

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 5:15 P.M. APRIL 9, 1996

PRESENT:

Steve Bradhurst, Chairman  
Grant Sims, Vice Chairman  
Joanne Bond, Commissioner  
Mike Mouliot, Commissioner  
Jim Shaw, Commissioner

Betty Lewis, Chief Deputy County Clerk  
John MacIntyre, County Manager  
Madelyn Shipman, Legal Counsel

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 E. Ninth Street, Reno, Nevada. Following the pledge of allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that the agenda for the April 9, 1996 meeting be approved with the following amendments: Delete - Item 8A, Request of American Water Heater Group for Refund of Personal Property Taxes; and Item 13, Water Service Agreement and Resolution of Water Service between Washoe County and Sierra Pacific Power Company.

PUBLIC COMMENTS

There was no response to the call for public comments

MINUTES

On motion by Commissioner Shaw, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that the minutes of the regular meetings of February 27 and March 12, 1996 be approved.

96-287 APPOINTMENT OF ACTING REGISTRAR OF VOTERS - OFFER OF EMPLOYMENT FOR REGISTRAR OF VOTERS POSITION

John MacIntyre, County Manager, provided background information regarding this item and advised that as of April 2, 1996, the Secretary of State's office no longer handled the affairs of the Registrar of Voters' Office, and because of the need to move forward on administrative items, etc. he designated Howard Reynolds, Assistant County Manager, as the Acting Registrar of Voters, effective April 2, 1996.

Upon recommendation of John MacIntyre, County Manager, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the appointment of Howard Reynolds, Assistant County Manager, as Acting Registrar of Voters, be approved retroactively.

A discussion commenced relative to the Boards' options for filling the position of Registrar of Voters. Mr. MacIntyre commented that several candidates went through the assessment center when the previous Registrar was appointed on January 23, 1996, with the two highest rated candidates being interviewed by the Board; and that, pursuant to the request of Board members, the other candidate, Mr. Nelson Clayton, has been contacted, and has indicated that he is still interested in the position.

Commissioner Bradhurst stated that the Registrar of Voters is an important position and suggested that an informal meeting might

be held between the Board and Mr. Clayton to discuss issues that both he and the Board may have, and also to give him the opportunity to meet with members of the community. Commissioner Shaw stated that, based on Mr. Clayton's background and experience, he would like to offer him the position at this time to expedite the appointment. Commissioners Mouliot, Bond, and Sims agreed that the offer of employment should be made to Mr. Clayton at this time.

Commissioner Sims stated that he feels the Board could visit with Mr. Clayton in conjunction with the offer, but the offer for employment should not be delayed. Mr. MacIntyre suggested that Mr. Clayton could be invited to meet with the Board during the regular caucus meeting of April 22, 1996 and that the Personnel Division could make arrangements for him to also visit with members of the community. Commissioner Bradhurst suggested that Mr. Clayton also spend some time with the Registrar of Voters' staff.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that an offer of employment as Registrar of Voters be made to Mr. Nelson Clayton. It was further ordered that Mr. Clayton be invited to meet with the Board at their caucus meeting of April 22, 1996, and that payment for his travel expenses to Reno be authorized.

96-288 PROCLAMATION - APRIL 21 - 27, 1996 AS WASHOE COUNTY CRIME VICTIMS' RIGHTS WEEK

On motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the following Proclamation be adopted and Chairman Bradhurst be authorized to execute:

P R O C L A M A T I O N

WHEREAS, Violence is on the rise in America, with one violent crime committed every 16 seconds; and

WHEREAS, Five out of every six people will be a victim of a violent crime at least once at some point in their lifetime; and

WHEREAS, As a nation devoted to liberty and justice for all, America must increase its efforts to protect and restore crime victims' rights; and

WHEREAS, All citizens of America must do their part to stop violence by reporting crimes, by supporting more equitable sentencing laws, and by refusing to tolerate injustice in our homes or on our streets; and

WHEREAS, Crime victims and those who serve them deserve our support for their quest to secure victim justice; and

WHEREAS, A national commitment to violence reduction and victim assistance will help bring criminals to justice, and justice to victims; and

WHEREAS, Washoe County is joining forces with victim service programs, criminal justice officials and concerned citizens throughout Nevada to observe 1996 National Crime Victims' Rights Week; now, therefore, be it

PROCLAIMED, BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY NEVADA, That the week of April 21 - 27, 1996, is designated as Washoe County Crime Victims' Rights Week and that the Board reaffirms its commitment to address victims' rights and criminal justice throughout the year.

96-289 SEXUAL ASSAULT VICTIMS - MEDICAL CARE - PAYMENT

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care and follow-up treatment for 17 victims of sexual assault in an amount totaling \$3,759.10 as set forth in a memorandum placed on file with the Clerk from Vickie Wedow, Administrative Assistant, District Attorney's Office, dated March 18, 1996.

96-290 ACCEPTANCE OF DONATION - SENIOR SERVICES

Upon recommendation of Karen Mabry, Director, Senior Services, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that the donation of \$2,000 from the Catherine Urban Trust for the Senior Law Program be accepted with gratitude, and the following account transactions be authorized:

| REVENUE |             | EXPENDITURES |             |
|---------|-------------|--------------|-------------|
| Amount  | Account     | Amount       | Account     |
| \$2,000 | 25481G-5802 | \$2,000      | 25481G-7000 |

96-291 REGIONAL TRANSPORTATION GRANT - GERLACH/EMPIRE SENIOR CITIZENS CENTER - SENIOR SERVICES

Upon recommendation of Karen Mabry, Director, Senior Services, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that the Director of Senior Services be authorized to pursue a grant through the Regional Transportation Commission in the amount of \$8,500 on behalf of the Gerlach-Empire Senior Citizens Center to cover costs associated with transportation of clients to the Reno area for medical and government agency purposes.

96-292 REIMBURSEMENT TO NON-COUNTY EMPLOYEE FOR COUNTY RELATED TRAVEL - HEALTH DEPARTMENT

Upon recommendation of David Rice, District Health Officer, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that the reimbursement of Mr. Wei Yang for travel costs to attend a conference in Park City, Utah May 1 - 3, 1996 be approved.

It was noted that the Air Quality Management Division and the University of Nevada, Reno, have entered into an agreement where the University receives funds from the District Health Department to support a graduate assistant position; that Wei Yang, a University of Nevada graduate student, is working with staff on a PM10 project to study the related health effects of air particulate pollution; and that the conference will directly benefit Mr. Yang's assigned project.

96-293 BROKER SERVICE AGREEMENT - PROPERTY AND RELATED INSURANCE COVERAGE - RISK MANAGEMENT

Upon recommendation of Raymond Sibley, Risk Manager, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that the Risk Manager be authorized to enter into a three-year broker service agreement with Lockhart Insurance Agency, effective April 1, 1996, with the option of two one-year renewals, and purchase property and related insurance through Affiliated FM Insurance Company, effective May 1, 1996.

It was noted that in January, 1996, the Risk Management Division completed a Request for Proposal (RFP) for brokerage services; that five responses were received and four brokers were requested to contact insurance markets to obtain quotes for the County's insurance program; and that in reviewing and analyzing the proposals submitted by the brokers, it has been determined that the program with Affiliated FM insurance provided by Lockhart Insurance Agency meets the coverage needs and provides the most competitive price for the program. It was further noted that the premium cost for the property program is \$140,452 and is currently budgeted in the Risk Management Fund.

96-294 PROPERTY PURCHASE - 848 MORRILL AVENUE - GENERAL SERVICES

Upon recommendation of Bud Fujii, Director, General Services Department, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the purchase of the house and property at 848 Morrill Avenue, Assessor's Parcel Number 008-162-14, in Reno, Nevada, from Ms. Jan Patrina Enteles for the amount of \$80,000 be approved and that a rental dumpster for \$117 be provided. It was further ordered that Chairman Bradhurst be authorized to execute the deed, agreement, and other documents when presented.

It was noted that the Finance Division, Risk Management, and the District Attorney's Office reviewed and agreed with the

recommendation.

