BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

<u>1:00 P.M.</u>

JUNE 18, 2002

PRESENT:

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

<u>Nancy Parent, Chief Deputy Clerk</u> <u>Katy Singlaub, County Manager</u> <u>Madelyn Shipman, Legal Counsel</u>

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada with Vice Chairman Bond presiding until Chairman Sferrazza arrived. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

02-609 <u>AGENDA</u>

In accordance with the Open Meeting Law, on motion by Commissioner Shaw, seconded by Commissioner Short, which motion duly carried, Vice Chairman Bond ordered that the agenda for the June 18, 2002 meeting be approved with the following amendment: <u>Delete</u> Item 7I(6) concerning Exclusive Use Agreement between Washoe County, the Reno-Sparks Convention and Visitor's Authority and the Reno Rodeo Association.

PUBLIC COMMENTS

There was no one present wishing to speak.

MANAGER'S/COMMISSIONERS' COMMENTS

Commissioner Short commented that the City of Reno recently advised they would be charging Washoe County for building permit fees. He would like to have a discussion on this issue to see what effect that would have on the County's planned projects. Commissioner Shaw thanked everyone involved in putting together the Flag Day Ceremony at the Courthouse.

*1:10 p.m. Commissioner Galloway arrived at the meeting.

INTRODUCTION OF NEW WASHOE COUNTY EMPLOYEES

Approximately 10 new Washoe County employees introduced themselves to the Board.

*1:12 p.m. Chairman Sferrazza arrived at the meeting and assumed the gavel.

Chairman Sferrazza and County Manager Singlaub welcomed the new employees.

MINUTES

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that the minutes of the regular meeting of April 23, 2002 and the special meeting of May 8, 2002 be approved.

02-610 <u>SEXUAL ASSAULT - MEDICAL CARE – PAYMENT – DISTRICT</u> <u>ATTORNEY</u>

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza 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 64 sexual assault victims in an amount totaling \$17,242.31, as set forth in a memorandum from Lidia Osmetti, Office Manager, District Attorney's Office, dated May 29, 2002 and placed on file with the Clerk.

02-611 <u>GENERAL FUND CASH FLOWS AND SCHEDULES - HEALTH</u> <u>BENEFITS, RISK MANAGEMENT, EQUIPMENT SERVICES</u> <u>FUND SCHEDULES</u>

Upon recommendation of Kathy Garcia, Comptroller, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that the General Fund Cash Flows and Schedules and Health Benefits, Risk Management and Equipment Services Fund Schedules for the ten months ended April 30, 2002, unaudited, be accepted.

02-612 <u>ACCEPTANCE OF DONATIONS – IGT – SENIOR LAW</u> <u>PROJECT – SENIOR SERVICES</u>

Upon recommendation of Karen Mabry, Director, Senior Services, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that the donation of \$5,000 by International Game Technology (IGT) for the Senior Services Department Senior Law Project be accepted with gratitude. It was further ordered that the Comptroller be directed to make the following account changes:

Revenue Account	Amount	Expenditure Account
25041D1-5802	\$5,000.00	25041D1-7398

02-613 <u>ACCEPTANCE OF TRAFFIC SAFETY GRANT – NEVADA</u> <u>DEPARTMENT OF MOTOR VEHICLES, OFFICE OF TRAFFIC</u> <u>SAFETY – SHERIFF</u>

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that grant monies totaling \$1,999.96 (with no County match) from the Department of Motor Vehicles, Office of Traffic Safety, to be used to purchase four Sony Digital Cameras to be used by deputies assigned to the Major Accident Investigation Team be accepted. It was further ordered that the following budget adjustments be authorized:

Increase Revenue Account	Amount	Increase Expenditure Account	Amount
152612G-4301	\$1,999.96	152612G-7245	\$1.999.96

02-614 <u>FISCAL YEAR 2001/2002 BUDGET AMENDMENTS –</u> <u>IMMUNIZATION OPERATIONS AND VACCINES FOR</u> <u>CHILDREN – HEALTH DEPARTMENT</u>

Upon recommendation of Barbara Hunt, District Health Officer, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that the amendments to Immunization Operations Account No. 1735G1, and Vaccines for Children, Account No. 1735G3 Programs for the Fiscal Year 2001/02 be approved and the following budget adjustments be authorized:

Account Number	Description	Amount of
		Increase/(Decrease)
002-1700-1735G1-4301	Federal Funds	\$ 32,528
002-1700-1735G1-7001	Salaries	\$(48,437)
-7002	Part Time/Temporary	\$ 2,757
-70021	Pooled Positions	\$ 13,000
-7003	Overtime	\$ 4,142
-7036	Contractual Wages	\$ 4,458
-7042	Group Insurance	\$ (5,531)
-7043	Dependent Insurance	\$ (3,621)
-7048	Retirement	\$ (7,349)
-7050	Medicare	\$ (635)
-7108	MD Consultants	\$ (785)
-7140	Other Professional Svcs.	\$ 12,611
-7170	Repair & MaintOffice Equip.	\$ 1,663
-7205	Minor Furniture/Equip.	\$ 4,940
-72051	Personal Computers	\$ 3,973

-72052	Printers	\$ 4,700
-7237	Computer Software	\$ 4,019
-7245	High Risk Supplies	\$ 1,250
-7247	Medical Supplies	\$ 3,838
-7250	Office Supplies	\$ 937
-7261	Postage	\$ 2,181
-7304	Advertising	\$ (750)
-7307	Mileage	\$ (400)
-7322	Copy Machine	\$ (802)
-7357	Printing	\$ 11,602
-7364	Registration	\$ 747
-7367	Rental – Equipment	\$ (500)
-7375	Special Awards	\$ 3,250
-7382	Telephone	\$ 1,722
-7418	Lab Outpatient	\$ 2,750
-7849	Capital Outlay	\$ 16,800
	Total Expenditures	\$ 32,528
002-1700-1735G3-4301	Federal Funds	\$ 16,652
002-1700-1735G3-7001	Salaries	\$ 7,071
-7048	Retirement	\$ 1,326
-7050	Medicare	\$ 103
-7108	MD Consultants	\$ 8,152
	Total Expenditures	\$ 16,652

