.m. **The Board reconvened with Commissioner Sferrazza absent.**

01-716 **AN ORDINANCE AMENDING ORDINANCE NO. 1115 –
SCHEDULE OF RATES AND CHARGES - BILL NO. 1295 –
WATER RESOURCES**

5:30 p.m. This was the time set for second reading and adoption of an Ordinance amending Ordinance No. 1115, Article 5, Section 5.4, of the schedule of rates and charges for provision of water service within certain areas of Washoe County and providing other matters properly relating thereto. This item was continued from the May 22, 2001 meeting.

Ed Schmidt, Director of Water Resources Department, stated staff has met with the Builders Association of Northern Nevada on several occasions, and he believes they are close to resolution on most issues. He requested this item be continued to July 24, 2001.

Michael Lynch, Builders Association of Northern Nevada, said he concurs with Mr. Schmidt's statement and agrees to the continuation of this item.

On motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Shaw ordered that the public hearing be continued to a time certain of July 24, 2001.

01-717 **BILL NO. 1298 – ORDINANCE NO. 1121 – AMENDING WCC BY
CHANGING THE METHOD USED TO DETERMINE THE VALUE
OF A PROJECT – BUILDING PERMIT FEES – MOBILE HOME
SAFETY SEAL**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on June 15, 2001, to consider second reading and adoption of Bill No. 1298. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing and called on anyone wishing to speak for or against the adoption of said Ordinance.

Jess Traver, County Building Official, explained the proposed changes to the Board. He said these amendments would make the County's valuation of projects similar to Reno and Sparks.

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Commissioner Sferrazza arrived at 5:45 p.m.

Michael Lynch, Builders Association of Northern Nevada, concurred with Mr. Traver's statement and said they had no opposition to these amendments.

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

On motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that Ordinance No. 1121, Bill No. 1298, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY CHANGING THE METHOD USED TO DETERMINE THE VALUE OF A PROJECT AND CORRESPONDING BUILDING PERMIT FEES, CHANGING THE THRESHOLD FOR CHARGING ADDITIONAL FEES FOR WORK VALUED BETWEEN \$501 AND \$2,000, INCREASING THE FEE FOR A MOBILE HOME SAFETY SEAL, REPEALING THE PROVISION FOR WAIVER OF BUILDING PERMIT FEES TO REPLACE PROPERTIES DAMAGED BY THE 1997 FLOOD, AND OTHER MATTERS PROPERLY RELATING THERETO," be approved, adopted and published in accordance with NRS 244.100.

01-718 BILL NO. 1299 – ORDINANCE NO. 1122 – CREATING SPECIAL ASSESSMENT DISTRICT NO. 30 (ANTELOPE VALLEY ROAD)

5:30 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on June 15, 2001, to consider second reading and adoption of Bill No. 1299. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing and called on anyone wishing to speak for or against the adoption of said Ordinance.

Dave Roundtree, Public Works Director, advised if the ordinance were adopted tonight they would start the process of advertising for bids and come back to the Board with a recommendation at a later date.

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

On motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that Ordinance No. 1122, Bill No. 1299, entitled, "AN ORDINANCE CREATING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 30 (ANTELOPE VALLEY ROAD);

ORDERING A STREET PROJECT WITHIN WASHOE COUNTY, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; AND PRESCRIBING OTHER MATTERS RELATING THERETO," be approved, adopted and published in accordance with NRS 244.100.

01-719 APPEAL CASE NO. AX01-002 FOR ABANDONMENT CASE NO. AB-0103-002 – HAROLD M. CHADWICK (APPELLANT, MARTEN SIDERIUS) – COMMUNITY DEVELOPMENT

5:30 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on June 15, 2001, to consider an appeal of the decision of the Planning Commission to abandon portions of a bulb within a private roadway easement recorded on Parcel Map 3527. A subsequent division of property beyond this bulb provided another turnaround area and may have obviated the need for a major portion of the existing easement. The site is near the terminus of Mule Deer Drive, before Mule Deer Court, and beyond Mogul Mountain Drive and Silva Ranch Road, approximately one mile north of Interstate 80 (I-80) at the Mogul Interchange. The parcels containing the bulb are zoned Low Density Suburban (LDS) in the Verdi Area Plan in the area subject to review by the Verdi Township Citizen Advisory Board. The site is within the SW/4 of Section 11, T19N, R18E, MDM, in Washoe County Commission District 5, Washoe County, Nevada. (APN: 038-730-42 and 47). Proof was made that due and legal Notice had been given.

Chairman Shaw opened the public hearing and called on anyone wishing to speak on this matter.

Don Young, Zoning Administrator/Planner, Community Development, explained the abandonment request and the action taken by the Planning Commission.

Commissioner Sferrazza asked if there was a resolution by the County accepting the dedication of easement. Mr. Young said no; the roadway had not been accepted. Madelyn Shipman, Legal Counsel, advised that the County may not have any interest in the easement but the abandonment is requesting whatever interests the County has, and not for a public purpose. The Board would not be changing any rights of individuals who may have an interest to the property, prescriptive or otherwise.

Chairman Shaw asked if staff made a recommendation at the Planning Commission level. Mr. Young responded they had recommended approval. The primary reason for the cul-de-sac bulb being placed there was a proper turnaround was needed and that was the end of the road. He said since that time the County has started designating bulbs as temporary turnaround easements.