96-295 APPROPRIATION TRANSFER - PURCHASE OF PROPERTY - 848 MORRILL AVENUE - FINANCE

John MacIntyre, County Manager, advised that questions were raised at yesterday's caucus regarding the Microfiche program. Bud Fujii, Director, General Services Department, reviewed additional documentation provided to the Board and responded to questions.

Following discussion, upon recommendation of Tyrone Brooks, Finance Division, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that the following appropriation transfers from the Microfiche Equipment account to the Acquisitions account relative to the purchase of property at 848 Morrill Avenue be authorized:

| Decrease Account | Description          | Amount      |
|------------------|----------------------|-------------|
| 001-1627-7842    | Microfiche Equipment | \$85,000.00 |
| Increase Account | Description          | Amount      |
| 001-1611-7887    | Acquisitions         | \$85,000.00 |

96-296 ASSIST IN PATROL - TOIYABE NATIONAL FOREST - SHERIFF

John MacIntyre, County Manager, provided additional information pursuant to questions raised at yesterday's caucus, and advised that additional documentation has been provided by the Finance Division regarding this item.

Following discussion, upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that the use of Washoe County Deputy Sheriffs to assist in the Patrol of the Toiyabe National Forest within Washoe County, Nevada be approved.

It was noted that there will be no fiscal impact on the Sheriff's Office or County budgets, as all personnel and equipment are paid for by the U.S. Forest Service, to include overtime, liability, and equipment usage.

96-297 AGREEMENT - FORENSIC SERVICES - CRIME LABORATORY AND STATE OF NEVADA - SHERIFF

John MacIntyre, County Manager, reviewed additional documentation provided by the Finance Division as requested by the Board at yesterday's caucus.

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the Crime Laboratory's contract with the State of Nevada Department of Motor Vehicles for forensic services associated with the Breath Alcohol Program in the amount of \$160,000 for fiscal year 1995/96 and \$171,000 for fiscal year 1996/97 be approved, and the following account transactions be authorized:

|  |       |              |
|--|-------|--------------|
| Increased revenues fiscal year 95/96     | 15066 | \$160,000.00 |
| Increased expenditures fiscal year 95/96 | 15066 | \$160,000.00 |
| Increased revenues fiscal year 96/97     | 15066 | \$171,000.00 |
| Increased expenditures fiscal year 96/97 | 15066 | \$171,000.00 |

96-298 RETROACTIVE APPROVAL TO SUBMIT GRANT - NEVADA DEPARTMENT OF MOTOR VEHICLES - PUBLIC SAFETY OFFICE OF CRIMINAL JUSTICE ASSISTANCE FOR CRIME LAB EQUIPMENT - SHERIFF

Commissioner Bradhurst commented that discussion was held regarding this item at yesterday's caucus meeting, at which time the Finance Division indicated that the issue of retroactive approvals for submission of grants by the Sheriff's Office is on next week's agenda.

Gary Goelitz, Finance Division, commented that there appears to be some confusion at the Sheriff's Office regarding the process for submission of grants, and meetings will be conducted to clarify that process.

Upon recommendation of Gary Goelitz, Finance Division, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that submission of a grant to the Nevada Department of Motor Vehicles and the Public Safety Office of Criminal Justice Assistance for Crime Lab equipment be approved retroactively.

#### 96-299 AWARD OF BID - MOTORIZED TRAFFIC LINE PAINT SPRAYER - BID NO. 1905-96 - EQUIPMENT SERVICES

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on January 9, 1996, for a Motorized Traffic Line Paint Sprayer for the Equipment Services Division of the General Services Department. Proof was made that due and legal Notice had been given.

John MacIntyre, County Manager, advised that, pursuant to questions raised at yesterday's caucus, James Mayes, Acting Road Superintendent, has provided additional background information regarding this item.

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

Kelly-Creswell Company, Inc.  
M-B Companies, Inc.  
Morton Traffic Markings  
Linear Dynamics, Inc.  
Quad States Industries

Pervo Paint Company submitted a "No-Bid" response and A-1 Industrial Supply; American Equipment Co., Inc.; Baltimore Paint; C & R Parts and Equipment; Cate Nevada Equipment; Choquettes & Sons; Dispensing Tech. Corp.; Edward R. Bacon Company; Empire Equipment Company; Highway Equipment Company; Holland Equipment Company; McLellan Equipment; Ricker Machinery Company and Super Precision Design Inc. failed to respond to the invitation to bid.

Following discussion, upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that Bid No. 1905-96 for a Motorized Traffic Line Paint Sprayer for the Equipment Services Division of the General Services Department be awarded to the lowest responsive, responsible bidder, Kelly-Creswell Company, Inc. in the net amount of \$156,320.

It was noted that the awarded bid price of \$156,320 reflects the base price of \$143,866 and the option of the paint sprayer equipped with a two camera color video guidance system at a price of \$12,454.

#### 96-300 REQUEST FOR PROPOSAL - RFP NO. 1914-96 - VOICE MAIL PROCESSING SYSTEMS (VMPS) - TELECOMMUNICATIONS

This was the time to consider award of bid, Notice to Proposers for receipt of sealed bids having been published in the Reno Gazette-Journal on February 29, 1996, for Voice Mail Processing Systems (VMPS) for the Telecommunications Division of the General Services Department. Proof was made that due and legal Notice had been given.

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

Vision Communication Services, Inc.  
DAISI Systems & Services

Americomm, Inc.; Lanier Worldwide, Inc.; Microlog Corporation; Mobile Media Paging; NEC Business Communications System; NEC Business Communications (West); and Periphonics Corporation failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that RFP No. 1914-96 for Voice Mail Processing Systems (VMPS) for the Telecommunications Division of the General Services Department be awarded to the lowest responsive, responsible bidder, Vision Communication Services, Inc. in the net total amount of \$90,631 as follows:

System #1: One Voice Mail Processing System (VMPS) for the new Washoe County Courthouse facility located at #1 South Sierra Street, Reno, Nevada in the net amount of \$39,971.

System #2: One Voice Mail Processing System (VMPS) for the Washoe County 9th Street Complex located at 1001 East 9th Street, Reno, Nevada in the net amount of \$50,660.

96-301 BILL NO. 1126 - AMENDING WCC CHAPTER 110 (DEVELOPMENT CODE) - POSTING REQUIREMENTS

Bill No. 1126 entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE TO DELETE THE POSTING REQUIREMENTS STIPULATED IN SECTIONS 110.804.20 (c) AND 110.810.25 (c) OF THE DEVELOPMENT CODE," was introduced by Commissioner Sims, the title read to the Board, and legal notice for final action of adoption directed.

Commissioner Mouliot referred to Section 110.804.20 (a) that states that a notice ...shall be sent by mail at least (10) days before the meeting... and requested the wording be changed to ...postmarked at least (10) days before the meeting. Bob Katai, Development Review, advised that he will pursue this.

96-302 BILL NO. 1127 - AMENDING WCC CHAPTER 110 (DEVELOPMENT CODE) - RELOCATION OF SUBSTANDARD LOTS THROUGH BOUNDARY LINE ADJUSTMENT

Bill No. 1127 entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE TO ADD PROVISIONS TO THE DEVELOPMENT CODE REGARDING RELOCATION OF SUBSTANDARD LOTS THROUGH THE BOUNDARY LINE ADJUSTMENT PROCEDURE," was introduced by Commissioner Sims, the title read to the Board, and legal notice for final action of adoption directed.

96-303 CORRECTION OF FACTUAL ERRORS - 1995 AND 1996 TAX ROLLS - ASSESSOR

Ron Fox, Chief Appraiser, Assessor's Office, responded to questions of the Board regarding the Roll Change Request for Laretta Harmon and the Assessor's procedures relative to the assessment of properties under construction.