02-615 <u>GRANT OF EASEMENT – UTILITY FACILITIES – SOUTH</u> <u>VALLEY PUBLIC LIBRARY AND SOUTH VALLEY SPORTS</u> <u>COMPLEX - SIERRA PACIFIC POWER COMPANY</u>

Upon recommendation of Anthony McMillen, Public Works, through David Roundtree, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Grant of Easement for Utility Facilities between Washoe County and Sierra Pacific Power Company for installation, operation and maintenance of utility facilities concerning the South Valley Public Library and South Valley Sports Complex Phase 2 be approved and Chairman Sferrazza be authorized to execute the same on behalf of the Board.

02-616 <u>REJECTION OF BIDS – COLD SPRINGS COMMUNITY CENTER</u> <u>- BID NO. PWP-WA-2002-185 – PUBLIC WORKS</u>

This was the time to consider the award of bid for the Cold Springs Community Center on behalf of the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on April 12, 19, and 26, 2002. Proof was made that due and legal Notice had been given. The following bids were received:

CONTRACTOR	BASE BID
American General Dev.	\$608,000.00
KW Western	\$685,592.00
K7 Construction	\$615,599.00
Northern Sierra Const.	\$653,916.00

Upon recommendation of Anthony McMillen, Public Works Department, through David Roundtree, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that all bids submitted on Bid No. PWP-WA-2002-185 for the Cold Springs Community Center on behalf of the Public Works Department be <u>rejected</u>. It was noted that the low bid from American General Development was approximately 20 percent over the budget amount for the community building; and that the Public Works Department is currently working with the design team and the Cold Springs residents to revise and reduce the scope of work to fit the County budget without severely affecting the facility's functionality.

02-617 <u>AWARD OF BID – BARTLEY RANCH LANDSCAPE</u> <u>IMPROVEMENTS - PUBLIC WORKS</u>

This was the time to consider the award of bid for the Bartley Ranch Landscape Improvements Project for the Public Works Department.

The Public Works Department solicited informal bids and the following vendors responded:

CONTRACTOR	BID AMOUNT
Parquest Construction, Inc.	\$76,000.00
Garden Shop Nursery	\$71,818.00
Landscape Division	

Moana Nursery and National Landscape submitted "no-bid" responses.

Upon recommendation of Anthony McMillen, Public Works Department, through David Roundtree, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the bid for the Bartley Ranch Landscape Improvements Project for the Public Works Department be awarded to the low, responsive and responsible bidder, Garden Shop Nursery Landscape Division, in the amount of \$71,818.00. It was further ordered that Chairman Sferrazza be authorized to execute the contract documents when presented.

02-618 <u>AGREEMENT – TESTING AND INSPECTION SERVICES –</u> <u>SOUTH VALLEYS LIBRARY – PWP-WA-2002-81 – PUBLIC</u> <u>WORKS</u>

Upon recommendation of Anthony McMillen, Public Works Department, through David Roundtree, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Agreement for Testing and Inspection Services between Washoe County and Pezonella Associates in the amount of \$30,000 for the South Valleys Library be approved and Chairman Sferrazza be authorized to execute the Agreement upon receipt.

It was noted that a Request for Qualifications (RFQ) was requested for testing and inspection services for the 2002/2003 Public Works constructions projects. Pezonella Associates provided the necessary qualifications as reviewed by Public Works staff and was selected for the South Valleys Sports Complex site, which includes the South Valleys Library, Phase 2 Field Improvements, and the South Valleys Park Maintenance Facility.

02-619 <u>NEW CLASSIFICATION – SEASONAL BUS DRIVER – HUMAN</u> <u>RESOURCES</u>

Upon recommendation of Joanne Ray, Director of Human Resources, and Karen Mullen, Director, Department of Parks and Recreation, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that the new classification for seasonal bus driver, with an hourly salary range of \$8.00 - \$11.50, be approved.

It was further ordered that the Finance Division and the Comptroller's Office be authorized to make the following changes to the Fiscal Year 2002-2003 Parks Department budget to transfer services and supplies appropriation from the respective programs to the recreation seasonal wage account:

Decrease – Payments to Other	Amount	Increase	Amount
Agencies			
14231-7294 North Valley Sports	\$2,400	1423-70021 Seasonal wages	\$6,800
14232-7294 Sun Valley Center	\$1,600		
142321-7294 Virginia Foothills	\$2,800		

02-620 <u>SALARY CHANGES – NON-REPRESENTED EMPLOYEES –</u> JULY 1, 2002 THROUGH DECEMBER 31, 2003

Upon recommendation of Joanne Ray, Director of Human Resources, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that the following salary changes for nonrepresented employee's for the period of July 1, 2002 through December 31, 2003 be granted: A 4% general salary increase effective July 1, 2002 (with a salary schedule reduced by 4.875% for employees receiving Peace Officer retirement) for the confidential Chief Investigator-District Attorneys Office.

A 3.5% general salary increase effective January 1, 2003 for the non-represented attorneys in the District Attorney's Office and the Public Defender's Office.

A 3.5% general salary increase effective July 1, 2003 (with a salary schedule reduced by 4.875% for employees receiving Peace Officer retirement) for the confidential Chief Investigator-District Attorneys Office.

A 4% general salary increase effective July 1, 2002 for unclassified management employees and confidential employees.

A 3.5 % general salary increase effective July 7, 2003 for unclassified management employees and confidential employees.

A 4% general salary increase effective July 1, 2002 and a 3.5% general salary increase effective July 7, 2003 for: Juvenile Services employees, Law Library employees, District Court employees, Justice Court employees and Justices of the Peace.