Commissioner Bond asked if there was another place the turnaround could be located, so that the residents can still enjoy the convenience of a turnaround, and the property owner could do what he needs to do with his property. Mr. Young said the turnaround is on a very good site for this area.

Commissioner Short asked if the individual property owners or the Road Association hold title to the right-of-way. Mr. Young said the individual property owners own the right-of-way. He provided a map that showed the parcel lines for the property. Mr. Young advised that the cul-de-sac bulb does not make the property undevelopable, as suggested by the property owners, although it does make it less desirable.

Harold "Chic" Chadwick, applicant and property owner oriented the Board to the location of the turnaround, using a map on the overhead projector. He discussed the pitfalls of having a turnaround on lots they are trying to sell. He said he and his wife believed when they bought the property, the turnaround was temporary, and had no idea that the turnaround was permanent. Mr. Chadwick requested the Board approve the abandonment so he can develop the property.

Commissioner Short asked if the Chadwicks had subdivided the lots where the turnaround is located. Mr. Chadwick stated they did not; they were already divided.

Mr. Chadwick answered further questions concerning an easement in the turnaround, utility lines, and the lots they are trying to sell.

Helen Chadwick, applicant and property owner said the Road Association is trying to tell them how their property can be used. The other property owners in the area only want to continue using the turnaround for visitor parking, unloading school buses, and for trade vehicles to unload materials, yet they pay nothing to use the property. Mrs. Chadwick said she and her husband pay the taxes on this property, not the other residents. She noted that the developer of Mule Deer signed subdivision improvement agreement 16775449 on May 25, 1993, in which he agreed to meet all County requirements. One of the requirements was to include a turnaround to be used by fire trucks; and it was not for residential parking, school buses, or business trucks. She requested the County grant the abandonment so they can develop their property as they see fit. Further extension of the road has resulted in two more turnarounds, one at the end of Mule Deer Drive and the other at the end of Mule Deer Court, as well as the "hammer head" turnaround, located within 250 feet, which is large enough to accommodate a large vehicle.

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Amy Harvey, County Clerk, left the meeting at 6:45 p.m.

Marten Siderius, appellant, stated he has no problem with homes being built on the Chadwicks' property, but he does oppose the abandonment of the easement. He said the easement has always been an integral part of the parcel map. The homeowners in the area rely on the turnaround for school buses, parking (not long term), as well as business vehicles to unload items. He advised that the Road Association requested a legal opinion from Attorney, Carl Hylin, regarding the easement. Mr. Hylin's letter dated June 25, 2001, noted that emphasis must be placed on the material injury test to the public, as well as Americans with Disabilities Act, based on the special needs of Jena Iverson's son. Mr. Siderius requested that the Board deny the abandonment.

David Pautell, area resident, said when the parcel maps were recorded, the bulb was placed there for emergency vehicles and such. He noted that he built a turnaround on his property at the end of Mule Deer Drive, but did not intend for it to replace the turnaround bulb. He requested the Board deny the abandonment.

Jena Iverson, area resident, stated she owns the property directly across from the turnaround. She said she took the turnaround into consideration when she bought her property, knowing the special needs bus that picks up her child would need to use it. She requested the Board deny the abandonment.

Carol Dinneen, area resident, said that when she and her husband purchased their property, they understood the turnaround was for emergency vehicles, in the event of a fire or such. She requested the Board deny the abandonment.

Mary O'Malia, area resident, said she bought her property knowing that the turnaround bulb was permanent. If a house is built next door where the turnaround bulb is currently located, it would have direct vision into her daughter's bedroom windows, and requested the Board deny the abandonment.

In response to suggestions made by other property owners, Mrs. Chadwick stated that the utilities are all at the top of Mule Deer Drive near the turnaround, and if a house was built on the bottom of the two lots in question, they would have to be extended down to the bottom of the lots.

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

Commissioner Galloway said he believes this abandonment would be injurious to the residents in the area. Everyone knew about this easement when they bought their property and the abandonment should not be approved.

Commissioner Bond requested an opinion from Ms. Shipman concerning the ADA issue referred to by Mr. Siderius. Ms. Shipman advised that any action by the Board, either way, would not create a legal problem. There is no legal basis for the ADA violation mentioned in Attorney Hylin's letter.

Commissioner Sferrazza stated that he believes there would be material injury to the other property owners in the area by abandoning this turnaround. He said the Chadwicks created the problem of undesirable lots, by placing the turnaround in the buildable portion of the property, when they parceled the property.

Commissioner Short said he concurs with Commissioners Sferrazza and Galloway in that there would be material injury to the other property owners by abandoning the easement.

On motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that the appeal of the Planning Commission to abandon portions of a bulb within a private roadway easement recorded on Map 3527, by appellant, Marten Siderius be upheld and Abandonment Case No. AB-0103-002 be denied, because the following findings cannot be met:

2. That the public will not be materially injured by the proposed vacation;
3. That subsequent extension of the road has obviated the need for the turnaround at midpoint in the road; and
5. That the existing cul-de-sac bulb easement precludes a measurable amount of appropriate development of the property.

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There being no further business to come before the Board, the meeting adjourned at 7:40 p.m.

JAMES M. SHAW, Chairman
Washoe County Commission

ATTEST: **AMY HARVEY**, County Clerk

*Minutes Prepared by
Barbara Trow and Jeraldine Magee
Deputy County Clerks*