Following discussion, upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the following Roll Change Requests correcting factual errors on tax bills already mailed, be approved for the reasons indicated thereon and mailed to the property owner, a copy of which is placed on file with the Clerk. It was further ordered that the Orders on each roll change directing the Treasurer to correct the error be approved and Chairman Bradhurst be authorized to execute on behalf of the Commission.

|                              |                 |                          |
|------------------------------|-----------------|--------------------------|
| Roll Change Request No. 270  |                 |                          |
| Berry-Hinckley Terminal Inc. | APN 032-220-51  | (1996 Secured Roll)      |
| Roll Change Request No. 271  |                 |                          |
| Dale M. Barcomb              | APN 050-292-04  | (1995 Secured Roll)      |
| Roll Change Request No. 272  |                 |                          |
| Laretta P. Harmon            | APN 088-202-12  | (1996 Secured Roll)      |
| Roll Change Request          |                 |                          |
| Lee Brothers Leasing Company | I.D. #2/190-499 | (1995/96 Unsecured Roll) |
| Roll Change Request          |                 |                          |

|                         |                 |                          |
|-------------------------|-----------------|--------------------------|
| Sierra Biomedical       | I.D. #2/118-000 | (1995/96 Unsecured Roll) |
| Roll Change Request     |                 |                          |
| EconoLube               | I.D. #2/139-014 | (1995/96 Unsecured Roll) |
| Roll Change Request     |                 |                          |
| Horizon Freight Systems | I.D. #2/443-016 | (1995-96 Unsecured Roll) |
| Roll Change Request     |                 |                          |
| Franklin Printing       | I.D. #2/524-006 | (1995/96 Unsecured Roll) |
| Roll Change Request     |                 |                          |
| Mary Jean Thompson      | APN 011-201-34  | (1995/96 Secured Roll)   |

96-304 REFUND OF TAXES - FORNEY CORPORATION/DAVIS COMBUSTION SYSTEMS, INC. - I.D. #2/599-012

John MacIntyre, County Manager, advised that the Board had questions at yesterday's caucus relative to this item and requested that a representative of the Assessor's Office be present at tonight's meeting.

Tom Sokol, Assessor's Office, provided background information and advised that the taxpayer did not file a personal property declaration for 1993-94 and 1994-95; and that the 1994-95 estimate was more favorable to the taxpayer and a request for refund is only being made for the 1993-94 estimated value. He explained the Assessor's procedure relative to the assessment of non-declared personal property, advising that the estimated value represents the average assessed value of similar businesses that submitted a declaration for the same fiscal year.

Albert Davis, representing Forney Corporation/Davis Combustion Systems, Inc., advised that he was President of the formerly Davis Combustion Systems, Inc. and that he turned the form over to his account clerk who, unbeknownst to him, filed it away and nothing was done on it; that when it came to his attention that they were delinquent, because of the impending effort of the Assessor's Office to take possession of the company's materials, it was necessary to pay the taxes rather than resolve the differences between what was reasonable based on what was paid in prior years; that he was told the estimated tax was totally arbitrary, and their contention is that the Assessor could not have used similar businesses for comparison because of the exorbitant estimated value; and that they do not take issue with the fact they were late and are willing to pay associated penalties, but feel that since the original assessment was so out of line and they do not think it is the law's intent to punitively tax people even if they make a mistake, that a more reasonable assessment should be made. He further stated that it was never their intent to not pay the taxes, but because of sloppy work by one of his employees and the conditions existing at the time of just trying to keep the business afloat, the filing of the declaration was overlooked. Mr. Davis then responded to questions of the Board.

Mr. Sokol answered further questions of the Board and advised that taking the average value of similar properties has been determined to be the best way to estimate non-declared personal property; that properties are not looked at individually because of the high volume of non-declared properties and manpower constraints; and that Nevada Revised Statute 361.265 requires the Assessor to estimate the value when a declaration is not filed, but does not say how this estimate is to be determined. He noted that approximately eight years ago, the Assessor's procedure was to look at the prior year's assessed value and increase it by 50%; and that there is an appeal process to the County and State Boards of Equalization, but no appeal was made in this case.

Commissioner Sims noted that the taxpayer indicated that the assessed value in March of 1993 was \$8,539, the Assessor's estimated value in March of 1994 was placed at \$424,887, and the value was actually approximately \$99,000. Commissioner Bond stated that she has a problem with an estimated value that is beyond reasonable and feels a more equitable value should be determined.

Chairman Bradhurst stated that discussion of the problems the Assessor's Office has with processing estimated values with antiquated equipment and technology has previously been held by the Board, at which time the Board indicated their concerns and desires that some method could be developed that would "flag" exorbitant estimates.

Mr. Sokol advised that the Assessor started another procedure this year that flags any increase higher than 25% over the previous year, and those are looked at on an individual basis. Chairman Bradhurst commented that he feels something more equitable needs to be done in this case and understands the confusion experienced by the company with imminent bankruptcy, etc., but is concerned that they also did not file a declaration for the 1994-95 tax year.

Commissioner Shaw stated that he wants to be fair to all concerned but, at the same time, is frustrated that taxpayers do not comply with the regulations set forth, thereby creating these types of problems.

Legal Counsel Shipman commented that when this issue previously came before the Board she alerted the Board to the fact that the State Attorney General's Office and the Department of Taxation are looking into the utilization by the County Commissioners of the NRS section on property tax refunds to allow taxpayers to avert the administrative process set out in State law for them to challenge the assessed valuation of either real or personal property.

Commissioner Bond asked why the applicant did not appeal to the County or State Board of Equalization and Mr. Davis stated that they were advised that they had to go through the District Attorney's Office for the 1993-94 tax year.

Chairman Bradhurst stated that, in response to the District Attorney's comments, it would appear these types of problems will not occur again as the Assessor has commenced a new procedure where increases greater than 25% over the previous year are looked at on an individual basis.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that a tax refund for fiscal year 1993-94 of Forney Corporation/Davis Combustion Systems, Inc. be granted based on a reasonable assessment being determined to be the 1993-94 personal property amount provided by the taxpayer and adding 50% to that figure. It was further ordered that the District Attorney be directed to prepare the Resolution granting the refund and Chairman Bradhurst be authorized to execute the Resolution when presented on behalf of Washoe County:

The following Resolution was prepared as directed and executed by Chairman Bradhurst:

RESOLUTION-Directing the County Treasurer to Refund Taxes

WHEREAS, the Board of Commissioners of Washoe County, pursuant to NRS 354.240, has the authority to direct the County Treasurer to Refund to an applicant the amount of money paid into the County Treasury in excess of the amount legally payable; and

WHEREAS, Forney Corporation/Davis Combustion Systems, Inc. (Taxpayer), made application for the refund of 1993-1994 personal property taxes and penalty because Taxpayer contends that the Assessor's estimate of the value of Taxpayer's property, I.D. #2/599-012, was unreasonable; and

WHEREAS, Forney Corporation/Davis Combustion Systems, Inc. has overpaid taxes for fiscal year 1993-1994 in the amount of \$14,070.55; and

WHEREAS, it is the opinion of the Board of Commissioners of Washoe County that the applicant for a refund has just cause for making such application and that the granting of such refund would be equitable.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY AS FOLLOWS:

1. That the Treasurer of Washoe County be and hereby is authorized and directed to refund to Forney Corporation/Davis Combustion Systems, Inc. a total of \$14,070.55, that amount being the taxes overpaid by Forney Corporation/Davis Combustion Systems, Inc. for the tax year 1993-1994 on I.D. #2/599-012.

2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity which has shared in the excess of the taxes collected in error for its pro rata share of the refund.