It was noted that the salary changes for the non-represented employees are the same as the applicable provisions in the negotiated settlement with the Washoe County Employees Association, the District Attorney Investigators Association and the Washoe County Public Attorneys Association, which were approved by the Board in July, 2001.

02-621 EXTENSION OF INTERLOCAL AGREEMENT – UNIVERSITY OF NEVADA, RENO - PROVISION OF PROFESSIONAL SERVICES – COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT – HUMAN RESOURCES

Upon recommendation of Joanne Ray, Director of Human Resources, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Amendment to the Interlocal Agreement for Provision of Professional Services between Washoe County and the Board of Regents, UCCSN, for the University of Nevada, Reno extending the Agreement through September 2002 be approved and Chairman Sferrazza be authorized to execute same on behalf of the Board. The Interlocal Agreement concerns the conducting of a systematic review of Washoe County's programs and facilities for compliance with the Americans with Disabilities Act (ADA). It was noted that the extension to the Agreement is not to exceed \$5,000 over a four-month period.

02-622 <u>AMENDMENT TO INTERLOCAL AGREEMENT – REGIONAL</u> <u>COMMUNICATION SYSTEM (800 MHz) – GENERAL SERVICES</u>

Upon recommendation of Tom Gadd, Director, General Services Department, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Amendment to the Washoe County Regional 800 MHz Communication System October 1999 Interlocal Agreement between Washoe County, the City of Reno, the City of Sparks, Washoe County School District, State of Nevada Department of Transportation and Truckee Meadows Fire Protection District be approved and Chairman Sferrazza be authorized to execute the same. It was noted that the Agreement enables regulated private entities and critical public suppliers to participate in the System.

02-623 PROFESSIONAL SERVICES AGREEMENT – TRUCKEE MEADOWS BOYS AND GIRLS CLUB OF WASHOE COUNTY – JUVENILE SERVICES

Upon recommendation of Leonard Pugh, Director, Department of Juvenile Services, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Agreement For Day Treatment Rehabilitation Services between Washoe County and The Boys and Girls Club of Truckee Meadows concerning individual, group, and family treatment; substance abuse prevention; recreational, vocational and educational components; case management services; and meals and transportation to and from the program be approved and Chairman Sferrazza be authorized to execute the same.

It was noted this program is funded by the Juvenile Accountability Incentive Block Grant.

02-624 <u>SECURITY AGREEMENT – RENO RODEO ASSOCIATION –</u> <u>SHERIFF</u>

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Sheriff's Security Agreement between Washoe County, The Washoe County Sheriff and the Reno Rodeo Association concerning security services during the Reno Rodeo from 2002 through 2007 be approved and Chairman Sferrazza be authorized to execute the same.

It was noted there is no fiscal impact, as off duty personnel will be utilized to fill required positions, and all personnel and equipment will be paid for by the Reno Rodeo Association.

02-625 <u>CONSULTANT AGREEMENT – MAY SHELTON CONSULTANT,</u> <u>INC. – HUMAN SERVICES LEGISLATION AND POLICY</u> <u>DEVELOPMENT – SOCIAL SERVICES</u>

Upon recommendation of Michael Capello, Director, Department of Social Services, and John Slaughter, Strategic Planning Manager, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Agreement between Washoe County and May Shelton Consultant, Inc. concerning consulting services in the area of human services legislation and policy development, effective July 1, 2002 through June 30, 2003, be approved and Chairman Sferrazza be authorized to execute said Agreement.

It was noted that the maximum cost for professional consulting services under this agreement is \$67,200 plus approved actual expenses such as travel, mileage, entertainment, telephone, insurance required by the County and items required and paid for by the consultant.

02-626 <u>FUNDING – RESTORATION OF DEPARTMENT SEVEN</u> <u>COURTROOM – FINANCE</u>

Judge Peter Breen, Courthouse Historical and Preservation Society, spoke in support of a partnership with Washoe County for restoring the Department Seven Courtroom in the Old Courthouse. He advised that Tom Hardy, Architect, previously presented a study to the Board and testified the restoration would cost approximately \$160,000. He said the State Department of Cultural Affairs has granted \$5,000 to the Society and the Society has an additional \$10,000 available for the project. Judge Breen stated they are requesting that the County contribute \$75,000 and the Society would raise the other \$75,000 through private donations. He advised that several of the agencies they contacted have been receptive to contributing funds, but would first like to know what the County is going to do.

Commissioner Galloway said the Board encourages private dollars and suggested an amount up to \$75,000 be approved in the 2003/04 budget, which would give incentive for private donations.

Katy Singlaub, County Manager, said the County could fund design work during the 2002/03 budget year and the Society would have 12 months to gather funds from the private sector.

On motion by Commissioner Shaw, seconded by Commissioner Short, which motion duly carried, Chairman Sferrazza ordered that up to \$75,000 be committed in Washoe County's 2003/04 budget to be available on July 1, 2003, as a match to private donations for the restoration of the Department Seven Courtroom in the Old Courthouse. It was further ordered that staff proceed with the design work, bid solicitations and other preliminary matters.

02-627 <u>AWARDS FOR INNOVATIVE SUGGESTIONS – COUNTY</u> <u>SUGGESTION PROGRAM – FINANCE</u>

Darin Conforti, Senior Fiscal Analyst, reviewed the employee and citizen suggestions recommended for award by the County Suggestion Program Committee. He noted that one recommendation for award was to a citizen and four were to employees.

Chairman Sferrazza presented the Certificates of Recognition for the following persons. Ida Cao and Paul Geneco, Jr. were present.

Suggestion No.	Suggester	Recommended Award
01-049-DH	Richard Neil (citizen)	\$ 50
02-003-DH	Sandra Barboza	\$ 25
02-016-HR	Ida Cao	\$ 25
02-023-AS	Ivy Diezel	\$100
02-028-IT	Paul Geneco, Jr.	\$ 50

On motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Sferrazza ordered that the employees be awarded as noted for their innovative suggestions.

02-628 <u>UPDATE – UNIVERSITY RIDGE PARK</u>

Chairman Sferrazza read a status report received from the City of Reno Attorney's office concerning the University Ridge Park site. The report advised that the City has been coordinating with the Homeowner's Association, developer, and parties to a pending lawsuit to resolve a title issue pertaining to the transfer of the park property. One issue remains unresolved in the stipulation allowing the direct transfer of the park property to the City, and a meeting with all the attorneys is scheduled for July 3, 2002 to resolve the issue. The report further advised that the University Ridge Homeowner's Association approved the stipulation on June 6, 2002; the City Council approved a consulting agreement for the engineer of record for the park on June 11, 2002; and the City is continuing its endeavor to have clear title transferred in order to proceed with development.

Jerry Newcomer, University Ridge homeowner, said the University Ridge Homeowner's Association Board of Directors voted and approved the stipulation that has one unresolved issue, but the stipulation has never been seen by a homeowner or read by an Association board member. The stipulation was pushed through by the attorney for the Association, and it was very reckless for the Association to vote on something they had not reviewed.

* * * * * * * * * * * * * * * * * Commissioner Short temporarily left the meeting.

Mr. Newcomer requested this item be agendized again after the July 3 meeting of the attorneys.

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Short temporarily absent, Chairman Sferrazza ordered that this item be continued and the City of Reno be requested to provide a status report for the July 9, 2002 meeting.

02-629 <u>UPDATE – PEAVINE MOUNTAIN TRAVEL MANAGEMENT</u> <u>PLAN</u>

Bill Whitney, Community Development, advised that information has been provided to the Board regarding the requests of James Calkins, Washoe County resident, concerning Peavine Mountain issues. Mr. Calkins has requested a firearm use ban on the Peavine Peak South Slope, creation of a 1000-yard quiet zone and a limitation on recreational motor vehicle access to Forest Service Land above Northwest Reno.

Commissioner Galloway noted the staff report indicates the only influence the County could have on this issue would be to request the Forest Service to include certain things in their Peavine Mountain Travel Management Plan. Mr. Whitney stated that the City of Reno, the County and the Forest Service have been working together to look at the Peavine issues.

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Commissioner Short returned to the meeting.

Commissioner Galloway stated he believes everyone would agree that the Peavine Travel Plan should reflect a no shooting area within 5,000 feet of residences, but it should not exclude access corridors to public land. He said he does not object to Mr. Calkins' suggestion to include staging areas on the other side of the buffer zone, but would not want a staging area located within the buffer zone.

Chairman Sferrazza said he believes the 5,000-foot restriction should apply to all areas, including the other side of Peavine Mountain, and should be included in the congested area.

Legal Counsel Madelyn Shipman said a congested area does not affect the general law of the County, which is that no firearm can be discharged within 5,000 feet of a dwelling anywhere in the County, inside or outside of a congested area. She stated that this law has nothing to do with having to establish a new congested area; and the law covers anywhere within the County jurisdiction and on Federal lands, as long as there is no conflict with Federal law.

Mr. Whitney displayed maps depicting congested areas in Washoe County. Upon inquiry of Chairman Sferrazza, Mr. Whitney suggested the Board direct the appropriate departments, such as the Sheriff's Office, to look at what might be proper to amend relative to congested areas. The Board could then make a recommendation to the Forest Service concerning the Peavine Travel Management Planning process. Commissioner Galloway suggested that consideration also be given to restricting vehicle use in the 5,000-foot buffer zone, with the exception of access corridors.

Mr. Whitney commented that the entire mountain should be considered regarding some kind of resolution on congested area issues. He said unincorporated communities such as Raleigh Heights, Horizon Hills, Anderson Acres and Mogul should be considered.

Discussion was held about signage issues at Peavine. Mr. Whitney advised that the Public Works Department puts the signs up and keeps the maps up to date. He then advised that the Carson District Ranger has indicated they could roll the County ordinance 5,000-foot distance restriction into the Peavine Mountain Management Plan and issue a Forest Service District Order. He stated his concern is enforcement and a Forest Service District Order would assist with enforcing the restriction.

James Calkins, Northwest Reno resident, suggested the congested area be established from the ridgeline of Peavine Peak down to Northwest Reno and be extended out five miles at each end. He advised that the some of the ammunition being used on Peavine Peak has a three-mile range and could almost reach I-80.

Commissioner Short stated that Mr. Webb, the Sheriff's Department, Mr. Calkins and other involved parties should get together to see if a solution can be reached. Chairman Sferrazza said he would favor including Peavine Peak in the congested area and developing an alternate target range location.

Mr. Calkins commented that an option to incorporating something into the Peavine Transportation Plan would be to adopt ordinances to conform to what is being described now. He said there is a lack of signage, and the 5,000-foot requirement probably relates to a 22-shell. New technology is taking ammunition into the 15,000 to 25,000-foot range. He noted that Peavine Peak has a mixed use of hikers, dog walkers, dirt bikes, ATV's, four-wheel drive vehicles, and horseback riders. The area is congested by virtue of the people there.

Mr. Whitney stated that Mr. Calkins' concerns regarding the use of firearms are very valid. He suggested that the experts get involved and staff come back to the Board with a recommendation for distance restrictions to be included in the congested area ordinance.