Upon recommendation of James Barnes, Deputy District Attorney, as stated in D.A. Opinion No. 6314, on motion by Commissioner Sims, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Bradhurst be authorized to execute on behalf of Washoe County:

RESOLUTION-Directing the County Treasurer to Refund Taxes

WHEREAS, the Board of Commissioners of Washoe County, pursuant to NRS 354.240 has the authority to direct the County Treasurer to refund to an applicant the amount of money paid into the County Treasury in excess of the amount legally payable; and

WHEREAS, Robert M. and Dee B. McLeod Tr., et al. (Taxpayer), made application for the refund of 1994-1995 real property taxes because, based upon an assessment error, the Assessor's Office misappraised the Taxpayers' property, APN 039-111-24; and

WHEREAS, Robert M. and Dee B. McLeod, Tr., et al. have overpaid taxes for fiscal year 1994-1995 in the amount of \$6,271.28; and

WHEREAS, it is the opinion of the Board of Commissioners of Washoe County that the applicant for a refund has just cause for making such application and that the granting of such refund would be equitable.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY AS FOLLOWS:

1. That the Treasurer of Washoe County be and hereby is authorized and directed to refund to Robert M. and Dee B. McLeod a total of \$6,271.28, that amount being the taxes overpaid by Robert M. and Dee B. McLeod Tr., et al. for the tax year 1994-1995 on APN 039-111-24.
2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity which has shared in the excess of the taxes collected in error for its pro rata share of the refund.

96-306 REFUND OF TAXES - GEORGE F. SIEFFERT, M.D. - AIRCRAFT I.D. #51/00-268

John MacIntyre, County Manager, advised that this item was continued from March 19, 1996; and that Dr. Sieffert has requested that if it appears the Board is going to take an action to deny the request, this item be continued to the May 14, 1996 meeting because he was unable to attend tonight's meeting.

Chairman Bradhurst commented that the concern expressed by the Board at the March 19th meeting was that the taxpayer sold his airplane in November and was assessed as if he had the property for the entire year, and that maybe the law should be changed so that if property considered to be migratory is sold during the year, the taxpayer would pay taxes just for the period of time the property was owned; and that a great deal of time was spent on this issue, and he continues to feel that a refund should be provided given the circumstances presented.

Commissioner Sims stated that NRS 361.505 provides for the proration of taxes on personal property when the property is considered migratory property, and the District Attorney's Office has stated that it is their opinion this is not migratory property, and he would uphold their recommendation for denial.

Legal Counsel Shipman clarified that the law provides for proration of taxes on personal property when the property is considered "migratory property", which proration occurs when the property is brought into the County and not when the property leaves the County.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that this item be continued to the regular meeting of May 14, 1996.

Upon recommendation of James Barnes, Deputy District Attorney, as stated in D.A. Opinion No. 6316, on motion by Commissioner Bond, seconded by Commissioner Sims, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Bradhurst be authorized to execute on behalf of Washoe County:

RESOLUTION-Directing the County Treasurer to Refund Taxes

WHEREAS, the Board of Commissioners of Washoe County, pursuant to NRS 354.240 has the authority to direct the County Treasurer to Refund to an applicant the amount of money paid into the County Treasury in excess of the amount legally payable; and

WHEREAS, Sylvia Wonderling (Taxpayer) made application for the refund of 1992-1993, 1993-1994 and 1994-1995 real property taxes because, based upon an assessment error, the Assessor's Office misappraised the Taxpayer's property, APN 043-150-02; and

WHEREAS, Sylvia Wonderling has overpaid taxes for fiscal years 1992-1993, 1993-1994 and 1994-1995 in the amount of \$574.30; and

WHEREAS, it is the opinion of the Board of Commissioners of Washoe County that the applicant for a refund has just cause for making such application and that the granting of such refund would be equitable.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY AS FOLLOWS:

1. That the Treasurer of Washoe County be and hereby is authorized and directed to refund to Sylvia Wonderling a total of \$574.30, that amount being the taxes overpaid by Sylvia Wonderling for the tax years 1992-1993, 1993-1994 and 1994-1995 on APN 043-150-02.
2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity which has shared in the excess of the taxes collected in error for its pro rata share of the refund.

96-308 REFUND OF TAXES - ZYCOM CORPORATION - I.D. #2/182-197 - DENIAL

Based on District Attorney's Opinion No. 6317, on motion by Commissioner Bond, seconded by Commissioner Sims, which motion duly carried, it was ordered that the request by Zycom Corporation for refund of tax penalty paid on personal property I.D. #2/182-197 for the 1995-1996 tax year in the amount of \$1,355.77 be denied for the reasons stated in the Decision placed on file with the Clerk.

96-309 RESOLUTION OF INTENT TO SELL COUNTY PROPERTY - RECEIPT OF OFFER FROM A.K.E. R. LLC - APN 047-010-06 - PUBLIC WORKS

John MacIntyre, County Manager, reviewed the supplemental report from James Gale of the Public Works Department, which was provided to the Board in response to questions raised at yesterday's caucus meeting.

James Gale, Senior Property Agent, Department of Public Works, reviewed the offer from A.K.E.R. LLC to purchase County property and responded to questions of the Board.

The Board discussed the terms and conditions contained in the offer and expressed concerns regarding the close of escrow within 120 days of acceptance of the offer because it may not be possible to obtain approval for the subdivision map within that timeframe, being able to divide the property into 60 parcels, and the possible appearance of a conflict of interest should the subdivision map be appealed to the County Commission.

Legal Counsel Shipman advised that under County Code and State law the processing of tentative maps can take no longer than 105 days from the date the application is submitted; that the subdivision map would not come before the Board unless the Planning Commission's decision is appealed, at which time the Board would be advised to act on such appeal as the County Commission rather than sellers of the property; and that there is nothing contained in the terms and conditions of the proposed purchase that binds

the Board in any way to approval of the subdivision.

Mr. MacIntyre noted that only the consideration of the offer is before the Board today and acceptance of this or any other offer made pursuant to the noticing process would be considered at the public hearing proposed to be set for May 14, 1996.

Commissioner Sims stated that the property has been professionally and thoroughly marketed and this is the only offer he is aware of; and that he is comfortable with the offer.

Curry Jameson, Realty Executives, Broker representing Washoe County, stated that he has distributed approximately 120 packages to the broker and private community and has shown the property to approximately 7 individuals, and this is the only offer that has come forth; that anyone offering to purchase the property for development would include development conditions and would ask for a reasonable amount of time to do diligent studies, which is normally a minimum of 90 - 120 days; that he has made it very clear to every potential buyer that they have to follow the same County standards and development guidelines as anyone else in the community and has worked with the buyer's agent to assure that language contained in the offer reflects this; and that there is a question of whether the property can be divided into 60 parcels because of the zoning on the property but the potential buyers have looked at this and feel it is attainable. He further stated that this type of property typically takes from 6 months to 2-3 years to sell and requires a buyer that knows what they are doing; that the current buyer knows the area very well and he believes they would move forward in a due diligent manner; and that it is his opinion that 120 days is a reasonable timeframe for this type of sale.

Following further discussion, upon recommendation of James Gale, Senior Property Agent, through Craig McConnell, Public Works Director, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the following actions be taken:

1. The offer from A.K.E.R. LLC to purchase County property for the appraised value of \$1,250,000 be accepted.
2. Chairman Bradhurst be authorized to sign the following Resolution of Intent to Sell County Property, and the placement of the Resolution once per week for two weeks in the Reno-Gazette Journal, as required by NRS 244.282, be authorized:

RESOLUTION OF INTENT TO SELL COUNTY PROPERTY

WHEREAS, Washoe County is the owner of a 101.41 acre parcel located easterly of the Mt. Rose Highway in the area of Galena Creek Park within Section 9, T.17N., R.19E., M.D.B.&M., Assessor's Parcel Number 047-010-06, and

WHEREAS, pursuant to NRS 244.281 the County of Washoe has the power to sell the subject property, and;

WHEREAS, Washoe County has received a written offer to purchase the property at the appraised value of \$1,250,000.00.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY that Washoe County will accept additional offers to purchase the property through Curry Jameson, Realty Executives of Northern Nevada, 6110 Plumas Street, Suite B, Reno, Nevada 89509, (702) 824-3666 or at a public hearing of the Board of Washoe County Commissioners scheduled for 7:00 PM on Tuesday, May 14, 1996.

\* \* \* \* \*

3. A public hearing be scheduled for 7:00 p.m. on Tuesday, May 14, 1996 to open any other sealed bids received as required by NRS 244.282.