Gary Schmidt, Mt. Rose Highway resident, said he resides in a congested area and experiences these same problems on a daily basis. He noted that the congested area goes into the Bureau of Land Management (BLM) land, but the District Attorney's office has deemed that an archery range can be set up on one-acre residential parcels. Misfired arrows can fall on adjacent parcels and people and animals could be injured or killed. He stated the District Attorney's office acknowledges that the existing congested area law specifically prohibits this, but they will not enforce it. He said the law says there can be no discharge of firearms in a congested area, and strict interpretation prohibits using a bow or crossbow. Mr. Schmidt said there are a multitude of problems and suggested the Board not turn the matter over to staff, but schedule a workshop that would include participation from the National Rifle Association, the American Archers Association and other appropriate organizations.

On motion by Commissioner Galloway, seconded by Short, which motion duly carried, Chairman Sferrazza ordered that the Sheriff's Department be requested to look into more appropriate distance restrictions and boundaries for firearms discharge and off-road vehicle use in areas near residential development or any areas frequented by the public, such as hiking trails. Staff is directed to bring the matter back to the Board the first meeting in August with recommendations and an indication of what ordinances might need to be developed or changed in order to accomplish the recommendations. It was noted this action is not intended to cut off any access to public lands or restrict vehicle use on access routes.

02-630 <u>AWARD OF BID – OPTICAL SCAN ELECTION BALLOT</u> <u>PRINTING - BID NO. 2343-02 – REGISTRAR OF VOTERS</u>

This was the time to consider the award of bid for Optical Scan Election Ballot Printing for the upcoming primary and general elections on behalf of the Registrar of Voters. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on May 30, 2002. Proof was made that due and legal Notice had been given.

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

Sequoia Pacific Systems

Diebold Election Systems and A. Carlisle & Co. of Nevada submitted "no-bid" responses.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Short, seconded by Commissioner Bond, which motion duly carried, Chairman Sferrazza ordered that Bid No. 2343-02 for Optical Scan Election Ballot Printing for the Registrar of Voters be awarded to Sequoia Pacific Systems in the estimated amount of \$204,000.

It was noted that Sequoia Pacific Systems is qualified and experienced in the production of the County's optical scan election ballots, as they produced them successfully for the 2000 primary and general elections.

02-631 REQUEST FOR SUPPORT - 57TH ANNUAL FREEDOM FUND BANQUET - NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE — COMMUNITY RELATIONS

Eddie Anderson, area resident, asked if other groups apply for this type of funding. Chairman Sferrazza responded that other organizations do request that Washoe County contribute some funding for their events.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that Washoe County reserve a table at the Reno/Sparks Branch of the National Association for the Advancement of Colored People's (NAACP) 57th Annual Freedom Fund Banquet in the amount of \$500.00 and purchase a one-half-page advertisement in the souvenir booklet in the amount of \$250.00 for a total expenditure of \$750.00.

02-632 FISCAL YEAR 2003-2007 CAPITAL IMPROVEMENTS PROGRAM – FINANCE

Chairman Sferrazza asked that the list of Street and Highway Projects contained in Table 10 of the Capital Improvements Program (CIP) be amended at some point in time. He said there should be a breakdown by district of how Street and Highway Projects funds are spent. He stated he would support this item with the understanding that, as expressed to him at yesterday's caucus meeting, the Board could amend the CIP at a later time.

On motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Sferrazza ordered that the Fiscal Year 2003-2007 Capital Improvements Program, placed on file with the Clerk, be adopted.

02-633 DEAD AND DYING TREES IN THE TAHOE BASIN

Robert Cameron, Washoe County resident, said he supports the recommendation that the Planning Commission generate letters to the appropriate agencies concerning the massive loss of roadside trees within the Tahoe Basin and specifically within Incline Village/Crystal Bay. He commented this problem only exists on the Nevada side of the Tahoe Basin and, in his opinion, is caused by the use of salt on the roads in the winter.

On motion by Commissioner Short, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that the Washoe County Planning Commission be permitted to generate letters to the Nevada Department of Transportation, Tahoe Regional Planning Agency, Washoe County Regional Transportation Commission, Washoe County Roads Division and North Lake Tahoe Fire Protection District regarding the mass loss of roadside trees within the Tahoe Basin and specifically within Incline Village/Crystal Bay.

02-634 EXTENSION OF MILITARY PAY DIFFERENTIAL – EVENTS OF SEPTEMBER 11, 2001 – HUMAN RESOURCES

Upon recommendation of Joanne Ray, Director of Human Resources, on motion by Commissioner Short, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that a six-month extension of the "Military Pay Differential" for an employee on extended military leave for active military service as a result of events of September 11, 2001 be approved.

02-635 <u>STORMWATER MANAGEMENT SERVICE AREA –</u> <u>UNINCORPORATED COUNTY – WATER RESOURCES</u>

Jeanne Ruefer, Water Resources Planning Manager, commented that on April 9, 2002 the Board directed that staff obtain additional information on Financing Option 2, which contained recommendations for establishing a stormwater utility in the unincorporated County and imposing fees based on impervious area. She said staff would like Board direction to identify the service area boundaries for stormwater drainage and quality, for flood control service in the unincorporated County, and for basing the fee for providing these services on impervious cover and runoff contribution. Staff would also like Board direction on amending Ordinance 1090 adopted in March, 2000, which allows for the imposition of user fees for stormwater drainage and flood control services in the unincorporated County, in order to define the unincorporated Truckee Meadows Regional Water Planning Area as the service area for stormwater management service.

Ms. Ruefer advised that basing the fee on impervious area is consistent with the concept that the user pays. She said the Assessor's database was used to determine the average impervious area for a single-family residence in the unincorporated area of the County, with the exception of Incline Village. The data basically includes the entire area within the Truckee Meadows Water Management Planning Area, and the average impervious area of a single family residence in the unincorporated County is approximately 5,300 square feet. Ms. Ruefer advised that staff's research of stormwater management districts in the west, such as what is being proposed, indicates that the typical impervious area for residential units ranges from 500 square feet to over 4,000 square feet; and typical charges based on impervious area for stormwater management districts range from \$4.50 to \$11 per month for residential property. She said staff anticipates a fee that falls in the middle of that range.

Upon inquiry of Commissioner Galloway, Ms. Ruefer advised that staff proposes that everyone pay because everyone benefits from the regional facilities; and the approximate cost for the priority stormwater management projects ranges from \$27million to \$44-million, as outlined in the agenda material. She stated there are approximately 40,000 developed and undeveloped parcels in the unincorporated area, and the fee would be structured between a capital fee, operation and maintenance and administration charges. Ms. Ruefer advised staff would anticipate generating approximately \$2-million annually, which would build over \$50-million worth of improvements over the next 30 years.

Katy Singlaub, County Manager, stated these are very preliminary discussions and staff would need to prepare detailed information for justification, estimates of cost for construction, operation and maintenance and administration, which would come back to the Board at a later date.

Commissioner Short noted that estimated costs amount to about \$4,000 per parcel, which is a lot of money. Commissioner Bond stated that a fee based on impervious area would create a burden for people living on small residential lots. Ms. Ruefer said the idea would be to assess single family residences equally based on the average impervious area throughout the unincorporated County. She noted the runoff from a smaller property is probably equivalent to a much larger property because larger parcels have the ability to absorb water. Commissioner Shaw commented that the Spanish Springs residents would not be receptive to being assessed another fee in addition to the Spanish Springs Nitrate Occurrence Project, and he could not support any increase in fees without a vote of the people in that area. Ms. Ruefer said staff proposes to take this issue to the Citizen Advisory Boards before coming back to the County Commission. Chairman Sferrazza requested that, in addition to looking at impervious coverage, staff look at removal of natural vegetation as a basis for assessment, as this also creates a runoff problem.

Steve Walker, Walker and Associates, appearing on his own behalf, advised he was a former Water Management Planner that planned flood control projects and facilities in Washoe County. He said he produce many plans that sat on shelves and were not implemented, and he thinks the County needs to stop planning and start funding.

Bob Lissner, Lifestyle Homes, said the opposite of what Mr. Walker said has occurred in Cold Springs, as they have been required to plan, study, construct and maintain a complete flood control system for Cold Springs. He stated that Lifestyle Homes homeowners have probably paid a couple of thousand dollars in their home price for ditches for flood control, and approximately 90 percent of the facilities maintenance is being done by the homeowners through the dues they pay for that purpose. He does not think it is appropriate for them to pay the Association fee and pay the County, because there is nothing right now for the County to do in their area.

Chairman Sferrazza said there should be an adjustment for homes that have kept flood waters on site or disposed of them.

Pan Lambert, Spanish Springs resident, said she is glad to see this matter being considered as a regional issue. She expressed concern that some entities are trying to acquire certain areas in order to increase the size of their municipal areas and questioned what would happen with the funding as property is removed from the unincorporated area. She said a mechanism needs to be in place whereby areas removed from the unincorporated area would continue to contribute. Ms. Lambert stated she would like this to be a truly regional issue and be funded much the same as the Truckee River Project. She does not have a problem with the impervious area concept, but flood retention areas already in force would mitigate some of the issues. She would also like to see some enforcement regulations put into the ordinance requiring that small flood control situations be maintained.

Commissioner Bond stated that a regional funding source for water infrastructure is needed; and it may be time to look at putting a source of funding in place that would be region wide and not just for unincorporated residents.

Diana Langs, Sun Valley General Improvement District, said there is a definite need for a stormwater management service area, and everyone has to work together for a solution. She said having unincorporated residents pay such a large amount of money is unacceptable, and the issue needs to be looked at on a region-wide basis. She noted many of the ballot questions this year pertain to dollars and questioned how much the public's pocket book could hold.

Katy Singlaub, County Manager, summarized that issues discussed today included (1) concern about establishing the case for the benefit to the public of doing stormwater facilities and the consequences of not doing them, (2) looking at various approaches to the funding mechanisms, impervious coverage being one approach, (3) how to address the costs already paid by homeowners and developers and establish some sort of credit program, (4) identifying the budget for construction as well as operation and maintenance and administration, (5) the timing of projects and funding, (6) the need to address the involvement of the development community and the public; (7) looking at removal of vegetation because it impacts runoff, (8) integrating the project with the Truckee River Flood Control Planning project and make sure everything works as a regional system, and (9) addressing how the debt service would be dealt with if unincorporated areas brought into the district are subsequently annexed.

Commissioner Short temporarily left the meeting.

Commissioner Galloway said he would also like staff to look at cuts on hillsides and roads, which cause runoff. Chairman Sferrazza stated he thinks impervious coverage should be actual and not based on average coverage.

Following further discussion, the Board determined that a workshop would be scheduled on this issue as soon as possible. Ms. Singlaub advised that, with the current schedule, a workshop could not be scheduled before October.

On motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried with Commissioner Short temporarily absent, Chairman Sferrazza ordered that staff be directed to pursue the issues discussed today as outlined by Ms. Singlaub and the Board. It was noted that the study area would include the unincorporated area within the Truckee Meadows Water Planning area, which is basically everything from Warm Springs south.

* * * * * * * * * * * * * * * * Commissioner Short returned to the meeting.

02-636 <u>BILL NO. 1343 - AMENDING WCC CHAPTER 5 – DE MINIMIS</u> <u>USE OF COUNTY COMPUTERS</u>

Katy Singlaub, County Manager, advised this ordinance is designed to make sure there is no inappropriate personal use of County equipment by employees that could not be used as a similar benefit by anyone else in the community. She said the De Minimis Use Policy has been reconciled with the County's Internet Use Policy; and State law allows de minimis use, which the County has defined as 30 minutes per workweek of non-work time. Chairman Sferrazza questioned the unrestricted use of e-mail. Ms. Singlaub advised the use of e-mail as a personal communication like the telephone is not being limited, but should not interfere with an employee's productive time.