4. Chairman Bradhurst be authorized to sign the Deed and Resolution selling the property to the highest bidder.

\* \* \* \* \*

Commissioner Sims emphasized that if the proposed subdivision comes before the Board for this property, it will be treated as any other subdivision and will be required to meet the strict standards of the Development Code of Washoe County.

#### 96-310 SALARY RECOMMENDATIONS - WADSWORTH, GERLACH AND VERDI JUSTICE COURT JUDGES

Commissioner Shaw disclosed that he is related by marriage to Wadsworth Justice Court Judge Larry Graham, and Legal Counsel Shipman has indicated that this would not be considered a conflict of interest.

Chairman Bradhurst disclosed that Justice Clark's daughter is his daughter's roommate at the University, and Legal Counsel Shipman indicated that this would not represent a conflict of interest.

Howard Reynolds, Assistant County Manager, advised that additional information has been provided as requested by the Board at yesterday's caucus. He reviewed the various options and recommendations for the Board's consideration which included Finance Division recommendations, weighted and unweighted workload comparisons to Incline, and potential percentage comparisons to Reno/Sparks Justice Court Judges' salaries. Mr. Reynolds then responded to questions of the Board regarding how the comparisons and figures were derived and advised that the weighted activities were rated in terms of importance by each Justice of the Peace in Washoe County with the exception of Gerlach and Wadsworth; and that he believes the weighted comparison is the fairest and most equitable method. He pointed out that each option carries a recommendation both from Finance and Personnel to be retroactive to January 10, 1995, which was when the Wadsworth salary was increased, and when Gerlach and Verdi probably should have been reviewed.

Larry Wishart, attorney representing Verdi Justice Court Judge Clark, referred to the options discussed by Mr. Reynolds and stated that they request the Board adopt the Finance Division's original recommendation. He reviewed their analysis and reasons for their determination of what would be a fair option for Judge Clark and stated that she probably should have received a significant increase in salary some years ago; that she devotes three days and approximately 25 hours per week to her duties, which represents a 60% comparison to Reno/Sparks Justices of the Peace; that some credence should be given to activities and they feel that the Finance Division analyst spent significant time analyzing Judge Clark's duties to support his recommendation; and that Judge Clark has been manning her post in Verdi for fifteen years and her salary was deficient a good portion of that time. He responded to questions of the Board and advised that there is no hidden source of income for Judge Clark, and he is opposed to the weighted workload proposal because the weight given to the activity is somewhat fluid and arbitrary and not entirely reliable.

Mr. Reynolds answered further questions of the Board and advised that it is a common practice to determine the importance of an activity in determining compensation, etc.; and that all eight Judges were fairly close in their rating of each activity.

Judge Thomas, Gerlach Justice Court, stated that the weighted workload survey is like comparing apples to oranges and many other things should be considered; that Temporary Protective Orders against domestic violence are not on the survey and he does a lot of those on a 24-hour basis; and that he does not have a clerk and his workload is basically a 40-hour week.

Larry Graham, Wadsworth Justice Court Judge, stated he has a problem with the comment made at yesterday's caucus that he received a 50% pay hike as his workload increased 50%, which situation existed for two years before he received the increase; that he feels he has been underpaid most of the time he has been in office, the workload continues to increase, and it takes several years for wages to catch up; and that he does not see how the activities can be weighted because it would be impossible to compare urban courts to rural courts as they work with entirely different populations, problems, etc. He further stated that they are mandated by State law to attend seminars and judicial education programs, which he feels is a good idea, but it is inequitable that a Judge from Washoe County makes \$1600 while in a seminar, when he makes \$70 to attend the same course; and that he would recommend that the Reno/Sparks Justice Court salaries be utilized as the base and that activities be used as a measurement.

Commissioner Bond stated that she has a problem with the weighted workload comparison because she does not believe the Verdi JP has a lighter workload than the Wadsworth JP, and she is leaning towards the unweighted workload comparison.

Commissioner Shaw stated that he feels Option No. 3, the unweighted workload comparison, seems to be more fair and equitable. Commissioner Sims stated that Option No. 3 seems to be the most equitable for the short term, but feels that the weighted workload

comparison would be appropriate in the future. Commissioner Bond commented that she believes a different forum should do the weighted workload evaluations. Chairman Bradhurst stated that the fact that all eight Justices reported similar ratings for the importance of activities indicates that the evaluations are reliable, but he would recommend that other rural areas of the State, such as Churchill, Douglas, and Lyon Counties, also be considered during the evaluation process.

On motion by Commissioner Shaw, seconded by Commissioner Sims, which motion duly carried, Chairman Bradhurst ordered that Option No. 3 based on the unweighted workload comparison to Incline be adopted and the following salary increases for Gerlach and Verdi Justice Court Judges, effective January 10, 1995, be authorized:

|         | Current Annual Salary | Increased To |
|---------|-----------------------|--------------|
| Gerlach | \$ 6,718.40           | \$22,422.40  |
| Verdi   | \$17,576.00           | \$34,611.20  |

It was further ordered that the Wadsworth Justice Court Judge's salary be frozen at the current salary of \$37,460.80, using \$34,611.20 as a base salary, and the 2% cost of living increase scheduled for July 1, 1996 not be granted to the Wadsworth Justice Court Judge; and that the Finance Division be directed to make the appropriate transfers from the County contingency account to cover the increases.

96-311 VARIANCE CASE NO. V1-6-96 - SMITH'S FOOD AND DRUG CENTER (APN 534-092-02, 03, AND 05) - APPEAL - DEVELOPMENT REVIEW

7:00 p.m. This was the time set in a Notice of Public Hearing dated March 28, 1996 mailed to affected property owners by the Department of Development Review to consider the appeal from the Washoe County Planning Commission's denial to Smith's Food and Drug Center of that part of Variance Case No. V1-6-96 addressing the reduction of the required 80-foot setback along Rockwell Street to +52 feet located at the northeast corner of Spanish Springs Road and Pyramid Lake Highway (SR445), which project consists of three parcels totaling +10.559 acres which are designated General Commercial (GC) in the Spanish Springs Area Plan and situated in a portion of Section 35, T21N, R20N, R20E, MDM, Washoe County, Nevada.

Cheryl Ryan, Department of Development Review, reviewed background information and advised that the Planning Commission denied the variance request because they could not make the findings of no detriment and special circumstances, and determined that the applicant has design alternatives available to meet the 80-foot requirement without substantially altering the project. She stated that the proposal being presented by the applicant tonight is not substantially different in overall site design than what was presented to the Planning Commission, but does include changes that may be less impactful to the neighboring residents. Ms. Ryan then responded to questions of the Board.

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

Ken Krater, Jeff Codega Planning/Design, Inc., stated that adequate parking is critical to meet industry standard requirements and to make sure that people have good access into and out of the store; that this is the only commercially zoned property in the Spanish Springs Area Plan; that they met several times with Development Review staff and the Spanish Springs CAB to assure a successful project; and that there are many hardships on the project in that there are three street frontages requiring 80-foot setbacks, and the existing Spanish Springs Market cuts directly into the site. He further stated that they presented additional mitigation measures to the Planning Commission which included screen wall landscaping, limitations in the hours of delivery operations in the rear of the store and for trash compactor operations, and they also agreed to install a second screen wall buffering the loading area. He noted that Rockwell Street has an 80-foot right-of-way and if Rockwell was dedicated today per current County standards, the project would have a 76-foot setback and almost be to County standards; that it is 166 feet to the nearest adjacent residence; and that no other area plan has setback requirements as severe as the Spanish Springs Area Plan.