Joanne Ray, Director of Human Resources, said the Internet Policy always intended that employees not be on the Internet for personal use during the business day, and they have tried to take a reasonable approach. She stated that e-mail was not included because it is a form of communication very similar to the telephone.

Bill No. 1343, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY AMENDING THE DE MINIMUS USE PROVISIONS, BY PROVIDING THAT THE COUNTY COMPUTER SYSTEM IS THE PROPERTY OF WASHOE COUNTY, BY PROVIDING THAT NO EXPECTATION OF PRIVACY IS CREATED WHEN USING COUNTY COMPUTERS, BY RECOGNIZING ELECTRONIC MAIL (E-MAIL) AS SIMILAR TO TELEPHONE USE FOR PURPOSES OF PERSONAL USE BY COUNTY OFFICERS AND EMPLOYEES AND AUTHORIZING SUCH USE, BY DESCRIBING, LIMITING AND RESTRICTING AUTHORIZED PERSONAL USE OF COUNTY COMPUTERS, AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO" was introduced by Commissioner Shaw; the title was read to the Board; and direction was given to publish legal notice for final action of adoption.

Gary Schmidt, Washoe County resident, stated that, as the County moves forward into e-government, the government should function in plain view wherever possible. He said all County computers should be on line and available for silent read by the public at all times. This will allow the public to monitor and review all acts and actions of the government without disrupting the process. He stated there would be some exceptions, such as personnel matters that have protection under state and federal laws, certain contract negotiations, and matters that need to be secured to protect public safety.

02-637 <u>AMENDMENT/CLARIFICATION – GUIDELINES CONCERNING</u> COMMISSION DISTRICT FUNDS

Legal Counsel Madelyn Shipman advised that the language in Paragraph 7 of the Resolution establishing the guidelines for County Commission district special funding accounts needs to be clarified. Paragraph 7 states "Recommendations for expenditures from a commissioner district account may not be presented to or approved by the Board for the period of three months prior and including the day of any election pertaining to the election of a Commission Seat."

Following discussion, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that the intent of paragraph 7 is that it applies only to Commissioners running for election. It was further ordered that staff clarify the language in the Resolution to Establish the Guidelines for the County Commission District Special Funding Accounts.

02-638 COSTS TO RENO FOR PRINTING ALTERNATIVE BALLOTS FOR PRIMARY 2002 – TRENCH PROJECT INITIATIVE PETITION - REGISTRAR OF VOTERS

Dan Burk, Registrar of Voters, advised the Court has not yet determined whether the train trench issue will be the sole issue on the primary ballot. He said Sequoia Pacific has advised they must know by tomorrow how the ballot is to be printed. Mr. Burk stated, if the Court has not handed down a decision by 5:00 p.m. tomorrow, he believes two versions of the ballot need to be printed; one containing the train trench issue and one that does not contain the issue, in order to provide the voters with the appropriate ballot when the final decision is rendered. He advised that the additional cost to Reno for producing a second version of the Primary Election Ballot for the City of Reno voters only would be approximately \$68,500.

Chairman Sferrazza stated that, in his opinion, unless the Court orders the County not to have the issue on the ballot before 5:00 p.m. tomorrow, it should be included. If the Court chooses not to let people vote, the result would not be counted. Mr. Burk said it is possible for the computer to be set to not count that ballot question, but the problem would be that citizens would see the question and be convinced, whether they are given notification or not, that they voted on the issue and should see the results of that vote.

Commissioner Galloway suggested the ballot could be overprinted later to say not to vote on the trench question due to the Court's decision. Mr. Burk advised that the District Attorney's office believes the Judge will rule tomorrow and the side that loses would immediately ask the State Supreme Court to order a stay on the ballot question.

Eddie Anderson, County resident, said he believes the County has other options, such as a special election. He stated he thinks Chairman Sferrazza and Commissioner Galloway are trying to push this on the September ballot, and it will cost the taxpayers an additional \$65,000.

Gary Schmidt, Washoe County resident, stated it is not the responsibility of the Board, nor does the Board have the authority to anticipate court actions. He said there is no choice but to obey the current will of the people until told otherwise and place the train trench on the ballot. He stated that one ballot has to be printed and any court decisions would be reacted to later; and to do otherwise would prejudice the will of the people.

Diana Langs, Sun Valley General Improvement District, disagreed with the comments made by Mr. Anderson and thanked the Registrar of Voters for having the vision to think about the options relative to the ballot issue.

Commissioner Galloway said he believes there is merit to Mr. Schmidt's comments. He stated that there is a certified petition, which requires that the train trench question be on the primary ballot, and he believes, if necessary, a local printer could overprint the ballot to say the question was voided by Court Order. Chairman Sferrazza said he did not think anything needed to be overprinted. He stated there is a valid certified petition, and unless a court directs otherwise, he does not believe the County has the discretion to print two ballots. He said that would usurp the right of the people, favor one side over the other, and set an undesirable precedent in future situations. He believes the law should be followed, and the law does not provide for printing a second ballot in anticipation of a possible court decision.

Legal Counsel Shipman said her opinion is, if a decision is not rendered by 5:00 p.m. tomorrow night, no court could then order the County to do something that would be impossible, such as printing a new ballot and somehow getting it ready for the primary election. She said the Court is well aware of the deadline issue, and the Judge's decision should be known by 5:00 p.m. tomorrow.

Commissioner Bond said she feels the County is being put in the position of having to make the decision whether or not the trench project is going to be on the ballot. She believes, if staff does not have an answer by 5:00 p.m. tomorrow, they should go forward with the question on the ballot.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Sferrazza ordered that, if a Court ruling is not given prior to 5:00 p.m. June 19, 2002, the printer's deadline, only one ballot containing the train trench project question be printed; and, if a Court ruling is made disallowing the question, staff be directed to print two ballot versions, one with the train trench project question and one without, as the Court decision would no doubt be appealed.

02-639 LEGAL ACTION - REGIONAL PLAN UPDATE

Eddie Anderson, area resident, discussed his concerns regarding the leadership of the County relative to the Regional Plan Update.

Diana Langs, Sun Valley General Improvement District, said she was hoping for a document that everyone could believe in, but the community did not get that. She stated she supports the County filing suit on the adoption of the Plan in order to set the real parameters the Legislature said were to be put in place by the Regional Planning Governing Board. She said she does not believe the Regional Plan complies with that intent.

Gary Schmidt, Washoe County resident, said there are serious problems with the new Regional Plan and with the due process of the Plan. He noted that comments were made today by Board members that referenced caucus discussions. He said, as a matter of due process, all Board discussion, deliberation and decisions must be done at the regular Board meeting.

Commissioner Galloway advised that, at yesterday's caucus, he brought up the issue of failure to give reasoned consideration to Washoe County's concerns when the Regional Planning Governing Board adopted the plan. He was assured by Legal Counsel the matter is covered in the draft complaint or Petition for Writ of Mandamus. He said the County had 36 points of contention; one was resolved and the rest were set for discussion later by the Regional Planning Governing Board. This alone shows that reasoned consideration was not given to the key issues prior to adoption of the Plan. He said there is also a Motion for a Temporary Restraining Order, which would enjoin the application of extraterritorial authorities and the certification of the sphere expansions, if granted, but does not keep the Plan from being revised.

Commissioner Galloway moved that the District Attorney be authorized to commence legal action in accordance with the Petition for Writ of Mandamus and the Motion for Temporary Restraining Order and Preliminary Injunction.

Commissioner Bond said she knows parts of the Plan are fatally flawed, but is concerned about derailing what little cooperation there is with the Cities of Reno and Sparks. She stated consensus was reached on about 13 issues and six more items are being seriously looked at. She would not want to drive a deeper wedge and unravel what small gain seems to have been accomplished, and legal action on specific items within the Regional Plan can be taken at any time. She said there might be ways to deal with these issues other than through court action.

Commissioner Short said he believes the Regional Plan process was completely flawed. He stated that public comments were totally disregarded, and there are many holes in the Plan. He said Reno and Sparks went at this process without any spirit of compromise, and the County should find out if the Plan is legal.

Commissioner Short seconded Commissioner Galloway's motion. On call for the question, the motion carried unanimously.

COMMUNICATIONS AND REPORTS

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

02-640 <u>Communications</u>

- A. Copy of fully executed Agreement between Pavich & Associates, Inc. and Altmann Construction & Development, Inc., Pembroke Drive Properties, Barker Investments and Dalton & Juanita LaRue and Washoe County deferring the processing of a Tentative Subdivision Map (application #TM7-12-97).
- B. Copy of fully executed Agreement for Professional Services with Bayer Bauserman and Company to develop and implement an advertising and public relations plan for the toilet rebate program. (Department of Water Resources)

02-641 TAX DELINQUENT PROPERTY SALES

| <u>Name</u> | Parcel No. | Price |
|---|------------|------------|
| A. Charles & Eva R. Kaestlin | 066-220-02 | \$1,900.00 |
| NRLL, Inc., A California Corp. | 066-220-08 | \$2,400.00 |
| Gene L. Piccinini | 074-020-10 | \$6,610.00 |
| Gary or Alice Peard | 074-190-13 | \$ 875.00 |
| Shawn Kohltfarber | 074-201-37 | \$1,225.00 |
| Steven Ray Speck & Edward Paul
Speck | 074-390-11 | \$5,000.00 |
| Ike Shaw, a single man | 074-411-06 | \$2,500.00 |
| Ike Shaw, a single man | 074-411-09 | \$2,500.00 |
| Gene Bennett | 074-411-16 | \$3,200.00 |
| Shaw Kohltfarber | 074-420-23 | \$ 420.00 |
| Murielle De Brabante | 074-441-02 | \$2,500.00 |
| Michael Lindsey Cross | 079-150-26 | \$1,575.00 |

Treasurer - Return of Sale of Real Estate held on April 25, 2002

02-642 <u>REPORTS – Year Ended 2000/2001 – Audit/Financial Statement &</u> <u>Budget</u>

A. Palomino Valley General Improvement District

02-643 <u>REPORTS – QUARTERLY (ENDING MARCH 2002)</u>

A. Washoe County School District

02-644 <u>REPORTS – MONTHLY (APRIL 2002)</u>

- A. Animal Control
- B. Detention Bureau Statistics
- C. Treasurer

02-645 <u>REPORTS – MONTHLY (MAY 2002)</u>

A. Court Clerk

02-646 <u>BUDGETS - 2001-2002</u>

- A. Gerlach General Improvement District Amendment to FY Budget 2001/2002
- B. Truckee Meadows Water Authority Final

02-646 <u>BUDGETS - 2002-2003</u>

- A. Gerlach General Improvement District Final
- B. Palomino Valley General Improvement District Final
- C. Reno, City of Tentative & Final
- D. Reno Redevelopment Tentative & Final
- E. Reno-Sparks Convention & Visitors Authority Tentative & Final
- F. Sierra Forest Fire Protection District Final
- G. South Truckee Meadows General Improvement Final
- H. Sparks, City of Final
- I. Sparks Redevelopment Final
- J. Sun Valley General Improvement District Tentative & Final
- K. Truckee Meadows Fire Protection District Final
- L. Meadows Water Authority Tentative & Final
- M. Verdi Television District Tentative & Final
- N. Washoe County Tentative & Final
- O. Washoe County School District Tentative & Final

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There being no further business to come before the Board, the meeting adjourned at 5:12 p.m.

PETER J. SFERRAZZA, Chairman Washoe County Commission

ATTEST:

AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners

Minutes Prepared By Barbara Trow, Deputy County Clerk