Brett Wahlen, Great Basin Engineering, reviewed maps depicting the additional changes that are proposed to specifically address staff and citizens concerns that came forth at the Planning Commission meeting. He stated that they were surprised at the Planning

Commissioner's decision and the concerns of the neighbors expressed at that meeting because they had spent substantial time and effort working with staff and the CAB and felt they had worked out the issues that would impact the neighbors; that it has been difficult to fit the building on this particular site because of the critical need for parking directly in front of the store for the operation to be successful; that a redesign of the plan has allowed them to increase the setback from 51 feet to 57 feet, and the truck dock has been modified so that it is as far inside the building as possible and trucks will meet the 80-foot setback once they pull into the docks; that they have agreed to provide additional landscaping and buffers, and feel the proposed changes add substantially to the mitigation of the trucks and noise; that the closest home to any loading dock would be 235 feet; that the project is consistent with County policies, action programs, standards, comprehensive plans, and area plans and provides a necessary commercial service to an expanding area; and that special circumstances are applicable to the property due to the shape of the parcel and the need to work around surrounding buildings and three street frontages. He further stated that if the site backed up to backyards and a road was not there, a 50-foot setback would be required; that they feel the proposed design is far superior and will mitigate the issues the residents have brought forth; and that if the variance is not approved, they would have no option but to go back to the original plan and move the building back to the required 80-foot setback.

Joan Morrow, Spanish Springs resident, spoke in opposition to the project and the variance and presented a photograph depicting that the back of the building is what she will see from her kitchen and dining room windows. She stated that Smith's is concerned about cars and they are concerned about people, noting that there is a park across the street that is heavily used and the increased traffic will create a hazardous situation. Ruth Cuthbert, Kay Cook, David Rayppy, and Terrylyn Caulk, area residents, spoke in opposition to the variance and the location of the project. Ginger Miller, area resident, also spoke in opposition to the project and the variance and presented a written statement signed by several area residents also in opposition.

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

A discussion commenced relative to the findings the Board must make and Ms. Ryan and Bob Katai, Department of Development Review, responded to questions of the Board. Commissioner Sims stated that one issue of hardship, being that the site is the only property zoned commercial in the Spanish Springs area, appears to be in dispute.

Mr. Krater stated that the subject is the only property he is aware of that is zoned commercial in the Spanish Springs Area plan, but there may be other properties with commercial zoning until 1997, at which time they would revert to the zoning under the area plan. Chairman Bradhurst commented that the concerns raised by the citizens are primarily with respect to the project itself, but the project has been approved, and the issue before the Board is consideration of the variance appeal. Commissioner Shaw stated that he cannot make the findings of no detriment and special circumstances and noted that the Planning Commission voted unanimously to deny the variance.

Commissioner Shaw moved, seconded by Commissioner Bond, that the appeal be denied and the Planning Commission's denial of the variance be upheld.

Commissioner Sims stated that he does not feel the variance will create a detriment to the scenic or environmental character of the surrounding area, and feels the proposed plan will mitigate the noise problems from truck delivery and the trash compactor; and that the streets on three sides of the site do create a hardship because of the difficulty in developing the property.

Upon inquiry of Commissioner Mouliot, Ms. Ryan stated that if the variance is denied, the landscaping would probably go back to the original plan, which does meet code, but is not as generous as what has been proposed tonight. Chairman Bradhurst stated that, while, he agrees that noise has been reduced with the proposed plan, he feels the mass of the building itself creates a negative visual impact and the 80-foot setback would place it further away from the residential area.

On call for the question, Commissioners Sims and Mouliot voted "no" and the motion to deny the appeal and the Planning Commission's recommendation for denial of the variance was upheld.

7:00 p.m. This was the time set in a Notice of Public Hearing mailed by certified mail to abutting property owners on March 28, 1996 and published in the Reno Gazette-Journal on March 29, 1996, to consider the recommendation of the Washoe County Planning Commission to conditionally approve Abandonment Case No. AB1-1-96 for Jay and Jan Grauer to abandon +944 square feet of an existing drainage easement to facilitate enlargement of an existing building envelope located at 669 Tumbleweed Circle, Lot 68, Block F, Incline Village Subdivision, Unit No. 4. The +.34-acre parcel is designated Medium Density Suburban (MDS) in the Tahoe Area Plan and is situated in a portion of Section 8, T16N, R18E, MDM, Washoe County, Nevada. Proof was made that due and legal notice had been given.

Bob Katai, Department of Development Review, reviewed the case and presented maps of the area and letters received by staff from two neighboring residents expressing concerns relative to flooding. He stated that given the topography of the site and the width of the remaining easement, Development Review staff and the Engineering Division do not feel that the abandonment of the uphill portions of the easement would have any adverse impacts to the surrounding property owners.

Chairman Bradhurst opened the public hearing and called on those wishing to speak. There being no response the public hearing was closed.

Following discussion, it being the consensus of the Board that NRS 278.840 is being complied with and that the abandonment of the private easement described in the aforesaid Notice appears to be in the best interest of the public and that no person would be materially injured thereby, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that Abandonment Case No. AB1-1-96 for Jay and Jan Grauer be approved subject to the following conditions:

1. Prior to recordation of the Order of Abandonment, the applicant shall submit legal descriptions to the County Engineer for review and approval. The legal descriptions for the area of abandonment shall be prepared by a registered professional.
2. The applicant shall comply with all conditions necessary to effect the Order of Abandonment within two years from the date of the action by the Board of County Commissioners or this conditional abandonment will be null and void.

It was further ordered that a copy of the letters received from the neighboring residents be provided to the Building Department and the Engineering Department to be placed in their files for the subject parcel.

96-313 ABANDONMENT CASE NO. AB1-2-96 - MONTREUX JOINT VENTURE/JAKSICK, REIMERS, JASMINE (APN 047-040-48, AND 49, 047-170-11, AND 12 AND 047-210-02) -DEVELOPMENT REVIEW

7:00 p.m. This was the time set in a Notice of Public Hearing mailed by certified mail to abutting property owners on March 28, 1996 and published in the Reno Gazette-Journal on March 29, 1996, to consider the recommendation of the Washoe County Planning Commission to conditionally approve Abandonment Case No. AB1-2-96 for Montreux Joint Venture/Jaksick, Reimers, Jasmine to abandon utility, waterline, access, drainage, roadway, and public use easements to facilitate the development of a 558-lot, single-family residential, common open space subdivision with a complimentary golf course. This request would replace the existing easements with suitable and appropriate easements within the developing subdivision as subsequent maps are recorded. The project consists of five parcels totaling +629.8 acres which are designated Low Density Suburban (LDS) and General Rural (GR) in the Forest Area Plan and is located south of the Mount Rose Highway (SR 431) at treeline, north of the Galena Forest area, and west of the Callahan Ranch area. The parcels are situated in portions of Sections 2, 3, and 11, T17N, R19E, MDM, Washoe County, Nevada. Proof was made that due and legal notice had been given.

Bob Katai, Director, Department of Development Review, provided background information regarding this item and presented a map depicting the areas of abandonment. He responded to questions of the Board and advised that the abandonment's are not tied to any particular development in the area; that they are not related to the existing approved project; and that the three easements would need to be abandoned for any project within the property.

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

John Brooke, Montreux Joint Venture, stated that the abandonment's would eliminate the necessity of coming back to the Commission repeatedly and allow them to deal with the easements as the final maps are proposed; and that no private easements are being requested to be abandoned. Chairman Bradhurst stated that he has received letters from residents in the area expressing concerns that this would represent changes to the existing project, and Mr. Brooke advised that the proposed abandonment's would not change the existing project in any way and will allow them to proceed with the project as proposed in the tentative map.

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

Following discussion, it being the consensus of the Board that NRS 278.840 is being complied with and that the abandonment of the private easement described in the aforesaid Notice appears to be in the best interest of the public and that no person would be materially injured thereby, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that Abandonment Case No. AB1-2-96 for Montreux Joint Venture/Jaksick, Reimers, Jasmine be approved subject to the following conditions:

1. Prior to recordation of the Order of Abandonment, the applicant shall submit legal descriptions to the County Engineer for review and approval. The legal descriptions shall be prepared by a registered professional and shall be for the area of abandonment, the portion of the abandonment reverting to each abutting property owner, and any required replacement easements.
2. Retention of all public utility easements or relocation of all public utility easements to the satisfaction of and at no expense to Washoe County or the existing public utilities which originally accepted and approved said easements as well as any other public utilities now in existence which currently utilize said easements. Said relocations shall be evidenced by the recordation of properly executed documents reflecting the grant of the new easements to said public utilities and the relinquishment by said public utilities of their former easements.
3. When and where necessary, and prior to recordation of each Order of Abandonment, the applicant shall construct the replacement accesses or the facilities appurtenant to the easement, within the new legal easements. The County Engineer shall be responsible for determining compliance with this condition.
4. The applicant shall comply with all conditions necessary to effect the Order of Abandonment prior to the recordation of each affected final map of Montreux.
5. This conditional abandonment approval will expire with the expiration of the Montreux tentative map.

96-314 BILL NO. 1125 - ORDINANCE NO. 950 - AMENDING WCC CHAPTER 40 - WATER CONSERVATION

7:00 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on March 29, 1996, to consider the second reading and adoption of Bill No. 1125. Proof was made that due and legal notice had been given.

Dave Roundtree, Regional Water Manager, reviewed the proposed Ordinance which reflects the changes requested by the Board at the March 12, 1996 meeting. He advised that the redrafted Ordinance provides for two-day-a-week watering with an alternate make-up day, and that general improvement districts and people on county water systems with meters do not have to comply with two-day watering because their use rate is generally very low. He then responded to questions of the Board.

Commissioner Sims commented that an article in today's newspaper has caused some confusion in that it indicates that if a residence in the County is on a meter, it would be exempt; but this is not the case, because there are Sierra Pacific water users who do not live in the Cities that would have to comply with the Ordinance. He then asked if the Ordinance complies with the requirements of the Water Conservation Agreement with the Tribe, which is another item on the agenda. Legal Counsel Shipman stated that it is her opinion that the Ordinance meets those requirements.

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

Norman Harry, Tribal Chairman, Pyramid Lake Paiute Tribal Council, stated that they support the Ordinance and are requesting approval of the agreement. He provided historical information regarding water issues in the area and stated that much progress has been made over the last few years because of the dedication and hard work of everyone involved to achieve agreements that will mutually benefit western Nevada.

He stated that the Water Conservation Agreement is a relatively small part of a bigger package that involves the Truckee River Operating Agreement (TROA) and the Water Quality Agreement; and that it is important that everyone realize that this is a high desert environment that is very sensitive and limited in available resources. He commended Washoe County on its efforts and for allowing the expression of concerns in a true government to government relationship, and stated that the Tribe looks forward to working together on future issues.

Jim Hardesty, Attorney representing The Nevada Landscape Association, stated that they continue to oppose the mandatory twice-per-week watering as they believe that the community is being hoodwinked by the implementation of a make-up day whose sole purpose is to accomplish a political objective for a plan that has conditions yet to be resolved; that it is their contention that three-times-per-week watering presents a better conservation plan, which has been proven to be the case in other communities in the State; that the stage 1 through 4 plan produced significant reductions in per capita usage and they question why that plan does not suffice as the water conservation plan under the Preliminary Settlement Agreement; and that they do not endorse the proposed plan and feel the current plan should be maintained as it has worked well in the community. He added that if the Board is bent on going forward with this plan, they would urge that a Stage 2 be adopted, being twice-per-week watering without a make-up day, so that there is an interim step before going to an emergency condition. He further stated that they also urge the Board to delay the introduction of the plan until other contingencies in the settlement agreement are met, noting that there are at least five other contingencies to the settlement agreement before it is accomplished; that it makes no sense to impose this plan until 90% of the residents are on meters; and that the Ordinance violates equal protection clauses because it exempts unincorporated residents on meters from the mandatory twice-per-week watering.

Mike Bushelman, Water Planning Commission, referred to the Water Planning Commission's Resolution presented to the Board on March 12, 1996 supporting twice-per-week watering and stated that the Ordinance goes a long way towards a cooperative effort on the part of the three governmental entities and the Tribe to come up with what they feel is a solid agreement and management tool to go further into the Negotiated Settlement and provide water needs vital to the community. He stated that The Nevada Landscape Association has not attended any of the Planning Commission meetings, but at the Sparks City Council meeting they requested a flex day which is provided for in this Ordinance.

Commissioner Bond asked how many homes will be metered this year and next year. Janet Carson, Sierra Pacific Power Company, advised that 500 retrofit meters were installed in 1995, and 300 have been done so far this year with a goal of 1,000 in 1996; and that there are 43,000 unmetered residences, they are estimating to install approximately 2,000 to 3,000 per year, and it will take approximately 12 years to complete the program.

Dawn Lee, County resident, spoke in opposition to the Ordinance because she feels there are much better ways to achieve the 10% conservation savings required by the Preliminary Settlement Agreement; that enforcement of the Ordinance is going to be very difficult; and that she does not diminish the fact that the rights of the Paiute tribe and other entities need to be considered, but believes individual rights to develop their property with the service they pay for also needs to be considered.

Jim Galloway, County resident, presented and discussed his written statement, placed on file with the Clerk, in opposition to the Ordinance. He stated that there are issues that need to be clarified, alternatives to look at, and many things to consider between now and the time the Preliminary Settlement Agreement is accomplished; that he does not believe the public supports nor is it reasonable to impose twice-a-week watering in a non-drought year; and that government should be no more intrusive in people's lives than is absolutely necessary.

Susan Oldham, Sierra Pacific Power Company, advised that she represents Sierra Pacific Power in the negotiations regarding the Water Conservation Agreement and the Negotiated Settlement. She reviewed historical information and the many problems that were experienced in the past, and stated that twice-per-week watering represents a less restrictive plan than the Stage 1 through 4

plan that calls for no watering in extreme emergencies; and that the Tribe has waived some important rights in favor of what is considered to be a more rational water policy on behalf of the community in order to come to a compromise position in working with the Commission and the City Councils.

Michael King, Nevada Landscape Association, commented that the flex day they previously requested was under Stage 2 restrictions and not under these mandatory conditions.

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

The Board discussed the issues presented and Mr. Roundtree responded to questions. He advised that the Ordinance does provide for an interim measure for water restrictions, which would take specific Board action to adopt; and that the TROA is expected to be effective in late 1997. Commissioner Sims stated that he supports the Ordinance and noted that the Water Conservation Agreement provides that Sierra Pacific will spend not less than \$200,000 per year to reimburse the governmental entities for staff time expended for enforcement, the distribution of water savings devices, public education, etc.

Following further discussion, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that Ordinance No. 950, Bill No. 1125, entitled "AN ORDINANCE AMENDING CHAPTER 40 OF THE WASHOE COUNTY CODE TO PROVIDE CONSISTENCY WITH SIMILAR SUBJECT MATTER ORDINANCES OF RENO AND SPARKS, DELETING REFERENCE TO DROUGHT STAGES, ADOPTING TWO-DAY A WEEK LAWN WATERING WITH ALTERNATE MAKE-UP DAY, REPEALING CRIMINAL PENALTIES AND ADDING CIVIL PENALTIES, PROVIDING FOR A SUNSET, AND ADDING A CRITERIA FOR A DECLARATION OF WATER EMERGENCY AND OTHER MATTERS PERTAINING THERETO," be approved, adopted, and published in accordance with NRS 244.100.

#### 96-315 AGREEMENT - WATER CONSERVATION CONTINGENCY SECTION 29 (e) - PRELIMINARY SETTLEMENT AGREEMENT

This item was continued from the March 12, 1996 meeting.

David Roundtree, Regional Water Manager, reviewed elements of the proposed agreement and advised that it will satisfy Condition 29(e) of the Preliminary Settlement Agreement, which is one of the key pre-conditions to implementation of the Truckee River Operating Agreement (TROA) and the Negotiated Settlement. He stated that staff is comfortable with the structure of the agreement; that all parties involved in the negotiations gave a little bit; and that they encourage the Board's favorable consideration of the agreement.

Chairman Bradhurst advised that at yesterday's caucus, the Board expressed concern that if it were to move forward with the Ordinance and the Agreement at today's meeting, they would like to have a letter from the Tribe stating that the Ordinance would be in compliance with the Agreement.

Norman Harry, Tribal Chairman, Pyramid Lake Paiute Tribal Council, stated that they believe the Ordinance meets the criteria of the Preliminary Settlement Agreement and will provide a letter confirming this.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the agreement between the City of Reno, City of Sparks, Sierra Pacific Power Company, and the Pyramid Lake Paiute Tribe in satisfaction of the Water Conservation Contingency, Section 29(e) of the Preliminary Settlement Agreement be approved and Chairman Bradhurst be authorized to execute, subject to receipt of a letter from the Pyramid Lake Paiute Tribe stating that the Ordinance is in compliance with the agreement.

#### 96-316 RESOLUTION - FY 1996-1997 DEVELOPMENT CODE APPLICATION FEES - DEVELOPMENT REVIEW

7:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on March 29, 1996 to consider modifications to the "Washoe County Development Code Master Fee Schedule." Proof was made that due and legal notice had been given.

Bob Katai, Department of Development Review, advised that most of the proposed modifications to the fee schedule result in removing subcategories which will make the fees easier for applicants to calculate; and that the proposed fee table reflects a 2.1% increase based on inflation. He stated that after discussion at yesterday's caucus, staff has determined that paragraph six of the proposed Resolution should be removed as any change to Simultaneous Applications contained in Section 110.906.15 of the Washoe County Code would require a Code amendment.

Chairman Bradhurst opened the public hearing and called on those wishing to speak. There being no response the public hearing was closed.

On motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the FY 1996-1997 fee schedule effective the beginning of the fiscal Year, July 1, 1996 be approved and the following Resolution be adopted as amended and Chairman Bradhurst be authorized to execute:

RESOLUTION-Adopting Amendments to the Master Fee Schedule for Processing Applications under Chapter 110 of the Washoe County Code (Development Code).

WHEREAS, Section 110.906.05 of the Washoe County Code provides for the adoption by Resolution of a Master Fee Schedule setting forth the fees for processing applications under the Development Code; and

WHEREAS, it has been two years since a comprehensive review of the Master Fee Schedule has occurred; and

WHEREAS, it is the desire of the Washoe County Board of County Commissioners to amend the Master Fee Schedule to accurately reflect the cost of development services provided in the review of applications; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY that the Master Fee Schedule for processing applications pursuant to Chapter 110 of the Washoe County Code (Development Code) is hereby amended by adopting the new master fee schedule, which is attached hereto as Exhibit "A" [Fee schedule is on file with the Clerk]; and

BE IT FURTHER RESOLVED that the Master Fee Schedule shall have the individual fees, except for the District Health Department fees, increased automatically each year by the percentage increase or decrease of the Consumer Price Index (CPI) as annually published; the fee increase to be rounded to the nearest dollar, unless action by a duly authorized board or commission is taken to change the individual fee; and

BE IT FURTHER RESOLVED that the Master Fee Schedule shall be reviewed every five (5) years to determine if the annual CPI adjustments have accurately covered the cost of the service.

96-317 BILL NO. 1124 - ORDINANCE NO. 949 - AMENDING WCC CHAPTER 110 (DEVELOPMENT CODE) - OPEN SPACE STANDARDS

7:00 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on March 29, 1996, to consider the second reading and adoption of Bill No. 1124. Proof was made that due and legal notice had been given.

Dean Diederich, Department of Comprehensive Planning, reviewed matters relative to the Ordinance.

Chairman Bradhurst opened the public hearing and called on those wishing to speak. There being no response the public hearing was closed.

On motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that Ordinance No. 949, Bill No. 1124, entitled "AN ORDINANCE AMENDING CHAPTER 110 OF THE WASHOE COUNTY CODE (DEVELOPMENT CODE) TO ADD ARTICLE 432, OPEN SPACE STANDARDS, AND OTHER MATTERS PERTAINING THERETO," be approved, adopted, and published in accordance with NRS 244.100.

7:00 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on March 29, 1996, to consider the second reading and adoption of Bill No. 1123. Proof was made that due and legal notice had been given.

Dean Diederich, Department of Comprehensive Planning, presented a map of the subject areas and reviewed issues relative to the proposed Ordinance. He advised that the North Valleys have been reported to have septic tank failures and ground water contamination mainly due to types of soil in the area, and this Ordinance provides that anyone with low density suburban regulatory zone or higher density would have to, in time, connect to the community sewer system or provide some alternative technologies; and that the Ordinance provides some flexibility but achieves the primary goal of promoting connection to the community sewer. Mr. Diederich then responded to questions of the Board and advised that several citizens advisory board meetings and other special meetings were held and it is well known that septic tank failure problems are occurring in the area.

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

David Boily, Chair, North Valleys Citizens Advisory Board, spoke in support of the Ordinance and provided additional information relative to the septic tank failures and contamination problems in the area.

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

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that Ordinance No. 948, Bill No. 1123, entitled "AN ORDINANCE AMENDING CHAPTER 110 OF THE WASHOE COUNTY CODE (DEVELOPMENT CODE) BY AMENDING ARTICLE 208, NORTH VALLEYS AREA, THEREOF," be approved, adopted, and published in accordance with NRS 244.100.

96-319 RESOLUTION OF INTENT TO SELL COUNTY PROPERTY - RECEIPT OF OFFER FROM SIMON ABITTAN - APN 023-592-27 - PUBLIC WORKS

Upon recommendation of James Gale, Senior Property Agent, through Craig McConnell, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following actions be taken:

1. The offer from Simon Abittan to purchase County property for the appraised value of \$130,000 be accepted.
2. Chairman Bradhurst be authorized to sign the following Resolution of Intent to Sell County Property, and the placement of the Resolution once per week for two weeks in the Reno-Gazette Journal, as required by NRS 244.282, be authorized.

RESOLUTION OF INTENT TO SELL COUNTY PROPERTY

WHEREAS, Washoe County is the owner of a 4.75 acre parcel located on the West side of Pioneer Drive, +225 feet southwest of Moana Lane in southwest Reno, Washoe County, Nevada within Section 26, T.19N., R.19E., M.D.B. & M., Assessor's Parcel Number 023-592-27, and

WHEREAS, pursuant to NRS 244.281 the County of Washoe has the power to sell the subject property, and;

WHEREAS, Washoe County has received a written offer to purchase the property at the appraised value of \$130,000.00.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY that Washoe County will accept additional offers to purchase the property through James R. Gale, Sr. Property Agent at P. O. Box 11130, Reno, Nevada 89520 or at a public hearing of the Board of Washoe County Commissioners scheduled for 7:00 PM on Tuesday, May 14, 1996.

\* \* \* \* \*

3. A public hearing be scheduled for 7:00 p.m. on Tuesday, May 14, 1996 to open any other sealed bids received as required by NRS

4. Chairman Bradhurst be authorized to sign the Quitclaim Deed and Resolution selling the property to the highest bidder when presented.

96-320 INTERVENE IN LOCAL GOVERNMENT EMPLOYEE- MANAGEMENT RELATIONS BOARD CASE NO. A1-045600 - LAS VEGAS CONSTABLE'S OFFICE - DISTRICT ATTORNEY

Legal Counsel Madelyn Shipman advised the Board that the District Attorney's Office is concerned about the fact that Constable deputies are not County employees, and, if they are allowed to collectively bargain, the County would have very little control over the bargaining arrangements; that the County could have exposure in issues relating to the Constables under federal law; and that the District Attorney's Office may request that the EMRB delay the effective date of any decision regarding this case until after the next election, at which time the Board would be reviewing Constable salaries and may wish to look at whether or not it wishes to continue the current Constable funding procedure.

Following discussion, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that the District Attorney's Office be authorized to intervene in EMRB Case No. A1-045600 involving the Las Vegas Constable's Office.

COMMISSIONERS'/MANAGER'S COMMENTS

Chairman Bradhurst stated that a status report needs to be provided to the Board on the progress of the implementation of the Board's directives regarding improvements to the Child Protective Services Division of Social Services.

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There being no further business to come before the Board, the meeting adjourned at 11:40 p.m.

STEPHEN T. BRADHURST, Chairman  
Washoe County Commission

ATTEST: JUDI BAILEY, County Clerk